



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 3, 2011

Lisa Goodwin
Freedom of Information Act Officer
Village of Glenview
Village Manager's Office
1225 Waukegan Road
Glenview, Illinois 60025

RE: Pre-Authorization Request — 2011 PAC 12530
Requester: John M. Myers

Dear Ms. Goodwin:

We have received and reviewed the written notice from the Village of Glenview of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On February 11, 2011, John Myers submitted a FOIA request to the Village of Glenview seeking "the draft of the annexation agreement that was on the table at the Plan Commission meeting and the current draft being considered by the Village, together with all traffic studies, site plans, and the like" In its written notice, the Village seeks our approval to withhold the draft annexation agreement pursuant to Section 7(1)(f) (5 ILCS 140/7(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." *Id.*


Determination

The Village's use of the exemption in Section 7(1)(f) to withhold the document is approved. The Village has asserted that it is in the process of negotiating this agreement. Thus, the draft

agreement is being used to formulate the Village's actions. This document is a draft that is subject to revision before it is finalized. In addition, the Village has advised us that Chairman Steven K. Bucklin, who presides over the Plan Commission, has not publicly cited or identified the document. Therefore, the Village has met its initial burden of demonstrating that the withheld document is exempt under Section 7(1)(f).

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,


Sarah Kaplan *by EK*
Assistant Public Access Counselor

cc: John M. Meyers
Rabin, Myers & Hanken PC
1300 South Eighth Street
Springfield, Illinois 62703