



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 2, 2011

Mr. James Bowden
Village Administrator
Village of Channahon
24555 South Navajo Drive
Channahon, Illinois 60410

RE: FOIA Pre-Authorization Request – 2011 PAC 15566

Dear Mr. Bowden:

We have received the written notice from the Village of Channahon of its intention to deny disclosure of certain information as exempt under section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2010)).

On June 21, 2011, Ms. Beatriz Nieves of the Regional Transportation Authority (RTA) submitted a FOIA request to the Village that included eight (8) numbered requests for various documents relating to sales tax sharing agreements. The Village seeks to deny disclosure of certain documents responsive to requests five (5) and seven (7). Request five (5) seeks "all documents referencing Inspired Development or any of its representatives." Request seven (7) seeks "all documents referencing Minority Development Company or any of its representatives." The Village asserts that the documents responsive to these requests include correspondence from Inspired Development and from Minority Development concerning potential retailers that was used in the Village's decision-making process, and seeks to withhold this correspondence pursuant to section 7(1)(f) of FOIA.

Section 7(1)(f) 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."

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DETERMINATION

The Village's assertion of the exemption in section 7(1)(f) to withhold the correspondence in question is **approved**. Based on the Village's explanation, these documents were produced for the Village's use in determining which businesses to include in its agreements. Therefore, these documents are pre-decisional in nature and were used to formulate the Village's actions. The Village asserts that these documents have never been publicly cited or identified by the Village President. We conclude that the Village has sustained its initial burden of demonstrating that the withheld correspondence is exempt under section 7(1)(f).

The Village may issue a partial denial letter directly to Ms. Nieves and provide her with the non-exempt documents, if it has not done so already. If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

15566 preauth al 71f prelim draft mun

cc: Ms. Beatriz Nieves
Executive Office
RTA
175 West Jackson Boulevard
Chicago, Illinois 60604