



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

July 13, 2010

Trisha Crowley
Deputy City Attorney
City of Champaign Legal Department
102 N. Neil Street
Champaign, Illinois 61820

RE: Pre-Authorization Request – 2010 PAC 6490

Dear Ms. Crowley:

We have received and reviewed the written notice from the City of Champaign ('City') 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).

On March 12, 2010, Mr. David Heinzman, on behalf of Chicago Tribune, submitted a FOIA request to the City, seeking copies of:

any and all submitted plans, correspondence, zoning change or variance requests, ordinances, meeting minutes, or other documents related to the planning and development of real property commonly known as The Cove at Boulder Ridge, as well as any other property developed by Brady Homes, Pinehurst Development and W.E.B Construction in the city of Champaign.

In its written notice, the City asserts that certain documents contained within the requested records have been withheld from disclosure under Section 7(1)(f) of FOIA. These withheld documents consist of:

- Emails between City staff and meeting notes of City staff in which opinions concerning the Brady developments were discussed and policies or actions were formulated; and
- Preliminary drafts of Annexation Agreements, sewer development agreements – these drafts being limited to drafts circulated solely among City staff for comment, and not including drafts circulated to outside parties.

Determination

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

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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.”

The City's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. We have determined that the withheld documents contain comments, opinions, and recommendations that were relied upon by the City in formulating actions or policies relating to specific issues. Moreover, there is no indication that these withheld documents have been public cited or identified by the City's Board. Accordingly, the City has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Adewola
Assistant Public Access Counselor

cc: David Heinzman
Chicago Tribune
435 N. Michigan Avenue
Chicago, IL 60611