

**Subject:** FW: City of Urbana Extension FOIA 2020 F [REDACTED]  
**From:** "Smyth, Charles" <casmyth@urbanaininois.us>  
**To:** [REDACTED]  
**Cc:** [REDACTED] "Simon, James" <jlsimon@urbanaininois.us>  
**Date Sent:** Friday, April 17, 2020 5:01:57 PM GMT 05:00  
**Date Received:** Friday, April 17, 2020 5:02:05 PM GMT 05:00

Dear Tracy Chong:

Between April 9, 2020 and April 15, 2020, the City of Urbana ("City") received seven FOIA requests and assigned them as FOIA Request No. [REDACTED]

2020-F [REDACTED]	4/9/2020	9:39 PM	1	Completed
2020-F [REDACTED]	4/10/2020	3:52 PM	2	
2020-F [REDACTED]	4/10/2020	4:25 PM	3	Completed
2020-F [REDACTED]	4/13/2020	8:00 AM	4	
2020-F [REDACTED]	4/13/2020	3:38 PM	5	
2020-F [REDACTED]	4/14/2020	8:00 AM	6	
2020-F [REDACTED]	4/15/2020	8:00 AM	7	

Pursuant to Section 2(g) of the Freedom of Information Act ("FOIA"), the City now deems you to be a "recurrent requester." 5 ILCS 140/2(g). Pursuant to Section 3.2(a) of FOIA, the City is invoking its right to extend its response due date to 21 business days from receipt of your FOIA request 2020-F [REDACTED]

The City will search for the documents, if any, you have requested for FOIA 2020-F [REDACTED] and provide them to you by May 14, 2020. Please understand that nothing herein shall be deemed or construed as barring the City's right to invoke any and all exemptions or to designate your request as burdensome that are otherwise available to the City when producing the records you have requested.

If you believe the City has improperly designated you a recurrent requester, you may submit a "Request for Review" to the Public Access Bureau (PAC), at the Illinois Attorney General's Office at 500 South Second Street, Springfield, Illinois, 62706. The phone number is (217) 558-0486. If the PAC denies your appeal, you have the right to judicial review of this decision in the Champaign County Circuit Court. Additionally, I have provided below the Act's statement of your rights for your convenience.

Sincerely,

Charles A. Smyth  
Urbana City Clerk  
400 S. Vine St, Urbana, IL 61801  
217-384-2362  
[casmyth@urbanaininois.us](mailto:casmyth@urbanaininois.us)

*§ 11. (a) Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.*

*(b) Where the denial is from a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.*

*(c) Where the denial is from a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.*

*(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in*

responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

(i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act. Any public body that asserts that a record is exempt from disclosure has the burden of proving that it is exempt by clear and convincing evidence.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record prevails in a proceeding under this Section, the court shall award such person reasonable attorneys' fees and costs. In determining what amount of attorney's fees is reasonable, the court shall consider the degree to which the relief obtained relates to the relief sought. The changes contained in this subsection apply to an action filed on or after the effective date of this amendatory Act of the 96th General Assembly.

(j) If the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence. In assessing the civil penalty, the court shall consider in aggravation or mitigation the budget of the public body and whether the public body has previously been assessed penalties for violations of this Act. The changes contained in this subsection apply to an action filed on or after the effective date of this amendatory Act of the 96th General Assembly.