



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 15, 2011

Mr. Bradley Mitchell
Assistant to the City Manager
City of Crystal Lake
100 W. Woodstock St.
Crystal Lake, IL 60014

Re: FOIA Pre-Authorization Request – 2011 PAC 15233

Dear Mr. Mitchell:

We have received and reviewed the written notice from the City of Crystal Lake of its intention to deny disclosure of certain information under section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)). The City is seeking to withhold draft documents.

On June 15, 2011, Mr. Dan Olson of the Village of Lake in the Hills submitted a FOIA request to the City for "information regarding any fees (host fees) and the rate paid to the City of Crystal Lake for the Waste Management Facility located at 1400 S. Virginia Road related to the amount of waste transferred through the facility" and "if there are any similar fees that will be paid to the City for the proposed C&D Recycling Facility at 1350 S. Virginia [sic] Road."

In its written notice, the City asserts that documents regarding the proposed facility at 1350 S. Virginia Road should be withheld under section 7(1)(f) of FOIA. The City informed us that the responsive documents are still in draft form and have not gone to the City Council for approval. The City has provided the requester with the responsive information regarding the 1400 S. Virginia Road facility.

Section 7(1)(f) of FOIA exempts from inspection and copying "[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." 5 ILCS 140/7(1)(f) (West 2010).


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DETERMINATION

The City's use of the section 7(1)(f) exemption with regard to the documents concerning the proposed facility at 1350 S. Virginia Road is **approved**. Based on the information provided, this office has determined that the record is a pre-decisional, draft document. Further, the City has indicated that this document has not been publicly cited by the head of the public body. Accordingly, the City has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA.

If you have any questions or would like to discuss this matter, please contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Very truly yours,


REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

15233 pre-auth 71f al prelim draft mun

cc: Mr. Dan Olson
Director of Community Development
Village of Lake in the Hills
600 Harvest Gate
Lake in the Hills, IL 60156