



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

Lisa Madigan
ATTORNEY GENERAL

November 4, 2010

Moses Amidei
Village Administrator
Village of Wadsworth
14155 W. Wadsworth Road
Wadsworth, Illinois 60083

Re: Pre-Authorization Request – 2010 PAC 10412

Dear Mr. Amidei:

We have received and reviewed the written notice from the Village of Wadsworth (Village) of its intention to deny disclosure of certain documents as exempt under Section 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Robert Long submitted a FOIA request on October 20, 2010 seeking, in part, “[a]ll contracts and drafts of contracts for services provided or proposed to be provided by the Newport Township Highway commissioner to the Village of Wadsworth during the period 2008 to present.” In its written notice, the Village asserted that drafts of the requested intergovernmental agreement are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)). Specifically, the Village stated that “[t]here were a few draft contracts generated which were not entered into by the Board because they were changed by the attorneys and parties during their development.”

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

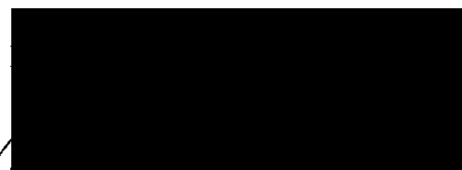
The Village’s proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the requested draft contracts is approved. The Village has advised that the drafts of the intergovernmental agreement are preliminary in nature as several changes were made to the drafts during the negotiations of the final contract. The Village has disclosed to Mr. Long the final approved intergovernmental agreement. Therefore, the Village has met its burden of demonstrating that the draft contracts are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the Village's issuance of a partial denial letter withholding the draft contracts was appropriate.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Assistant Attorney General

cc: Robert J. Long
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19 N. County Street
Waukegan, Illinois 60085

10412 preauth al 71f prelim draft mun