



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 19, 2011

Mr. David L. Wallace
Village Administrator
Village of Monee
5130 West Court Street
Monee, Illinois 60449

RE: FOIA Pre-Authorization Request – 2011 PAC 15430

Dear Mr. Wallace:

We have received and reviewed the written notice from the Village of Monee of its intention to deny disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)). On July 7, 2011, [REDACTED] submitted a FOIA request for "a copy of the proposed budget before it is voted on at the next Village Board Meeting on 7/13/11." The Village seeks to withhold the proposed budget under section 7(1)(f).

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."

DETERMINATION

The Village's request to withhold the proposed budget under section 7(1)(f) is **denied**. The Village's correspondence includes a notice of a public hearing regarding the Village's proposed budget, and this correspondence states that the "entire appropriation is available for public inspection at the Monee Village Hall[.]" In our telephone conversation on July 18, 2011, you confirmed that the document to which this notice refers is the same document [REDACTED] requested. Because this document has been made available to the public, it may not be withheld under section 7(1)(f).

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In the same telephone conversation, you stated that although members of the public may view the proposed budget at the Monee Village Hall, the Village would not provide copies because changes could later be made to this proposed budget. During a telephone conversation later the same day, [REDACTED] informed me that she wishes to receive a copy of this document, not simply to inspect it at the Village Hall. Please note that section 3(b) of FOIA (5 ILCS 140/3(b) (West 2010)) requires public bodies to provide copies of public records when copies are requested. See Ill. Att'y Gen. Pub. Acc. Op. No. 10-001, issued March 29, 2010 (directing a public body to provide copies of the requested records). Here, because the Village has made this document available for inspection, it must also provide copies of the document when copies are requested. Therefore, the Village should promptly furnish a copy of the proposed budget to [REDACTED]

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]

SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

SK:jh

15430 preauth dl 71f prelim draft mun

cc: *Via electronic mail*

[REDACTED]