
Response to FOIA request 2020-F-269

1 message

Meharry, Kay <lkmeharry@urbanaillinois.us>
To: Christopher Hansen <corruptcu@gmail.com>

Mon, Jun 15, 2020 at 3:53 PM

Dear Mr. Hansen:

The City of Urbana (City) hereby tenders its response to your FOIA request, dated May 14, 2020, and designated as number 2020-F-269.

The estimated fee for the City's response to your request is \$168.35. This fee has been determined as follows:

Part 1 of request: Any and all documents related to an incident on May 12 around 10 pm involving a damaged van on the 500 block of W Illinois St. Please include all reports, emails, and audio/video.

<u>Item</u>	<u>Cost</u>
Accident report #U20-1986: 0.619 megabytes in PDF format	\$20
Dispatch ticket: 0.00345 megabytes in PDF format	\$0
Dashcam video (Vogt): 509 megabytes in non-PDF format	\$100
USB flash drive	\$7.97
DVD	\$0.38
Part 1 total	<hr/> \$128.35

Part 2 of request: Any and all documents related to the Urbana CPRB regarding the resignation of Grace Mitchell, the placement of Mikhail Lyubansky as chair, and the resulting vacant board seat which the City now seeks to fill (including documents about new applicants). Any related emails should be included.

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<u>Item</u>	<u>Cost</u>
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Miscellaneous responsive records: 5.74 megabytes in PDF format	\$20
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Part 2 total	\$20

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Part 3 of request: All emails to/from Council member Bill Brown from April 15 to May 15.

<u>Item</u>	<u>Cost</u>
Miscellaneous responsive records: 18.5 megabytes in PDF format	\$20
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Part 3 total	\$20

Estimated total fee **\$168.35**

You must pay the estimated fee before the City begins copying the requested records. Payment is due no later than Monday, June 22, 2020. To make this payment, please mail a check or money order to the City Clerk' Office, [400 S. Vine Street, Urbana, Illinois 61801](#) and include the City's FOIA request number with your payment. If you fail to remit the estimated fee, the City may deny this request. However, if the City processes this request and you subsequently fail to accept or collect the responsive records, the City may still charge you for its response pursuant to Section 6 of FOIA. Further, your failure to pay will be considered a debt due and owing to the City and may be collected in accordance with applicable law.

Portions of the records you have requested may be exempt from disclosure under FOIA. These portions will be redacted from the records being released to you. The redactions will increase the size of electronic records, which may result in an additional fee. In this case, the City will provide you with an accounting of the final fee. You must pay the final fee before the City will release the records. When retrieving your records, you must present a government-issued photo identification document (ID).

The City will respond to parts 1 ,2, and 3 of your FOIA request not more than 21 business days from the date the City receives your payment of the estimated fee.

Part 1 of request: Part 1 of your request is denied with respect to officer-worn body camera videos. Section 7.5(cc) of FOIA exempts from inspection and copying recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act. 5 ILCS 140/7.5(cc). The Act provides that recordings made with an officer-worn body camera are not subject to disclosure under FOIA unless the recordings are "flagged," as this term is defined in the Act, or the request comes from the subject of the encounter captured on the recording, the subject's attorney, or the subject's legal representative. 50 ILCS 706/10-20(b). The Urbana Police Department informs me that the responsive body camera recordings are not flagged and that it does not possess information indicating that you are the subject of the encounter captured on the recording or the subject's attorney, or legal representative.

Therefore, these recordings are exempt from disclosure. The person responsible for the denial is Freedom of Information Officer Curt Borman.

Parts 3, 4, and 5 of request: On May 30, 2020, the City notified you that producing records responsive to parts 3, 4, and 5 of your request would be unduly burdensome under section 3(g) of FOIA (5 ILCS 140/3(g)) and invited you to narrow the scope to bring these requests within manageable proportions pursuant to section 3(g). The City received your response to that notice on June 4., 2020. In that response, you asked for guidance on reducing the size of your requests. On June 8, 2020, the City provided you with guidance. The City has not received any further response from you. Because you did not narrow parts 4 and 5 of your request, the City has determined that these parts remain unduly burdensome requests. Therefore, parts 4 and 5 of your request are denied. However, the City will produce records responsive to part 3 after you pay the estimated fee, as described above. The person responsible for this denial is Freedom of Information Officer Curt Borman.

If you believe any records you are seeking have been wrongfully withheld or redacted, you are entitled to a review of this decision by the Public Access Counselor of the Office of the Illinois Attorney General. To file a “request for review,” you may write to the Public Access Bureau at 500 S. Second Street, Springfield, Illinois 62701, or you may phone 877-299-FOIA (877-299-3642). Any person denied access to inspect or copy any public record also may file suit for injunctive or declaratory relief, in accordance with 5 ILCS 140/11.

Sincerely,

L. Kay Meharry

Assistant City Clerk
400 S. Vine St, Urbana, IL 61801
217-384-2362
cityclerk@urbanaininois.us

