



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 27, 2011

Mr. Wesley Wells
Superintendent
Morrisonville CUSD No. 1
301 School Street
P.O. Box 13
Morrisonville, IL 62546

RE: FOIA Preauthorization – 2011 PAC 14326

Dear Mr. Wells:

We have received and reviewed the written notice from Morrisonville School District of its intention to deny disclosure of certain information requested by [REDACTED] pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010. Specifically, on May 23, 2011, [REDACTED] requested all documents related to the purchase, description, and improvements of a piece of property, including minutes of all board meetings where the property was discussed. The School District seeks to withhold the minutes from the board's meeting on May 19, 2011, under section 7(1)(f), but it intends to send the open session minutes to [REDACTED] upon board approval in June of 2011.

Section 7(1)(f) exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." This provision "is the equivalent of the 'deliberative process' exemption set forth in section 552(b)(5) of the federal Freedom of Information Act." *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247, 799 N.E.2d 859, 864 (1st Dist. 2003). The purpose of this exemption is to encourage honest and open discussions among government employees before decisions are reached. *Harwood*, 344 Ill. App. 3d at 248.

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DETERMINATION

The School District seeks to withhold the minutes from the board's meeting on May 19, 2011, under section 7(1)(f) as preliminary drafts. These minutes are not predecisional and deliberative communications contemplated by section 7(1)(f). *See Harwood*, 344 Ill. App. 3d at 248. Rather, the meeting minutes contain a record of statements made by several board members and the board's decision on how to proceed on a matter involving the property in question. Accordingly, the School District's use of the exemption in section 7(1)(f) to withhold meeting minutes is **denied**.

If you have any questions, please contact me at 312-814-2770. This correspondence will serve to close the matter.

Very truly yours,



JOHN SCHMIDT
Senior Assistant Attorney General
Public Access Bureau

JS:ah

14326 pre-auth dl 7(1)(f) prelim draft sd

cc:

