

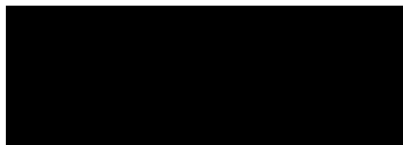


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 24, 2018

Via electronic mail



RE: FOIA Request for Review – 2018 PAC 52595

Dear Mr. [REDACTED]:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2016)). For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted.

On March 28, 2018, you submitted five separate FOIA requests to the Village of Matteson (Village) seeking:

- [1.] Contract details for the demolition on Lincoln Mall and who was awarded the contract and who won the bid for the contract; Was the contract appropriately bid on; Who and what companies received payment for the work completed and was that the company that was approved for the contract initially; the total amount paid for the completion of the demolition and from what fund was it dispersed. Project scope and projected costs versus actual cost[.]^[1]
- [2.] All of the individual account payable recipients and the transactions recorded for every amount paid from every business district tax fund within the Village of Matteson for every year from the year 2010 through 2018. And the detailed reason for each transaction.^[2]

¹Freedom of Information Act (FOIA) Request to Angela Simington, Chief FOIA Officer, signed by [REDACTED] (March 28, 2018).

²Freedom of Information Act (FOIA) Request to Angela Simington, Chief FOIA Officer, signed by [REDACTED] (March 28, 2018).

- [3.] All Village of Matteson individual TIF districts funds expenditures and their recipients for each individual year from the year 2005 until 2018. And what economic growth project was each transaction associated with and the project details for said project[.]^[3]
- [4.] All account receivables from the recording of the bond debt sale transaction or any other transactions between the Village of Matteson and Cal Atlantic Builders and/or Ryland Homes covering the years 2014 to 2018; and the contract agreement details and payables from the [V]illage of Matteson to Ryland Homes and/or Cal Atlantic for that same time period 2014 to 2018[.]^[4]
- [5.] A complete organizational structure chart vertical and horizontal levels with hierarchy and reporting structure. [I]n addition the salaries associated with every position and person within the requested reporting structure. Also, the individual organizational units and their job descriptions.^[5]

On April 4, 2018, the Village responded by designating your FOIA requests as voluminous pursuant to section 3.6 of FOIA (5 ILCS 140/3.6 (West 2016)). The Village stated that your requests included a combination of individual requests that total more than five different categories of records in a period of 20 business days. The Village notified you that you may amend your requests so that they are no longer voluminous requests. On April 10, 2018, the Public Access Bureau received your Request for Review contesting the Village's designation of your FOIA requests as voluminous requests.

Section 2(h) of FOIA (5 ILCS 140/2(h) (West 2016)) defines a "voluminous request" as:

³Freedom of Information Act (FOIA) Request to Angela Simington, Chief FOIA Officer, signed by [REDACTED] (March 28, 2018).

⁴Freedom of Information Act (FOIA) Request to Angela Simington, Chief FOIA Officer, signed by [REDACTED] (March 28, 2018).

⁵Freedom of Information Act (FOIA) Request to Angela Simington, Chief FOIA Officer, signed by [REDACTED] (March 28, 2018).

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[A] request that: (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording.

When construing a statute, the primary purpose is to ascertain and give effect to the intent of the General Assembly. *Southern Illinoisan v. Illinois Department of Public Health*, 218 Ill. 2d 390, 415, 844 N.E.2d 1, 14 (2006). "The best evidence of legislative intent is the language used in the statute itself, which must be given its plain, ordinary and popularly understood meaning." *Nelson v. Kendall County*, 2014 IL 116303, ¶23, 10 N.E.3d 893, 988 (2014). When a term is undefined in a statute, it is entirely appropriate to use a dictionary to help determine its meaning. *Lacey v. Village of Palatine*, 232 Ill. 2d 349, 363, 904 N.E.2d 18, 26 (2009). FOIA does not define "categories of records," but Webster's Third New International Dictionary defines "category" as "a class, group, or classification of any kind[.]" Webster's Third New International Dictionary 352 (1993).

Here, the Village designated your requests as voluminous by contending that, taken together, the five requests you submitted on March 28, 2018, "include[] a combination of individual requests that total requests for more than 5 different categories of records[.]" Based on this office's review of your March 28, 2018, FOIA requests, you seek more than five categories of records. Specifically, your first request seeks at least three categories of records: (1) details regarding the contract to demolish Lincoln Mall; (2) information regarding the bidding process for that project; and (3) the project's cost records, including records to show all companies that received payment for work on the project, information on the total funds paid for the project, and projected and actual costs.⁶ Your second request seeks records in the category of transaction details for amounts paid from every business district tax fund within the Village for a certain period of time. Your third request seeks two categories of information: (1) the transactional information pertaining to TIF districts; and (2) details regarding the economic growth project associated with each TIF district. Your fourth request seeks not only (1) the transactions between the Village of Matteson and Cal Atlantic Builders and/or Ryland Homes for a period of time, but also (2) the "contract agreement details and payables from"⁷ the Village and

⁶As noted by the Village, portions of your first request are vague. Depending on the meaning of the remainder of your request, it might seek additional categories of requests.

⁷Freedom of Information Act (FOIA) Request to Angela Simington, Chief FOIA Officer, signed by ██████████ (March 28, 2018).

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Ryland Homes and/or Cal Atlantic for that same time period. Your fifth request sought: (1) organizational charts; (2) salary information for employees within the reporting structure; and, (3) job descriptions for those employees. In sum, your five requests included requests for at least 11 categories of information.

Because your five requests sought more than five different categories of records within a period of 20 business days, this office concludes that the Village did not improperly designate your requests as voluminous requests. Accordingly, you had ten business days, until April 18, 2018, to amend the requests in such a way that the Village would no longer treat the request as a voluminous request.⁸ The Village would then have had five business days to respond, or, if you did not amend your request, it must respond by April 25, 2018. If you wish to file a Request for Review of the Village's substantive response to your request, you may do so "not later than 60 days after the date of" the response. 5 ILCS 140/9.5(a) (West 2016).

For the reasons stated above, this office has determined that no further action is warranted as to this matter. If you have questions, you may contact me at (217) 524-7958 or LHarter@atg.state.il.us. This letter serves to close this matter.

Very truly yours,

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LAURA S. HARTER
Assistant Attorney General
Public Access Bureau

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⁸Section 3.6 of FOIA sets forth the process for complying with or denying a voluminous request. Once a public body designates a requester as a voluminous requester, the requester has "10 business days from the date the public body's response * * * is sent to amend the request in such a way that the public body will no longer treat the request as a voluminous request." 5 ILCS 140/3.6(b) (West 2016). If the requester responds to the public body and the request continues to be voluminous or the requester fails to respond to the public body within the 10 day period, the public body is required to "respond within the earlier of 5 business days after it receives the response from the requester or 5 business days after the final day for the requester to respond to the public body's [voluminous request] notification." 5 ILCS 140/3.6(c) (West 2016). The public body's response shall "(i) provide an estimate of the fees to be charged, which the public body may require the person to pay in full before copying the requested documents; (ii) deny the request pursuant to one or more of the exemptions set out in this Act; (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or (iv) provide the records requested." 5 ILCS 140/3.6(c) (West 2016).


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Ms. Angela Simington
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