

VILLAGE OF BISMARCK

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ORDINANCE NO. 2010-1

AN ORDINANCE SETTING FORTH PROVISIONS FOR  
COMPLIANCE WITH THE ILLINOIS FREEDOM OF INFORMATION ACT

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ADOPTED BY THE  
CORPORATE AUTHORITIES  
OF THE  
VILLAGE OF BISMARCK

January 19, 2010

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WHEREAS, the Freedom of Information Act took effect on July 1, 1984 (5 ILCS 140/1 et seq.) and was substantially amended by PA 96-0542 effective January 1, 2010; and

WHEREAS, such Act is intended to provide the public with greater access to the records of public bodies; and

WHEREAS, it is necessary for the Village of Bismarck to establish practices and procedures ensuring its full compliance with said Act, so that the public policy stated therein can be carried out effectively and efficiently with respect to the records of the Village.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Bismarck, Vermilion County, as follows:

Section 1. The Village Mayor is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be in writing at the offices of the Village at Bismarck, Illinois, by appointment, between the hours of 9:30 a.m. and 4:30 p.m., Monday through Friday. In the event that the Village Mayor is not available during the times described above, the Village Clerk is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer, or his/her designees, shall receive requests submitted to the Village under the Freedom of Information Act, ensure that the Village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

Section 2. Upon receiving a request for a public record, the FOIA Officer shall:

1. note the date the Village receives the written request;
2. compute the day on which the period for response will expire and make a notation of that date on the written request;
3. maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
4. create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

basis. The billing will identify the work site location, task items and show; man hours of labor and rate, equipment hour and rental rate, material items and costs, plus 12% for overhead and administration.

7. The City shall have right and authority to make and/or participate in inspection and testing of new sewer lines, pump station(s), force main(s) and appurtenances. Based upon mutual inspection and testing the Village and City shall jointly accept new sewers lines ready for service prior to any service connection(s) being permitted by the Village. Construction of the Village sewer system shall conform to the accepted standards of the State of Illinois and particularly with the specifications relative to leakage, inflow and infiltration.

8. For purposes of determining unmeasured flows, pipe sizes and billing base, Equivalent Dwelling Units (EDU) shall be used. For flows one EDU equals 310 gallons per day (gpd).

9. The Village shall provide a form to be used when making application for a sanitary sewer service connection, a clause that all users shall be subject to the rules, regulations, or laws of the City, the rules and regulations of the Illinois EPA, and the limitations, provisions, operating perimeters, discharge limitations of the NPDES Permit issued to the City by the State of Illinois.

10. The Village shall appoint a person or persons to act as liaison with the City on all matters for providing sewerage services to Village residents and customers. Likewise, the City shall designate a person or persons to be the City's liaison for the City on all matters for providing sewerage services for Village residents and customers.

11. Acceptance by the City of industrial waste shall be by separate agreement with the Village for each such industrial discharge into the Village wastewater collection system. It is the intention of the City that this agreement applies to domestic sewage only.

12. Nothing herein shall in anyway prevent the either the City or Village from developing the most feasible means of providing sanitary sewer service to their respective community. It is understood that this agreement is not intended nor shall it be construed as proposing to provide a method for sanitary sewer service to all adjacent areas of the City and Village.

13. The City and Village each bind themselves, their successors and assigns, to all parties to this agreement and to the successors and assigns of other such party in respect to covenants of this agreement. Neither the City nor the Village shall assign or transfer its interest to this agreement without the written consent of the other party hereto.

14. Rates, fees and charges for transporting wastewater through the City system, and rates fees and charges for treating Village wastewater at the City wastewater treatment plant shall be as shown on Exhibit A attached hereto and as may be revised and agreed by both parties.

15. This agreement may be executed in any number of counterparts, each of which shall be executed on behalf of the City and Village all of which shall be regarded for all purposes as one original and shall constitute and one in the same.

Approved January 19, 2010.

Eleanor White  
Eleanor White, Village President

ATTEST:

(SEAL)

Beverly Madden  
Beverly Madden, Village Clerk

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