

Freedom of Information Request (FOIA)

FOIA Request No. 2020-F-518Date Received & Routed: 09/15/2020 Due to petitioner: 09/22/2020 Routed to: UPD

Extension requested: _____ Extension due date: _____

Date/Time received by CC: _____ Contacted requestor: _____

Distributed: _____ Electronic In person US mailDisposition Comply Partial Denied No. of pages: _____ Fees: \$ _____

Request Description

Submitted on Monday, September 14, 2020 - 19:56 -Submitted by: 12.188.8.194

Submitted values are:

Name: Chris Carter

Address:904 West South Side Drive

Decatur, Ill.

Phone: 2175213705

Email: ccarter@wandtv.com

How would you like this request? Paper Copy (No charge for copies 50 pages and under. 15 cents per page over 50 pages - you will be contacted for payment)

Is this a commercial request? [Will any portion of the requested records be used for any form of sale, resale, or solicitation or advertisement for sales or services?] : No

Person or entity represented: WAND TV

Public record requested:

To Whom It May Concern:

Under the Illinois Freedom of Information Act, 5 ILCS 140, I am requesting an opportunity to inspect or obtain copies of the following public records:

- All e-mails of Mayor Diana Marlin, and all members of city council for the dates of 05/01/2020 through 09/14/2020 with the following terms:

- SRO
- School Resource Officer
- Schools
- Aleyha Lewis
- Public Commento

□ These should include e-mails sent from Mayor Marlin’s personal e-mail account, or members of council’s personal e-mail, if any city business is conducted through this e-mail.

- All copies of city codes related to public comment, including rules for public comment, and changes to public comment.

- All e-mails between all city staff for the dates of 05/01/2020 through 09/14/2020 with the following term:

o “Hillard Heintze”

□ These should include e-mails sent from personal e-mail account if any city business is conducted through this e-mail.

- A copy of the agreement with Hillard Heintze.

- A copy of the report from Hillard Heintze to the city council.

- A copy of all Facebook messages to all city run social messages between 05/01/2020 through 09/14/2020.

-

I understand that the Act permits a public body to charge a reasonable copying fee not to exceed the actual cost of reproduction and not including the costs of any search or review of the records. 5 ILCS 140/6. The law allows you to impose a waiver or reduction of fees when information is sought in the public interest, as is the case for this request.

I look forward to hearing from you in writing within five working days, as required by the Act 5 ILCS 140(3). Thank you for considering and responding to this request.

Sincerely,

Chris Carter

Investigative Reporter

WAND-TV

Chris.Carter@wandtv.com

217-521-3705 ©

From: [Brickman Levy Kathryn](#)
To: ["Chris Carter"](#)
Cc: [City Clerk: Borman Curt](#)
Subject: FOIA Request No.2020-F-218
Date: Tuesday, October 13, 2020 12:23:12 PM

FOIA Request No.2020-F-218

Dear Chris Carter:

This message is in response to your Freedom of Information Act (FOIA) request dated September 14, 2020. The Freedom of Information Officer received your request on September 15, 2020 and designated it as FOIA Request Number 2020-F-518. Pursuant to the agreement reached by email with WAND News Director Morgan Schaab on September 22, 2020, we extended the date of our response to October 7, 2020.

Pursuant to our correspondence on October 7, 2020, we agreed to mail a flash drive no later than October 14, 2020 at no charge. Instead, for ease of all, I am providing a link to Dropbox to access the PDF files noted below.

https://www.dropbox.com/sh/1p2rsjfwyvu13/AAAhgd009KcRjfy1zi0A1_17a?dl=0

You have asked for:

1. All e-mails of Mayor Diana Marlin, and all members of city council for the dates of 05/01/2020 through 09/14/2020 with the following terms:

- o SRO
- o School Resource Officer
- o Schools
- o Aleyha Lewis
- o Public Commento

These should include e-mails sent from Mayor Marlin's personal e-mail account, or members of council's personal e-mail, if any city business is conducted through this e-mail.

****We corrected for typos in your original request to include Mayor Diane Marlin (not Diana) and the following in this search:**

- o SRO
- o School Resource Officer
- o Schools
- o Aleya Lewis
- o Public Comment/Public Input

File Documentation:

- 2020-F-518 email (COUNCIL_various terms)
- 2020-F-518 email (DWM_various terms)

Online Documentation:

PUBLIC INPUT/COMMENT submitted via email to Mayor and City Council Members:

- https://urbanaillinois.us/sites/default/files/attachments/05-04-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/05-11-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/05-18-2020_Minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/05-26-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-01%2803%29-2020_minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-01%2803%29-2020_minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-15-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-15-2020_Minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-22-2020_Minutes_1.pdf
- https://urbanaillinois.us/sites/default/files/attachments/07-13-2020_Minutes_1.pdf
- https://urbanaillinois.us/sites/default/files/attachments/07-20-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/07-27-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/08-03-2020_Minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/08-03-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/08-12-2020_Minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/08-17-2020_Minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/09-08-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/09-08-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/05-26-2020_Public_Input_redacted.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-%2801-03%29-202020_Public_Input.pdf
- https://urbanaillinois.us/sites/default/files/attachments/Public_inpur_06-08-2020_Redacted.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-08-2020_Minutes.pdf
- https://urbanaillinois.us/sites/default/files/attachments/06-22-2020_Public_Input_PH.pdf
- https://urbanaillinois.us/sites/default/files/attachments/09-14-2020_Minutes_0.pdf
- https://urbanaillinois.us/sites/default/files/attachments/08-24-2020_Minutes_2.pdf

2. All copies of city codes related to public comment, including rules for public comment, and changes to public comment.

Online Documentation:

- [Code of Ordinances/Chapter 2 - ADMINISTRATION/ARTICLE I - IN GENERAL Sec. 2-4. - Public meetings.](https://library.municode.com/il/urbana/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTTNGE_S2-4PUME)
https://library.municode.com/il/urbana/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTTNGE_S2-4PUME

3. All e-mails between all city staff for the dates of 05/01/2020 through 09/14/2020 with the following term:

o "Hillard Heintze"

These should include e-mails sent from personal e-mail account if any city business is conducted through this e-mail.

File Documentation:

- 2020-F-518 email (HH)
4. A copy of the agreement with Hillard Heintze.

File Documentation:

- Hillard Heintze Agreement Executed
- HH Addendum

5. copy of the report from Hillard Heintze to the city council.

Online Documentation:

<https://urbanaillinois.us/node/8803>

- https://urbanaillinois.us/sites/default/files/attachments/Hillard_Heintze_Report_for_the_City_of_Urbana_07-08-20.pdf
- <https://urbanaillinois.us/sites/default/files/attachments/Hillard%20Heintze%20Report%20for%20the%20City%20of%20Urbana%20-%202009-03-20.pdf>
- https://urbanaillinois.us/sites/default/files/attachments/Appendix%20J_Public_City_Council_Presentation.pdf
- https://urbanaillinois.us/sites/default/files/attachments/Appendix%20L_Public_City_Council_Presentation.pdf
- https://urbanaillinois.us/sites/default/files/attachments/Appendix%20M_Hillard_Heintze_Community_Stakeholder_Learning_Session_Questionnaire.pdf

(PLEASE NOTE: ADDITIONAL APPENDICES ARE BEING RELEASED AS REDACTION TIME ALLOWS)

6. copy of all Facebook messages to all city run social messages between 05/01/2020 through 09/14/2020.

File Documentation:

- Social Media Messages

We have reviewed all relevant records and have attached the responsive records. Please note that portions of the records you have requested are exempt from disclosure because of one or more of the FOIA exemptions listed below. Therefore, we have redacted these portions from the records being released to you. The person responsible for this partial denial is Freedom of Information Officer Curt Borman.

5 ILCS 140/7(1)(b) exempts "private information" or rather, unique identifiers such as "an individual's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5).

5 ILCS 140/7(1)(c) exempts "personal information" contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

5 ILCS 140/7(1)(f) exempts "Preliminary 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. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents."

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.

Please let me know if you have issues accessing any of this documentation.

Sincerely,

Kate Levy
EA to the Mayor and City Administrator
Deputy Local Liquor Commissioner

Executive Department |City of Urbana
400 S Vine St | Urbana IL 61801
217.384.2456



From: [Chris Carter](#)
To: [Brickman Levy, Kathryn](#)
Subject: Re: Response to FOIA request 2020-F-518
Date: Wednesday, October 7, 2020 10:12:59 AM

Good morning!

This will work fine. I appreciate you checking and your help!

Chris

Sent from my iPhone

On Oct 7, 2020, at 10:10 AM, Brickman Levy, Kathryn <klbrickmanlevy@urbanaininois.us> wrote:

Hello again Chris –

After confirming with the FOIA Officer and the City Clerk's office I am able to place the 37MB of information on a flash drive for your use. I will also be able to mail the flash drive to you no later than October 14 at no charge.

Will this work for your needs?

Kate Levy
EA to the Mayor and City Administrator
Deputy Local Liquor Commissioner

Executive Department |City of Urbana
400 S Vine St | Urbana IL 61801
217.384.2456



From: Brickman Levy, Kathryn
Sent: Wednesday, October 7, 2020 8:40 AM
To: 'Chris Carter' <Chris.Carter@wandtv.com>
Subject: RE: Response to FOIA request 2020-F-518

Good morning Chris –

I have reached out to the FOIA Officer and the City Clerk's office for the revised cost. I gathered the related information for a paper copy based on the request stated in FOIA 2020-F-518.

I will be in touch shortly with further information.

Thank you for your patience.

Kate Levy
EA to the Mayor and City Administrator
Deputy Local Liquor Commissioner

Executive Department |City of Urbana
400 S Vine St | Urbana IL 61801
217.384.2456



From: Chris Carter <Chris.Carter@wandtv.com>
Sent: Tuesday, October 6, 2020 1:36 PM
To: Brickman Levy, Kathryn <klbrickmanlevy@urbanaillinois.us>
Subject: Re: Response to FOIA request 2020-F-518

Hi Kathryn,

Thanks for getting back to me! I have reached out to management to discuss the payment. Under 5 ILCS 140/6, we are requesting a complete fee waiver, as indicated in the original FOIA. Additionally, we would request the documents in PDF format, rather than individual documents in paper form. Please provide me with the cost for electronic records.

Chris

CHRIS CARTER • Anchor/Investigative Reporter

chris.carter@wandtv.com
 WAND-TV • 904 W. South Side Drive Decatur, Ill. 62521
 Cell - 217-521-3705 • Newsroom- 217-425-6397
www.wandtv.com



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From: Brickman Levy, Kathryn <klbrickmanlevy@urbanaillinois.us>
Sent: Tuesday, October 6, 2020 10:18 AM
To: Chris Carter <Chris.Carter@wandtv.com>
Cc: lCity Clerk <CityClerk@urbanaillinois.us>; Borman Curt <csborman@urbanaillinois.us>
Subject: Response to FOIA request 2020-F-518

Dear Mr. Carter

This message is in response to your Freedom of Information Act (FOIA) request, dated September 14, 2020 (attached). The Freedom of Information Officer received your request on September 15, 2020, and designated it as FOIA request number 2020-F-518. Pursuant to the agreement reached by email with WAND News Director Morgan Schaab on September 22, 2020, we extended the date of our response to October 7, 2020.

The fee for the City's response to your request is \$162.25. This fee has been determined as follows:

<u>Item</u>	<u>Cost</u>
50 pages of black and white paper	\$0.00
1,350 pages of black and white paper (1,350 x \$0.15)	\$202.50
Public interest fee waiver (10%)	(\$20.25)
Annual credit	(\$20.00)
Total	<u>\$162.25</u>

You must pay the fee before the City begins copying the requested records. Payment is due no later than Wednesday, October 14, 2020. If you fail to remit the fee, the City may deny this request. To make this payment, please mail a check or money order to the City Clerk's Office, 400 S. Vine Street, Urbana, Illinois 61801, and include the City's FOIA request

number with your payment. To retrieve the records in person, please phone the City Clerk's Office at 217-384-2362 for instructions. Alternatively, to receive the records by U.S. mail, please provide your mailing address along with your payment.

Portions of the records you have requested are exempt from disclosure because of one or more of the FOIA exemptions listed below. Therefore, we have redacted these portions from the records being released to you. The person responsible for this partial 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,

Kathryn Brickman Levy
Executive Assistant to the City of Urbana Mayor Diane Wolfe Marlin

1. 5 ILCS 140/7(1)(b) exempts "private information" or rather, unique identifiers such as "an individual's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5).
2. 5 ILCS 140/7(1)(c) exempts "personal information" contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.
3. 5 ILCS 140/7(1)(f) exempts preliminary 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.
4. 5 ILCS 140/7 (g) exempts trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.
5. 5 ILCS 140/7(1)(m) exempts communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

Kate Levy
EA to the Mayor and City Administrator

Deputy Local Liquor Commissioner

400 S Vine St | Urbana IL 61801
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