



# DuPage Water Commission

600 E. Butterfield Road, Elmhurst, IL 60126-4642  
(630)834-0100 Fax: (630)834-0120

## AGENDA

**ADMINISTRATION COMMITTEE**  
**THURSDAY, NOVEMBER 12, 2009**  
**7:00 P.M.**

**600 EAST BUTTERFIELD ROAD**  
**ELMHURST, IL 60126**

## COMMITTEE MEMBERS

W. Murphy, Chair  
E. Chaplin  
T. Elliott  
J. Zay

- I. Roll Call
- II. Approval of Minutes of October 8, 2009
- III. Updated Rules and Regulations for the Implementation of the Illinois Freedom of Information Act
- IV. Other
- V. Adjournment

Board/Agendas/Administration/ADM0911.DOCX

All visitors must present a valid drivers license or other government-issued photo identification, sign in at the reception area and wear a visitor badge while at the DuPage Pumping Station.

**MINUTES OF A MEETING OF THE  
ADMINISTRATION COMMITTEE  
OF THE DUPAGE WATER COMMISSION  
HELD ON OCTOBER 8, 2009**

The meeting was called to order at 7:05 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: E. Chaplin, T. Elliott (as of 7:10P.M.), J. Zay, and W. Murphy

Committee members absent: L. Rathje (*ex officio*)

Also in attendance: R. Martin (as of 7:30P.M.) and M. Crowley

Commissioner Chaplin moved to approve the Minutes of the September 10, 2009, Administration Committee meeting. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Staff Attorney Crowley advised that as requested by the Committee at the September meeting, representatives from the Brookfield-North Riverside Water Commission ("BNRWC") were in attendance concerning BNRWC's request for a supplemental and/or emergency water supply from the Commission.

The attorney for BNRWC commented that BNRWC began corresponding with the Commission in 2006 regarding a supplemental connection at a point where a BNRWC water main crosses a Commission main. The attorney for BNRWC added that BNRWC was a financially responsible and stable entity that had been in existence since 1938. The attorney concluded his remarks by noting BNRWC had explored opportunities and potential ventures with surrounding water commissions and municipalities but determined that a connection with the Commission was its best option.

Commissioner Elliott arrived at 7:10P.M.

A Commissioner from BNRWC commented that he had been a Board member for five years and that even though BNRWC was not facing an immediate emergency, BNRWC's main feeder was aging and BNRWC was looking for a supplemental water supply while the main BNRWC water main was being rehabilitated/replaced. BNRWC's consulting engineer added that BNRWC's system was in good shape but with the small diameter (20") and three river crossings, it was prudent to plan for the main line's replacement. In addition, the engineer noted decreased C-Factors in BNRWC's system as a secondary motivating factor for a supplemental connection with the Commission in lieu of or in addition to BNRWC's existing supplemental supply from Forest Park during peak summer demands.

Commissioner Zay confirmed that BNRWC was keeping its options open with respect to BNRWC's existing supplemental supply from Forest Park, as well as its existing emergency connections with McCook, Riverside, and LaGrange Park, among others. Commissioner Murphy confirmed BNRWC was seeking a supplemental supply from the

## Minutes 10/08/09 Administration Committee Meeting

Commission principally during the rehabilitation/replacement of BNRWC's main and, thereafter, simply an emergency connection.

Commissioner Zay expressed concern with serving extraterritorial customers before all potential customers within the Commission's territory have been served. Commissioner Elliott expressed concern with a case-by-case approach to the issue of extraterritorial service and that a longer term view was required.

General Manager Martin arrived at 7:30P.M.

In response to Commissioner Elliott's question, General Manager Martin advised that he did not anticipate other entities would be approaching the Commission for water service, either now or in the future, and that he was surprised by the number of requests received to date. General Manager Martin added that the Commission has always taken a reactive, rather than proactive, approach to service requests.

There being no further discussion, Commissioner Murphy advised that he would be reporting to the Board that it was the consensus of the Administration Committee to include BNRWC's request in the hydraulic analysis that is currently being conducted, and in the financial, legal, and policy analyses that will be conducted, with respect to the issue of providing water outside of the Commission's territorial limits.

Commissioner Zay moved to adjourn the meeting at 7:35 P.M. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.



# DuPage Water Commission

## MEMORANDUM

TO: Administration Committee

FROM: Maureen A. Crowley *MAC*  
Staff Attorney

CC: Chairman and Commissioners  
Robert L. Martin, P.E.  
General Manager

DATE: November 6, 2009

SUBJECT: Freedom of Information Act Amendments

On August 17<sup>th</sup>, Governor Quinn signed Senate Bill 189 into law as Public Act 96-0542, which is a complete rewrite of the Freedom of Information Act (FOIA) that will go into effect on January 1<sup>st</sup>, 2010.

Some of its changes are as follows:<sup>1</sup>

- Creates a presumption that all records are public, and places a clear and convincing burden of proof on the public body if it asserts that an exemption should be exempt from disclosure.
- Shortens the initial time and extended time to respond to a FOIA request from seven working days to five business days.
- Authorizes the Public Access Counselor (PAC) within the Attorney General's Office to have subpoena power, issue advisory and binding opinions to resolve disputes, and sue to enforce the binding opinions.
- Limits and defines the personal-privacy exemption by eliminating per se privacy exemptions, defines a category of private information that is exempt from disclosure, such as social security numbers, and defines an unwarranted invasion of personal privacy.
- Requires public bodies to notify the PAC whenever a public body intends to deny access to a record by asserting the personal-privacy exemption or the preliminary-draft exemption, who can review the assertion of the exemption and determine if it is proper.
- Provides that the first 50 pages for black and white, letter or legal sized copies are free and caps the charge for the remaining pages at 15 cents per page. For

---

<sup>1</sup> For a more detailed summary of the changes, please see the attached copy of a Local Government Client Alert that we received from our outside counsel, Holland & Knight.

copies in color or in a size other than letter or legal, a public body may not charge more than its actual cost for reproducing the records.

- Waives a public body's ability to assert that a request is unduly burdensome or to charge for copying after the public body has failed to timely respond to a FOIA request.
- Allows courts to impose civil penalties between \$2,500 and \$5,000 against public bodies that willfully and intentionally fail to comply with the law or otherwise act in bad faith.
- Requires a court to award attorneys fees to successful requesters who litigate to obtain access to public records.
- Requires that if a requester asks for a document that is maintained in an electronic format, the public body must furnish it in the electronic format specified by the requester, if feasible.

In preparation for the January 1<sup>st</sup>, 2010, effective date, I have worked with our outside counsel, Holland & Knight, in updating the Commission's existing Rules, Regulations, and Forms to comply with the new requirements. Draft copies of the Updated Rules, Regulations, and Forms are attached for your review and comment, as well an Updated Organizational Description and Overview as required by FOIA.

# Holland & Knight LLP

Tel 312 263 3600  
Fax 312 578 6666

Holland & Knight LLP  
131 South Dearborn Street  
30th Floor  
Chicago, IL 60603  
www.hklaw.com

## Client Alert

Date: October 2, 2009  
To: Local Government Clients  
From: Local Government Practice Group  
Re: Freedom of Information Act Amendments

On August 17, Governor Quinn signed into law a bill substantially amending the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (the "Act"). The amendments, which are part of Public Act 96-0542, go into effect on January 1, 2010.

In advance of the January 1 effective date, our office is creating a comprehensive package of Freedom of Information Act legal services to prepare all of our client communities for the obligations under the new law. The package will include new template Freedom of Information policies, updated Freedom of Information Act response forms, and a specialized training seminar for your community's designated Freedom of Information officers. Our office will also provide ongoing assistance in the transition to the amended Act and in application of the Act and your community's policies to subsequent Freedom of Information Act requests.

Below, please find a summary of many of the key new FOIA provisions. We note that the final version of the amendments are identical to those summarized in our Client Alert issued in June. To discuss these amendments, please contact Peter Friedman at 312.578.6566, Mark Burkland at 312.578.6557, Hart Passman at 312.578.6634, or any Holland & Knight lawyer with whom you work.

1. Statements of Purpose: The bill substantially revises the purpose provisions of the Act to emphasize that access to public records is a fundamental obligation of government and that compliance with the Act is a primary duty of public bodies, regardless of fiscal impact. All public records are presumed to be open to inspection or copying, and the public body bears the burden of proving an exemption from disclosure by clear and convincing evidence. This is a new and heightened standard for public bodies.
2. Public Access Counselor; Requests for Review: The bill creates a new position of Public Access Counselor (the "PAC") in the Office of the Attorney General. Any person who believes that a public body has violated either the Freedom of Information Act or the Illinois Open Meetings Act may

request a review by the PAC. There is a process by which the public body may respond. The PAC's decision on review is "binding." The PAC's decision is reviewable under Illinois' Administrative Review Law.

3. No Local Appeals: As a result of the new review process by the PAC, there is no longer an appeal to the "head of the public body." All appeals go directly to the PAC.
4. Designation and Training of Local Employees and Officers: Under the bill, each public body must make a list of employees or officers who will handle FOIA requests. That list must be submitted to the PAC. Within six months after the new Act goes into effect, the designated employees and officers must successfully complete an electronic training class administered by the PAC and, thereafter, must have additional training annually. Every newly designated employee or officer must receive training within 30 days after designation.
5. Form and Purpose of FOIA Request: The bill allows public bodies to require that requests made under the Act be submitted in writing, but prohibits the insistence on a standard form. The public body may not require the requester to specify the purpose for a request except to determine whether the request is for a commercial purpose or to decide whether to grant a fee waiver.
6. Time for Response: The bill shortens the time for an initial response to most requests to 5 business days from 7 working days, and shortens the time allowed for the final response after an extension to 5 additional business days from 7 additional working days. Certain information from arrest reports must be disclosed even sooner, within 72 hours after the arrest. And the response time for requests for records "to be used for a commercial purpose" is lengthened to "within a reasonable period considering the size and complexity of the request," up to 21 business days.
7. Failure to Respond: Under the bill, if a public body fails to respond within the prescribed time limits, it waives its right to assert most of the otherwise-permitted exemptions. Also, the public body may not charge copying fees in connection with a late response.
8. Form of Disclosure in Electronic Formats: The bill requires public bodies to produce responsive records in the requested electronic format whenever practical. A municipality thus may be required to reformat electronic data.
9. Broader Definition of "Public Body": The bill broadens the definition of "public body" to include all subsidiary bodies (including committees and

subcommittees) without the previous qualifier "which are supported in whole or in part by tax revenue, or which expend tax revenue."

10. Broader Definition of "Public Record": The bill broadens the definition of "public records" by including "electronic communications," thus making e-mail and other similar communications explicitly covered by the Act. This revision, however, is different from the earlier bill which included in the definition of "public records" e-mail messages sent to or from personal e-mail addresses. Notably, the public body also must disclose documents held by "a party with whom the agency has contracted to perform a governmental function on behalf of the public body" and that directly relate to the governmental function. This revision seemingly would apply to documents held by consultants, contractors, and similarly situated third-parties depending on the meaning of the phrase "governmental function."
11. Narrower Exemption for Private Information: The bill narrows the disclosure exemption for "private information." "Private information" now is defined as "unique identifiers," including such things as social security numbers, driver's license numbers, biometric identifiers, personal financial information, medical records, personal telephone numbers, and the like.
12. Narrower Exemption for Personal Information: The bill narrows the disclosure exemption for "personal information." "Personal information" still is exempt if disclosure would constitute a "clearly unwarranted invasion of personal privacy," but now the phrase "unwarranted invasion of personal privacy" is narrowly defined as "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."
13. Special Treatment of Denials based on "Personal Information" or "Preliminary Drafts" Exemptions: The bill provides a new, substantial process if a public body intends to withhold a record from disclosure based on either the "personal information" exemption or the "preliminary drafts" exemption. In that case, the public body must provide the requester and the PAC a written notice of the public body's intent to deny the request (whether in whole or in part). The notice must include a detailed summary of the public body's basis for asserting the exemption. The PAC must notify the public body and the requester, within five days after receiving the notice of intent to deny, whether further inquiry is warranted. If the PAC determines to undertake a further inquiry, a substantial process is triggered leading to a binding decision by the PAC.

14. Removal of Exemption for Criminal History Information. The bill removes the existing exemption available for documents relating to completed criminal proceedings, including arrest and detention records.
15. Removal of Exemption for Financial Transactions. The bill removes the existing exemption available for draft documents and memoranda relating to a public body's financing and marketing transactions.
16. Costs of Reproduction: The bill prohibits public bodies from charging fees for the first 50 pages of black-and-white documents. The fee for black-and-white copies thereafter may not exceed 15¢ per page unless the public body can demonstrate that its actual cost of reproduction (excluding personnel costs) is higher. (A fee equal to actual cost may be charged for color copies.) The actual cost of purchasing the recording medium, such as a disc or tape, may be charged for electronic records. The cost of a certified copy is limited to \$1.00.
17. Fines and Costs. The bill provides that if a court determines that a public body "willfully and intentionally" failed to comply with the Act or "otherwise acted in bad faith," then the court "shall also impose upon the public body a civil penalty of not less that [sic] \$2,500 nor more than \$5,000 for each occurrence." Also, the previous discretion in the court whether to award attorneys' fees to a person who wins the right to inspect or copy a public record has been made mandatory—a court "shall award such person reasonable attorneys' fees and costs." Notably, the criminal penalties included in an earlier FOIA bill are not included in the final bill that was signed into law.

DuPAGE WATER COMMISSION

RESOLUTION NO. R-XX-09

A RESOLUTION APPROVING RULES AND REGULATIONS  
AND FORMS FOR IMPLEMENTATION OF  
THE FREEDOM OF INFORMATION ACT

WHEREAS, the DuPage Water Commission (the "Commission") is subject to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (the "Act"); and

WHEREAS, the Illinois General Assembly has approved a comprehensive amendment of the Act, effective January 1, 2010; and

WHEREAS, it is appropriate and in the public interest that the Commission: (i) assist the public in making requests under the Act; (ii) better ensure that Commission employees follow proper procedures in responding to requests under the Act; (iii) facilitate efficient compliance with the Commission's duties under the Act; and (iv) delegate to appropriate Commission officers and employees the authority and duty to carry out the requirements of the Act; and

WHEREAS, the Board of Commissioners of the DuPage Water Commission hereby find and determine that it is reasonable, necessary, and desirable for the Commission to approve, and that the public interest in open and efficient government will be served by the approval of, the Rules and Regulations and Forms attached hereto and by this reference incorporated herein (the "FOIA Rules and Forms");

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the DuPage Water Commission as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as findings of the DuPage Water Commission.

SECTION TWO: Approval of FOIA Rules and Forms. The FOIA Rules and Forms, in substantially the form attached hereto and by this reference incorporated herein and made a part hereof, shall be and they hereby are approved and adopted as the rules, regulations, and forms for the implementation of the Act by the Commission.

SECTION THREE: Delegation of Authority. The officers and employees designated in the FOIA Rules and Forms shall be and they hereby are authorized and directed to take all steps necessary to implement the Act in accordance with the FOIA Rules and Forms. Further, the General Manager is hereby authorized to appoint the Commission's Freedom of Information Officer and any Deputy Freedom of Information Officers and to revise the FOIA Rules and Forms in a manner that is consistent with the Act and as necessary or appropriate to provide for efficient compliance with the Act.

SECTION FOUR: Repeal. The FOIA Rules and Regulations and Forms attached to and approved by Resolution No. R-28-96 shall, as of the effective date, be repealed and of no further force or effect.

SECTION FIVE: Effective Date. This Resolution shall be in full force and effect on January 1, 2010.

AYES:

NAYS:

ABSENT:

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chairman

# DUPAGE WATER COMMISSION

## RULES AND REGULATIONS IMPLEMENTING ILLINOIS FREEDOM OF INFORMATION ACT

These Rules and Regulations (the "Rules") include the procedures, instructions, and forms for requesting public records from the DuPage Water Commission under the Illinois Freedom of Information Act (the "Act").

The Commission will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these Rules, and any other applicable law. Generally, under the Act, the Commission will provide public records for inspection or copying as requested except for records (1) that would, if disclosed, violate individual privacy, or (2) whose production would disrupt the duly undertaken work of the Commission, or (3) that are specifically exempted from disclosure by the Act or other applicable law.

Requests and other communications relating to public records must be sent to the Commission's Freedom of Information Officer: **[name]**, DuPage Water Commission, Page Pumping Station, 600 East Butterfield Road, Elmhurst, Illinois 60126-4642, Phone: (630) 834-0100, Facsimile: (630) 834-0120, **[E-mail: \_\_\_\_\_]**.

### I. INTERPRETATION

#### A. Conflicts

These Rules do not supersede the provisions of the Act. If a provision of these Rules conflicts with the Act, then the provisions of the Act will govern.

#### B. Definitions

In addition to the definitions provided in the Act or elsewhere in these Rules, the following definitions apply:

1. Business Hours: 8:30 a.m. to 4:30 p.m. on a Business Day.
2. Business Day: Any day on which general offices of the Commission at the Commission's headquarters are open and staffed for regular public business. Business Days generally are Monday through Friday, except certain federal and state legal holidays.
3. Freedom of Information Officer: The Freedom of Information Officer of the Commission identified above and designated under Section 3.5 of the Act.
4. Public Access Counselor: The Public Access Counselor of the Office of the Illinois Attorney General.

5. Request: A request to inspect, copy, or certify public records.
6. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.
7. Requestor: A person, firm, or corporation that files a Request with the Commission.
8. Response Time: The time for response by the Commission to a request for public records, as calculated pursuant to Subsection III.A of these Rules.

**C. Days; Measurement of Time**

1. Days. In counting the number of days allowed for a response or a decision to be given by the Commission under the Act and these Rules, the Commission will not include the day on which the request or notice requiring the response or decision was first received.
2. Supplemental Requests. Supplemental, amended, or additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.
3. Response Date. All responses and decisions to be issued by the Commission under the Act and these Rules will be deemed to have been given on the date of personal delivery to the person or to the residence of the person entitled to the response or decision or, if mailed, on the date of mailing, regardless of the date of actual receipt by that person. Each response and decision will include proof of service evidencing the method by which, and time at which, the response or decision was delivered.

**II. REQUESTS FOR INSPECTION,  
COPYING, OR CERTIFICATION OF PUBLIC RECORDS**

**A. Officials Responsible for Responding to Requests**

The Freedom of Information Officer is the person administratively responsible for receiving and processing Requests.

The Freedom of Information Officer is the person with authority on behalf of the Commission to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters. The Freedom of Information Officer may consult with Commission staff, officials, and others as appropriate before responding to a Request.

The Commission may, from time to time, appoint Deputy Freedom of Information Officers to assist the Freedom of Information Officer in the performance of his or her duties under the Act and these Rules. In the absence of the Freedom of Information Officer, the Deputy Freedom of Information Officers are authorized to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters.

## **B. Form of Request**

1. Required Information. A Request must be filed with the Commission in writing and in English. The Commission encourages Requestors to submit requests on the convenient form attached to these Rules ("Official Request Form") or in a similar form that contains, at a minimum, the following information:
  - a. The Requestor's name;
  - b. Either the Requestor's mailing address, e-mail address, or telephone number;
  - c. A description of the public records requested;
  - d. A statement of purpose, indicating whether the Requestor intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services;
  - e. A statement of whether the Requestor is, or represents, news media or a non-profit, scientific, or academic organization; and
  - f. A statement of whether the principal purpose of the Request is either (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) academic, scientific, or public research or education.

Use of the Official Request Form is the most effective way to obtain a prompt, full, and complete response by the Commission to a Request.

2. Supplemental Information. If a Requestor submits a Request on a form other than the Official Request Form, and the Request does not contain all of the information required pursuant to Paragraph II.B.1 of these Rules, then the Requestor must complete a Supplemental Information form or similar writing.

3. Requests Must Be Complete. No Request will be deemed complete unless it contains, at a minimum, all of the information required pursuant to Paragraph II.B.1 of these Rules.

#### **C. Submittal of Request**

Completed Requests must be filed with the Commission Freedom of Information Officer by mail, facsimile, overnight courier service, electronic mail, **[the Commission's website,]** or in person. Requests submitted in person must be given to the Freedom of Information Officer or filed in the office of the Commission Clerk. Requests submitted by mail or other means must be addressed to the Freedom of Information Officer at the Commission's headquarters and will be deemed received only upon actual receipt by the Commission on a Business Day, regardless of date of submission.

All Commission officials and employees who receive a Request must immediately forward that Request to the Freedom of Information Officer.

#### **D. Processing of Request**

1. The Freedom of Information Officer must complete the Checklist attached to these Rules immediately upon receipt of the Request. If the Freedom of Information Officer determines that the Request is not complete, as provided in Section II of the Checklist, the Freedom of Information Officer must mail a Notice of Incomplete Request form and a Supplemental Information form to the Requestor within five Business Days after receipt by the Commission of the Request. If the Freedom of Information Officer determines that the Request is complete, the Freedom of Information Officer must stamp or otherwise indicate on each completed Request, the date and time of receipt and, if known, the date on which the Commission must respond to the Request.
2. The Freedom of Information Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.
3. The Freedom of Information Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the Commission, a record of all written communications with the Requestor regarding the Request, and a copy of other communications related to the Request.
4. The Freedom of Information Officer must keep all Notices of Denial in a single central office file, indexed according to the type of exemption asserted, and, to the extent feasible, according to the types of records requested.

### III. RESPONSES TO REQUESTS

#### A. Time for Response

1. Requests Made for Commercial Purposes. The Commission will respond within 21 Business Days after a completed Request Made for Commercial Purposes is received by the Commission.
2. All Other Requests. For all Requests other than Requests Made for Commercial Purposes, the Commission will respond within five Business Days after a completed Request is received by the Commission, unless the Commission has extended the Response Time pursuant to Paragraph III.A.3 of these Rules.
3. Extension of Time
  - a. If the Freedom of Information Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the Freedom of Information Officer, using a Notice of Extension form attached to these Rules or a similar written form, will notify the Requestor within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which may not exceed five additional Business Days). The Freedom of Information Office may not issue a Notice of Extension for Requests Made for Commercial Purposes.
  - b. The Requestor and the Commission, using an Extension Agreement form attached to these Rules or a similar written form, may agree in writing to extend the time for compliance for a period to be mutually determined. In his or her discretion, the Freedom of Information Officer may deliver to the Requestor a Request for Extension Agreement form and an Extension Agreement form. The Freedom of Information Officer is authorized to execute, in his or her discretion, an Extension Agreement after it has been executed by the Requestor. The Freedom of Information Officer must respond to the Request within the applicable Response Time, unless and until the Requestor and the Commission have executed the Extension Agreement.

#### B. Disclosure of Public Records

1. Notice of Approval. If the Freedom of Information Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the Freedom of Information Officer will notify the Requestor in writing of his or her determination, using the Notice of Approval form attached to these Rules or a similar written form.

2. Approval of Requests Made for Commercial Purposes. If the Request is a Request Made for Commercial Purposes, and the requested records are not immediately available for inspection or pick-up, then the Notice of Approval will specify a reasonable date on which the requested records will be available for inspection or pick-up, based on the size and complexity of the Request.
3. Search of Commission Files and Use of Commission Equipment. Except as otherwise specifically authorized by the Freedom of Information Officer, only Commission employees, the Commission attorney, and Commission contractors are permitted to search Commission files, records, or storage areas, or to use Commission equipment in connection with any Request.
4. Removal of Original Records. Original public records may not be removed from any Commission building at any time, except as authorized by the Commission's General Manager.
5. Inspection of Public Records. Public records approved by the Freedom of Information Officer for disclosure may be inspected, or copies of public records obtained, during Business Hours at the Commission's headquarters or another location designated by the Freedom of Information Officer. Requestors must make an appointment with the Freedom of Information Officer for a date and time to inspect public records at the Commission's headquarters (or another location designated by the Freedom of Information Officer) approved by the Freedom of Information Officer for disclosure.
6. Copies of Public Records. Copies of public records approved by the Freedom of Information Officer for disclosure may be obtained during Business Hours at the Commission's headquarters or another location designated by the Freedom of Information Officer, provided that the Requestor had requested copies in the Request and has paid any applicable fees.
7. Mailing of Requested Public Records. Copies of public records will be mailed to the Requestor only if the Freedom of Information Officer reasonably determines that it is unduly burdensome for the Requestor to arrange for inspection of the original public records, or for pick up of copies of the public records, at the Commission's headquarters.
8. Audio and Video Recordings. Requests for reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Act, the Illinois Open Meetings Act, any other applicable State law, and these Rules.
9. Records Maintained in Electronic Format. If the requested public records are maintained by the Commission in an electronic format, then the Commission will reproduce copies of the requested public records in the

electronic format specified by the Requestor, if feasible. The Commission may charge to the Requestor the actual cost of the medium necessary for that format.

10. Payment of Fees. The Requestor must pay all copying, certification, and postage fees in advance of receiving copies of any public records.
11. Acknowledgment of Inspection. When the copies of the requested public records have been delivered or inspected, the Freedom of Information Officer and the Requestor must acknowledge delivery or inspection by execution of the Acknowledgment of Inspection form attached to these Rules or a similar written form.

### **C. Categorical Requests**

1. Notice to Meet and Confer. If the Freedom of Information Officer determines that a Request for all records falling within a category will unduly burden the Commission, that there is no way to narrow the Request, and that the burden to the Commission outweighs the public interest in production of the public records sought, then the Freedom of Information Officer, using a Notice for Meeting form attached to these Rules or a similar written form, will notify the Requestor in writing of the determination, of the reasons supporting the determination, and of the right of the Requestor to meet with the Freedom of Information Officer in an effort to narrow the Request.
2. Failure to Respond by Commission. The Freedom of Information Officer may neither determine that a Request is unduly burdensome, nor issue a Notice for Meeting, if the Commission has previously failed to respond to that Request within the applicable Response Time.
3. Agreement to Narrow Request. If the Requestor agrees to meet and confer with the Freedom of Information Officer regarding the Request, then the Freedom of Information Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated from the date of adjournment of the meeting. That response may take any form specified in this Section III. If the Requestor agrees to narrow the scope of the Request, the Freedom of Information Officer will deliver a Acknowledgment of Narrowed Request to the Requestor at the conclusion of the meeting, using the form attached to these Rules or a similar written form.
4. Failure to Meet and Confer. If the Requestor does not agree to meet and confer with the Freedom of Information Officer regarding the request, then the Freedom of Information Officer will deny the Request on the fifth Business Day after the date of the Notice for Meeting, using the General Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form.

## D. Denial

1. Denials Under Section 7(1)(c) and 7(1)(f). If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under Sections 7(1)(c) or 7(1)(f) of the Act, then the Freedom of Information Officer must send notice to the Public Access Counselor of the Commission's intent to deny the Request, using the Notice of Intent to Deny form attached to these Rules or a similar written form. The Notice of Intent to Deny must include a copy of the Request and the proposed Section 7(1)(c)/7(1)(f) Notice of Denial/Partial Denial of Request. A copy of the Notice of Intent to Deny must be sent to the Requestor. If the Public Access Counselor determines that further inquiry into the Request is not warranted, then the Freedom of Information Officer will deliver the Section 7(1)(c)/7(1)(f) Notice of Denial/Partial Denial of Request to the Requestor as provided in these Rules.
2. Other Denials. If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these Rules, then, except as provided in this Subsection D, the Freedom of Information Officer must deliver a notice of denial to the Requestor, using the General Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form. The Freedom of Information Officer may not deliver the General Notice of Denial/Partial Denial of Request to the Public Access Counselor, except upon receipt of a request therefor from the Public Access Counselor pursuant to Section 9.5(c) of the Act.
3. Contents of Denials. Each Section 7(1)(c)/7(1)(f) Notice of Denial/Partial Denial of Request and General Notice of Denial/Partial Denial of Request must set forth the reason(s) for the denial, and must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor, and (b) seek judicial review under Section 11 of the Act.
4. Denials on Multiple Grounds. If the Freedom of Information Officer also determines that all, or some, or a portion of any requested public records are not subject to disclosure pursuant to both Paragraph III.D.1 and Paragraph III.D.2 of these Rules, the Freedom of Information Officer must prepare both a Section 7(1)(c)/7(1)(f) Notice of Denial/Partial Denial of Request and a General Notice of Denial, as provided in Paragraphs III.D.1 and III.D.2 of these rules.
5. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.
6. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the Freedom of Information Officer will comply with the

directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.

**E. No Obligation to Create New Records**

Except as provided in Section V of these Rules, the Act and these Rules do not require the Commission, in the course of responding to Requests, to create records that the Commission does not already maintain in record form.

**F. No Obligation to Interpret or Advise**

Neither the Act nor these Rules require the Commission to interpret, or advise Requestors as to the meaning or significance of, any public records.

**IV. FEES**

**A. Fees Established**

Unless fees are waived or reduced under to Subsection IV.C of these Rules, each Requestor must pay the following fees for copying, certification, and mailing of public records:

- |    |   |                                      |
|----|---|--------------------------------------|
| 1. | Copies – 8½”x 11” or 8½” x 14”, Black and White |                                      |
|    | First 50 pages                                  | Free                                 |
|    | Additional pages                                | \$0.15 per side                      |
| 2. | Copies – 24” x 36”, Blueline                    | \$0.85 per side                      |
| 3. | Certification                                   | \$1.00 per record,<br>plus copy cost |
| 4. | Mailing   | Cost of postage                      |

If the requested records are of a type not listed above, or when the services of an outside vendor are required to copy any public record, then the fees charged for copying the records will be the actual charges of the outside vendor, and the fees stated in items 1 through 4 above will not apply. If the requested records are produced on an electronic medium, then the Requestor must pay the actual cost of the medium.

The Commission has determined that the fees in this Subsection A are no more than necessary to reimburse the Commission for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these Rules.

**B. Method and Time of Payment**

Payment of all required fees must be made in cash, by cashier's or certified check, or by money order prior to the examination, copying, certification or mailing of any public record.

**C. Waiver of Fees**

The fees provided in Subsection IV.A of these Rules may be waived or reduced by the Freedom of Information Officer if the Requestor includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the Freedom of Information Officer that a fee waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

A fee waiver or reduction will be considered to be in the public interest only if the principal purpose of the Request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requestor. The Freedom of Information Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

**D. Waiver for Failure to Respond**

If the Freedom of Information Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the Commission will not require the payment of fees for any copies of records produced in response to that Request.

**V. COMMISSION OBLIGATIONS**

**A. Organizational Description**

The Freedom of Information Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the Commission. The description must identify and describe the membership of the Commission's Board of Commissioners and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of the Commission's purpose,
- a block diagram of the Commission's functional subdivisions,
- the approximate number of the Commission's full and part-time employees,

- the total amount of the Commission's operating budget, and
- the number and location of each of the Commission's offices.

If the Commission maintains a website, the Freedom of Information Officer must post the description required pursuant to this Subsection V.A to the website.

**B. Index of Public Records**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared or received, and maintained, by the Commission after July 1, 1984. The index must be reasonably detailed in order to aid persons in obtaining access to the public records of the Commission.

**C. Records Stored by Electronic Data Processing**

The Freedom of Information Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of the Commission stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

**D. Summary of Procedures**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules. If the Commission maintains a website, the Freedom of Information Officer must post the summary required pursuant to this Subsection V.D to the website.

**E. Posting and Mailing of Information**

The Freedom of Information Officer must keep posted at the Commission's headquarters, and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

**F. Filing of Notices of Denial**

The Freedom of Information Officer must retain copies of all Notices of Denial and Notices of Intent to Deny in a single file at the Commission's headquarters that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested.

**DUPAGE WATER COMMISSION**  
**FREEDOM OF INFORMATION ACT**

**LIST OF FORMS**

1. **Checklist**
2. **Request Form**
3. **Notice of Incomplete Request**
4. **Supplemental Information Form**
5. **Notice of Approval**
6. **Acknowledgment of Inspection**
7. **Notice of Extension of Time**
8. **Request for Extension Agreement**
9. **Extension Agreement**
10. **Notice for Meeting**
11. **Acknowledgment of Narrowed Request**
12. **General Notice of Denial / Partial Denial of Request**
13. **Notice of Intent to Deny**
14. **Section 7(1)(c)/7(1)(f) Notice of Denial / Partial Denial of Request**

# DUPAGE WATER COMMISSION

## REQUEST FOR PUBLIC RECORDS CHECKLIST

### FOR COMPLETION BY INITIAL COMMISSION RECIPIENT OF REQUEST

#### I. Initial Receipt of Request

Date of Receipt: \_\_\_\_\_, 20\_\_\_\_ Time of Receipt: \_\_\_\_\_

Method of Delivery:

- \_\_\_ Personal delivery during Business Hours
- \_\_\_ Personal delivery after Business Hours
- \_\_\_ Mail delivery during Business Hours
- \_\_\_ Mail delivery after Business Hours
- \_\_\_ Electronic delivery by \_\_\_\_\_

Commission employee receiving request (if not Freedom of Information Officer):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Forwarded to Freedom of Information Officer (if applicable):

Date: \_\_\_\_\_, 20\_\_\_\_ Time: \_\_\_\_\_

Receipt by Freedom of Information Officer:

Date: \_\_\_\_\_, 20\_\_\_\_ Time: \_\_\_\_\_

### TO BE COMPLETED BY FREEDOM OF INFORMATION OFFICER ONLY

#### II. Determination of Completeness (to be completed by Freedom of Information Officer only)

Has the Requestor provided:	<u>Yes</u>	<u>No</u>
A. His/her/its name?	___	___
B. His/her/its mailing address, email address, or telephone number?	___	___
C. A description of the public records requested?	___	___

Yes   No

- D. A statement of whether the Requestor intends to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services?    \_\_\_    \_\_\_
- E. A statement of whether the Requestor is, or represents, news media or a non-profit, scientific or academic organization?    \_\_\_    \_\_\_
- F. A statement of whether the principal purpose of the Request is to access and disseminate information concerning news and current or passing events?    \_\_\_    \_\_\_
- G. A statement of whether the principal purpose of the Request is for articles of opinion or features of interest to the public?    \_\_\_    \_\_\_
- H. A statement of whether the principal purpose of the Request is academic, scientific, or public research or education?    \_\_\_    \_\_\_
- If you have checked "No" to any item in this Section II, send the Notice of Incomplete Request form and Supplemental Information form to the Requestor within five Business Days after receipt by the Commission of the Request.
  - If you have checked "Yes" to all items in this Section II, proceed to Section III.

**III. Preparation of Response**

Is this request for a Commercial Purpose (circle one)? Yes / No

Date Response Due: \_\_\_\_\_ (either 5 or 21 Business Days after day of receipt by Commission)

Commission employee responsible for compiling response:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature of Freedom of Information Officer: \_\_\_\_\_

## DUPAGE WATER COMMISSION

### REQUEST FOR PUBLIC RECORDS OFFICIAL REQUEST FORM

#### INSTRUCTIONS AND INFORMATION

- a. In Section 1, describe the public records that you wish to inspect or to have copied or certified. Please be precise about what records you seek. You may use a separate sheet if necessary.

Indicate whether you request only to inspect the public records at the Commission's headquarters or whether you also request to have the public records copied or certified by checking the appropriate spaces.

- b. By submitting this Request Form, you are agreeing to pay to the Commission, in advance of receiving copies of any public records, the copying and certification fees set forth in Section 2.

The fees set forth in Section 2 may be waived or reduced by the Freedom of Information Officer on determination and proof that the purpose of your request is primarily to benefit the general public and that you will receive no significant personal or commercial benefit from your request. If you wish to be considered for a fee waiver or reduction, you must complete and sign the statement set forth in Subsection 2.B.

- c. In Section 3, indicate the purposes for which you are requesting the public records identified in Section 1. You must provide the information in this Section.
- d. The Commission will not mail copies of public records except upon satisfactory proof that it would be unduly burdensome for you to inspect or pick up the copies at the Commission's headquarters and then only upon advance payment of the actual cost of postage. If you wish to request mailing of the requested records, you must complete and separately sign the statement set forth in Section 4.
- e. You must provide the information requested in Section 5.
- f. You must sign the statement set forth in Section 6.

---

The Commission will disclose the public records requested on this Request Form within 21 Business Days after the receipt of this Request Form for all requests made for commercial purposes, and within five Business Days for all other requests, unless the applicable response period is extended as provided by law or the request is denied. All extensions and denials will be in writing and will state the reasons therefor. The Requestor may seek review of a denial by the Public Access Counselor of the Office of the Illinois Attorney General. Judicial review is available under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* For more detailed information, please consult the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act, which are available from the Freedom of Information Officer.

---

To: Freedom of Information Officer  
 DuPage Water Commission  
 DuPage Pumping Station  
 600 East Butterfield Road  
 Elmhurst, Illinois 60126 4642  
 Phone: (630) 834-0100  
 Facsimile: (630) 834-0120  
 E-mail: \_\_\_\_\_

**1. Request for Records**

I request the following public records of the Commission:

Records Requested	<u>inspect</u>	<u>copy</u>	<u>certify</u>
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---

**2. Agreement to Pay Fees**

A. Unless I have requested and received a waiver under Subsection B of this Section, I will pay the following fees for the public records copied or certified at my request:

1. Copies – 8½" x 11" or 8½" x 14", Black and White
 

First 50 pages	Free
Additional pages	\$0.15 per side
2. Copies – 24" x 36", Blueline \$ 0.85 per side
3. Certification \$1.00 per record, plus copy cost
4. Mailing Cost of postage

I agree that, if the Commission must use an outside vendor to copy a public record, or if the requested records are of a type not listed above, I will pay the actual charges that the Commission incurs in connection with the copying services, and the fees stated in items 1 through 4 above will

not apply. If the requested records are produced on an electronic medium, I agree to pay the actual cost of purchasing the medium.

- B. I request a waiver of the fees set forth in Subsection A above, and in support of my request I hereby certify that I will gain no significant personal or commercial benefit from the public records herein requested and that my principal purpose in making this request is to benefit the general public by disseminating information concerning the health, safety, welfare, or legal rights of the general public in the following specific manner:

---

---

---

---

**3. Purpose of Request**

Please check Yes or No for each of the following questions:

- |   | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| A. I am requesting the public records identified in Section 1 above to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services. | ___        | ___       |
| B. I am, or represent, news media or a non-profit, scientific or academic organization.   | ___        | ___       |
| C. The principal purpose of this Request for Public Records is to access and disseminate information concerning news and current or passing events.   | ___        | ___       |
| D. The principal purpose of this Request for Public Records is for articles of opinion or features of interest to the public.   | ___        | ___       |
| E. The principal purpose of this Request for Public Records is academic, scientific, or public research or education.   | ___        | ___       |

Pursuant to Section 3.1(c) of the Freedom of Information Act, it is a violation of the Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.

**4. Request for Mail Delivery**

\_\_\_\_ I request that the Commission mail copies of the requested public records to me at the address set forth in Section 5 below. I hereby agree to pay the actual postage for mailing before the records will be mailed. It would be unduly burdensome for me to pick up the requested records at the Commission's headquarters because:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ I do not request mail delivery of any of the requested public records.

**5. Requestor**

A. Name of Requestor: \_\_\_\_\_

B. Name of person for whom records are being requested (if not Requestor):

\_\_\_\_\_

C. Address for Responses, Decisions, and Communications:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Telephone Numbers of Requestor:

Day: \_\_\_\_\_

Evening: \_\_\_\_\_

E. E-mail: \_\_\_\_\_

**6. Signature of Requestor**

By signing this Request, I acknowledge and represent that I have reviewed, and that I understand, the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act and that all of the information provided in support of this request is true and accurate.

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Date

**DUPAGE WATER COMMISSION**

REQUEST FOR PUBLIC RECORDS

NOTICE OF INCOMPLETE REQUEST

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request"). The Commission has determined that Your Request is not complete, as required by the Freedom of Information Act and the DuPage Water Commission Rules and Regulations for Implementation of the Illinois Freedom of Information Act. Specifically, the following information, circled below, was not provided in Your Request:

Requestor's Name	Description of Records Requested
Requestor's Mailing Address, E-Mail Address, or Telephone Number	Statement of Purpose

Please provide the required information to the Commission Freedom of Information Officer at the address below, either by completing the convenient Supplemental Information form enclosed, or by another written document. The Commission will then process Your Request in accordance with applicable law.

Dated: \_\_\_\_\_, 20\_\_\_\_

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

# DUPAGE WATER COMMISSION

## REQUEST FOR PUBLIC RECORDS

### SUPPLEMENTAL INFORMATION FORM

With respect to my request dated \_\_\_\_\_, 20\_\_ for public records of the Commission, I hereby state as follows:

#### 1. Identification of Requestor

A. Name of Requestor: \_\_\_\_\_

B. Name of person for whom records are being requested (if not Requestor):  
\_\_\_\_\_

C. Address for Responses, Decisions, and Communications:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Telephone Numbers of Requestor:

Day: \_\_\_\_\_

Evening: \_\_\_\_\_

E. E-mail: \_\_\_\_\_

#### 2. Purpose of Request

Please check Yes or No for each of the following questions:

Pursuant to Section 3.1(c) of the Freedom of Information Act, it is a violation of the Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.

	<u>Yes</u>	<u>No</u>
A. I am requesting the public records to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services.	___	___
B. I am, or represent, news media or a non-profit, scientific or academic organization.	___	___

- |   | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| C. The principal purpose of my request for public records is to access and disseminate information concerning news and current or passing events. | ___        | ___       |
| D. The principal purpose of my request for public records is for articles of opinion or features of interest to the public.                       | ___        | ___       |
| E. The principal purpose of my request for public records is academic, scientific, or public research or education.                               | ___        | ___       |

**3. Agreement to Pay Fees**

A. Unless I have requested and received a waiver under Subsection B of this Section, I will pay the following fees for the public records copied or certified at my request:

- |    |  |                                      |
|----|--|--------------------------------------|
| 1. | Copies – 8½” x 11” or 8½” x 14”, Black and White |                                      |
|    | First 50 pages                                   | Free                                 |
|    | Additional pages                                 | \$0.15 per side                      |
| 2. | Copies – 24” x 36”, Blueline                     | \$ 0.85 per side                     |
| 3. | Certification                                    | \$1.00 per record,<br>plus copy cost |
| 4. | Mailing  | Cost of postage                      |

I agree that, if the Commission must use an outside vendor to copy a public record, or if the requested records are of a type not listed above, I will pay the actual charges that the Commission incurs in connection with the copying services, and the fees stated in items 1 through 4 above will not apply. If the requested records are produced on an electronic medium, I agree to pay the actual cost of purchasing the medium.

B. I request a waiver of the fees set forth in Subsection A above, and in support of my request I hereby certify that I will gain no significant personal or commercial benefit from the public records herein requested and that my principal purpose in making this request is to benefit the general public by disseminating information concerning the health, safety, welfare, or legal rights of the general public in the following specific manner:

---

---

---

---

---

**4. Request for Mail Delivery**

\_\_\_ I request that the Commission mail copies of the requested public records to me at the address set forth below. I hereby agree to pay the actual postage for mailing before the records will be mailed. It would be unduly burdensome for me to pick up the requested records at the Commission's headquarters because:

---

---

\_\_\_ I do not request mail delivery of any of the requested public records.

**5. Signature of Requestor**

By signing this form, I represent that I have reviewed, and that I understand, the Commission's Rules and Regulations for Implementing the Illinois Freedom of Information Act and that all of the information provided in this form and in support of my request for public records is true and accurate.

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_, 20\_\_\_\_  
Date

**DUPAGE WATER COMMISSION**

NOTICE OF APPROVAL OF REQUEST FOR PUBLIC RECORDS

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request").

**1. Decision on Request**

\_\_\_ Your Request is hereby approved in its entirety.

\_\_\_ Your Request is approved in part and denied in part. Those records for which your Request is approved are identified in Section 2 below. Those records for which your Request is denied are identified in the enclosed Notice of Denial(s).

**2. Availability of Records**

Your Request is approved for the following public records (the "Specified Records"):

\_\_\_ The following public records will be made available for your inspection at the Commission's headquarters as indicated in Section 3 below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_ Subject to payment of any required fees pursuant to Section 4 below, copies of the following public records will be made available for pick up by you at the Commission's headquarters as indicated in Section 3 below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Subject to payment of any required fees pursuant to Section 4 below, certified copies of the following public records will be made available for pick up by you at the Commission's headquarters as indicated in Section 3 below:

---

---

---

\_\_\_\_ Subject to payment of any required fees pursuant to Section 4 below, the following public records will be delivered to you, or will be made available for pick up by you at the Commission's headquarters as indicated in Section 3 below, in the electronic format that you requested:

---

---

---

Electronic Format of Delivery: \_\_\_\_\_

**3. Appointment for Inspection or Pick-up**

The Specified Records will be made available for inspection or pick-up at the Commission's headquarters, 600 East Butterfield Road, Elmhurst, Illinois 60126-4642. You must call the Freedom of Information Officer at the Commission's headquarters at (630) 834-0100 to schedule an appointment for inspection or pick up of the Specified Records.

\_\_\_\_ If, within five Business Days after the date of this Notice of Approval, you have not made an appointment to inspect or pick up the Specified Records, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records.

\_\_\_\_ Pursuant to Sections 2(c-10) and 3.1 of the Illinois Freedom of Information Act, 5 ILCS 140/2(c-10) and 140/3.1, the Commission has determined that Your Request is a request made for commercial purposes. The Specified Records will be available for inspection or pick-up on or after \_\_\_\_\_, 20\_\_ (the "Availability Date"). If, within five Business Days after the Availability Date, you have not made an appointment to inspect or pick up the Specified Records on or before the fifth Business Day after the Availability Date, then the Specified Records will be re-filed and will be made available to you only upon the filing of a new Request for records.

**4. Copying and Certification Fees**

No copies or certified copies of the Specified Records will be provided to you until the following applicable fees have been paid. Fees must be paid in cash, by cashier's or certified check, or by money order.

8½" x 11" or 8½" x 14" Black and White Copy Cost:

First 50 Pages: Free  
Additional Pages: \$ \_\_\_\_\_ ( \_\_\_\_\_ sides at \$ \_\_\_\_\_ per side)

Certification Cost: \$ \_\_\_\_\_ ( \_\_\_\_\_ documents at \$1.00 each)

Reproduction of Electronic Medium Cost: \$ \_\_\_\_\_

Outside Vendor Cost: \$ \_\_\_\_\_ (see attached invoice)

Other Actual Reproduction Cost: \$ \_\_\_\_\_ (see attached invoice)

Total Fee: \$ \_\_\_\_\_

The following provisions marked with an "x" apply to your request:

- Your fees have been paid in full.
- Your request for a fee waiver or reduction has been approved in the following amount: \$ \_\_\_\_\_
- Your request for a fee waiver or reduction has been denied.
- You have previously deposited the following amount: \$ \_\_\_\_\_
- A balance is now due in the following amount: \$ \_\_\_\_\_

**5. Mailing of Records**

Your request that the Commission mail the Specified Records to you has been denied on the basis that you have not shown that it would be unduly burdensome for you to arrange to pick up the Specified Records.

Your request that the Commission mail the Specified Records to you has been approved. However, before the Commission will mail the Specified Records, you must pay the balance, if any, indicated in Section IV above and the following additional amount to cover the cost of postage: \$ \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

STATE OF ILLINOIS     )  
  )  
COUNTY OF \_\_\_\_\_ )     SS.

PROOF OF SERVICE

I, \_\_\_\_\_, being duly sworn on oath, state that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on or about the hour of \_\_\_\_\_ m., I personally delivered or mailed the foregoing document entitled "NOTICE OF APPROVAL OF REQUEST FOR PUBLIC RECORDS" by:

\_\_\_ Personally handing it to the person to whom it is addressed.

\_\_\_ Delivering it to the property located at:

\_\_\_\_\_  
\_\_\_\_\_

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

\_\_\_ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**Acknowledgment of Inspection**

**DUPAGE WATER COMMISSION**

**ACKNOWLEDGMENT OF INSPECTION  
OR RECEIPT OF PUBLIC RECORDS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to your request for the inspection, copying, or certification of certain Commission public records dated \_\_\_\_\_ ("Your Request"), you have been provided with the right to inspect, or copies of, the following public records in accordance with the Illinois Freedom of Information Act:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Commission has received \$ \_\_\_\_\_ from you in the form of cash, a cashier's or certified check, or a money order, in payment of all fees related to Your Request.

Dated: \_\_\_\_\_, 20\_\_\_\_

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

-----  
**TO BE COMPLETED BY REQUESTOR**

I, \_\_\_\_\_, hereby acknowledge that I have been provided with the public records listed above on \_\_\_\_\_. In the event that I have been denied the right to inspect or copy other public records, this acknowledgment will not in any way affect my right to appeal the denial.

\_\_\_\_\_  
Signature of Requestor  
-----

**DUPAGE WATER COMMISSION**

**NOTICE OF EXTENSION OF TIME TO RESPOND  
TO REQUEST FOR PUBLIC RECORDS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request").

Pursuant to the Illinois Freedom of Information Act, the original due date for a response by the Commission to Your Request is \_\_\_\_\_, 20\_\_.

**I. Extension of Time to Respond**

Pursuant to Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the Commission hereby notifies you that the time to respond to Your Request is extended for \_\_\_\_\_ Business Days as to all records identified in Section II below (the "Specified Records").

Accordingly, the Commission will respond to Your Request as it relates to the Specified Records on or before \_\_\_\_\_, a date that is not more than 10 Business Days after the date on which Your Request was originally received by the Commission.

**II. Specified Records**

This extension applies to the following public records included in Your Request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You will receive a separate response from the Commission regarding Your Request as it relates to any public records that are not listed above.

III. Justification for Extension

This extension is necessary because:

\_\_\_\_\_ The Specified Records are stored in whole or in part at a location other than the office in charge of the Specified Records.

\_\_\_\_\_ Your Request requires the collection of a substantial number of Specified Records.

\_\_\_\_\_ Your Request is couched in categorical terms and requires an extensive search for responsive records.

\_\_\_\_\_ The Specified Records have not been located in the course of routine search and additional efforts are being made to locate them.

\_\_\_\_\_ The Specified Records require examination and evaluation by personnel having the necessary expertise and discretion to determine if they are exempt from disclosure under Sections 7 or 7.5 of the Illinois Freedom of Information Act, 5 ILCS 140/7 and 5 ILCS 140/7.5, or should be disclosed only with appropriate deletions.

\_\_\_\_\_ Your Request requires consultation with another public body or among two or more bodies of the Commission that have a substantial interest in the response to, or the subject matter of, Your Request.

\_\_\_\_\_ The Specified Records cannot be produced within the time prescribed by the Act without unduly burdening or interfering with the operations of the Commission because:

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

STATE OF ILLINOIS     )  
  )  
COUNTY OF \_\_\_\_\_ )     SS.

PROOF OF SERVICE

I, \_\_\_\_\_, being duly sworn on oath, state that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on or about the hour of \_\_\_\_\_ .m., I personally delivered or mailed the foregoing document entitled "NOTICE OF EXTENSION OF TIME TO RESPOND TO REQUEST FOR PUBLIC RECORDS" by:

\_\_\_ Personally handing it to the person to whom it is addressed.

\_\_\_ Delivering it to the property located at:  
\_\_\_\_\_  
\_\_\_\_\_

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

\_\_\_ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**Request for Extension Agreement**

**DUPAGE WATER COMMISSION**

REQUEST FOR PUBLIC RECORDS

REQUEST FOR EXTENSION AGREEMENT

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for the inspection, copying, or certification of certain Commission public records ("Your Request").

The Commission hereby requests an extension of the deadline for a response by the Commission to Your Request until \_\_\_\_\_, 20\_\_\_. If you consent to this extension, please sign the enclosed Extension Agreement and return it to the Commission Freedom of Information Officer as soon as possible. The Freedom of Information Officer will then execute the Extension Agreement and return a fully executed copy to you.

If you have any questions regarding the Extension Agreement, please contact the Freedom of Information Officer at (630) 834-0100.

Dated: \_\_\_\_\_, 20\_\_

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

DUPAGE WATER COMMISSION  
REQUEST FOR PUBLIC RECORDS

EXTENSION AGREEMENT

Pursuant to Section 3(e) of the Illinois Freedom of Information Act, 5 ILCS 140/3(e), the DuPage Water Commission ("Commission") and \_\_\_\_\_ ("Requestor") hereby agree as follows:

- A. The Requestor has submitted a request for the inspection, copying, or certification of certain Commission public records, dated \_\_\_\_\_, 20\_\_ ("Request").
- B. The original due date for a Response by the Commission to the Request is \_\_\_\_\_, 20\_\_.
- C. The Commission requires additional time to respond to the Request.
- D. The Requestor agrees to extend the deadline for a response by the Commission to the Request until \_\_\_\_\_, 20\_\_.
- E. The Requestor acknowledges and agrees that any failure by the Commission to comply with any deadlines set forth in the Illinois Freedom of Information Act, or with any previous deadlines mutually agreed between the Commission and the Requestor, will not be treated as a denial of the Request.

REQUESTOR:

DUPAGE WATER COMMISSION:

By: \_\_\_\_\_  
Print: \_\_\_\_\_

By: \_\_\_\_\_  
Freedom of Information Officer

Date: \_\_\_\_\_, 20\_\_

Date: \_\_\_\_\_, 20\_\_

**DUPAGE WATER COMMISSION**

**NOTICE TO MEET AND CONFER TO  
NARROW CATEGORICAL REQUEST FOR  
PUBLIC RECORDS TO MANAGEABLE PROPORTIONS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for inspection, copying, or certification of the following categories of Commission public records (the "Specified Records"):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that your request for the Specified Records has been determined to be unduly burdensome pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g), because the burden on the Commission of providing the Specified Records outweighs the public interest in disclosure of the information contained in the Specified Records. Specifically, but without limitation, providing the Specified Records would be unduly burdensome to the Commission in that there is no way for the Commission to narrow Your Request based on the information provided by you and:

\_\_\_\_\_  
\_\_\_\_\_

I hereby extend to you an opportunity to meet and confer with \_\_\_\_\_ in an attempt to narrow your request to manageable proportions. Please call \_\_\_\_\_ at (630) 834-0100 between 8:30 a.m. and noon or 1:00 p.m. and 4:30 p.m., Monday through Friday, in order to schedule a conference.

If you do not take advantage of this opportunity to meet and confer, your request will be denied on the fifth Business Day after the date of this notice.

Dated: \_\_\_\_\_.

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

STATE OF ILLINOIS     )  
  )  
COUNTY OF \_\_\_\_\_ )     SS.

PROOF OF SERVICE

I, \_\_\_\_\_, being duly sworn on oath, state that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on or about the hour of \_\_\_\_\_ .m., I personally delivered or mailed the foregoing document entitled "**NOTICE TO MEET AND CONFER TO NARROW CATEGORICAL REQUEST FOR PUBLIC RECORDS TO MANAGEABLE PROPORTIONS**" by:

\_\_\_ Personally handing it to the person to whom it is addressed.

\_\_\_ Delivering it to the property located at:

\_\_\_\_\_  
\_\_\_\_\_

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

\_\_\_ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**Acknowledgment of Narrowed Request**

**DUPAGE WATER COMMISSION**

**ACKNOWLEDGMENT OF NARROWED REQUEST**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A. You have submitted a request for the inspection, copying, or certification of certain Commission public records, dated \_\_\_\_\_, 20\_\_ ("Initial Request").

B. On \_\_\_\_\_, 20\_\_, the Commission delivered a Notice to Meet and Confer to you, pursuant to Section 3(g) of the Illinois Freedom of Information Act, 5 ILCS 140/3(g). The Notice to Meet and Confer indicated that the Commission deemed your Initial Request to be unduly burdensome because the burden on the Commission of providing the requested records outweighs the public interest in disclosure of the information contained in the requested records.

C. On \_\_\_\_\_, 20\_\_, you met with the undersigned Commission Freedom of Information Officer in an attempt to narrow the Initial Request to manageable proportions.

D. You and the Commission have agreed to narrow the Initial Request to include only the following Commission public records ("Narrowed Request"):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. The Commission will respond to the Narrowed Request within the applicable time set forth in the Illinois Freedom of Information Act, measured from the date of your meeting with the Commission Freedom of Information Officer.

Dated: \_\_\_\_\_.

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

Acknowledged and agreed this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Requestor

## DUPAGE WATER COMMISSION

### DENIAL OF REQUEST FOR PUBLIC RECORDS

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for inspection, copying, or certification of certain Commission public records ("Your Request").

#### 1. Denial of Request

\_\_\_\_ Your Request is hereby denied in its entirety. The reason(s) for denial are stated in Paragraph 5 below.

\_\_\_\_ Your Request has been denied in part. The records for which Your Request is denied are identified below. (The records for which Your Request is approved are identified in the enclosed Notice of Approval.)

Your Request is denied as to the following records (the "Specified Records"):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 2. Responsible Official

The Commission's Freedom of Information Officer is the official responsible for this denial.

#### 3. Notice of the Right to Review by Illinois Attorney General

You have the right to file a request for review of Your Request and this Notice of Denial by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at \_\_\_\_\_ (address), or by telephone at (\_\_\_\_) \_\_\_\_\_.

#### 4. Notice of Right to Judicial Review

Under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/11, you have the right to seek judicial review of this denial. The Commission cannot advise or represent you in this matter. You should consult your own legal counsel.

**5. Justification for Denial**

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to the Illinois Freedom of Information Act for the following reason or reasons (references are to sections of the Act):

- \_\_\_ The Specified Records are neither prepared by or for the Commission, nor have the Specified Records been or are being used by, or received by, the Commission. § 1, § 2(c)
- \_\_\_ The Specified Records are not within the Commission's possession or control, nor are the Specified Records related to a governmental function and in the possession of a party with whom the Commission has contracted to perform that governmental function on behalf of the Commission. § 1, § 2(c), § 7(2)
- \_\_\_ Your Request, couched in categorical terms, is unduly burdensome because the burden on the Commission of complying with Your Request outweighs the public interest in providing the Specified Records, and efforts to reduce Your Request to manageable proportions have been unsuccessful. § 1, § 3(g)
- \_\_\_ Your Request is unduly burdensome because you have repeatedly requested the Specified Records or similar public records, which records are unchanged or identical to records previously provided or properly denied pursuant to the Act. § 3(g)
- \_\_\_ Disclosure of the Specified Records is prohibited by Federal or State law. § 7(1)(a)
- \_\_\_ The Specified Records are private information. § 2(c-5), § 7(1)(b)
- \_\_\_ The Specified Records are maintained by one or more law enforcement agencies and are specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects. § 7(1)(b-5)
- \_\_\_ Disclosure of the Specified Records would or could interfere with a pending, ongoing, or actually and reasonably contemplated criminal or administrative enforcement by the Commission. § 7(1)(d)
- \_\_\_ Disclosure of the Specified Records would or could disclose confidential sources or investigative techniques or information, or would or could endanger the life or physical safety of any person. § 7(1)(d)
- \_\_\_ The Specified Records relate to the security of correctional institutions or detention facilities. § 7(1)(e)

**General Notice of Denial / Partial Denial of Request – Page 3**

- The Specified Records contain trade secrets or commercial or financial information furnished to the Commission under a claim that they are proprietary, privileged, or confidential, and that disclosure would cause competitive harm to the furnisher of the information. § 7(1)(g)
- The Specified Records constitute proposals or bids for a contract, grant, or agreement that has not been awarded or for which a final selection has not been made or would, if disclosed, frustrate or compromise the Commission's procurement procedures. § 7(1)(h)
- The Specified Records constitute information prepared by or for the Commission in preparation of a bid solicitation for which no award or final selection has been made. § 7(1)(h)
- The Specified Records are valuable formulae, computer geographic systems, designs, drawings, or research data. § 7(1)(i)
- The Specified Records contain information pertaining to specified educational matters that are exempt from disclosure. § 7(1)(j)
- Disclosure of the Specified Records would compromise the security of a project constructed with public funds. § 7(1)(k)
- The Specified Records are plans, technical submissions or other construction related technical documents for projects not constructed in whole or in part with public funds. § 7(1)(k)
- The Specified Records are minutes of closed meetings of the Commission and are not subject to public inspection pursuant to the Open Meetings Act. § 7(1)(l)
- The Specified Records constitute or reflect communications between the Commission and an attorney or auditor that are not subject to discovery in litigation. § 7(1)(m)
- The Specified Records were prepared or compiled at the request of an attorney advising the Commission in anticipation of criminal, civil, or administrative proceedings. § 7(1)(m)
- The Specified Records were prepared or compiled with respect to an internal audit of the Commission. § 7(1)(m)
- The Specified Records relate to adjudication of an employee grievance or disciplinary case. § 7(1)(n)
- Disclosure of the Specified Records would jeopardize the security of a data processing system, of the data contained therein, or of other related data processing materials. § 7(1)(o)

**General Notice of Denial / Partial Denial of Request – Page 4**

- The Specified Records relate to employee collective bargaining matters and do not constitute a final collective bargaining agreement. § 7(1)(p)
- The Specified Records are examination data used to determine employment or license qualifications. § 7(1)(q)
- The Specified Records relate to pending negotiations for the purchase or sale of real estate. § 7(1)(r)
- The Specified Records relate to pending or contemplated eminent domain proceedings and are not subject to discovery pursuant to the rules of the Illinois Supreme Court. § 7(1)(r)
- The Specified Records are proprietary information related to the operation of an intergovernmental risk management association, self-insurance pool, or jointly self-administered health and accident cooperative or pool. § 7(1)(s)
- The Specified Records are insurance or self-insurance records. § 7(1)(s)
- The Specified Records are information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures. § 7(1)(u)
- The Specified Records concern vulnerability assessments, security measures, or response policies or plans designed to identify, protect, or respond to potential attacks on a community's population or systems, facilities, or installations. § 7(1)(v)
- The Specified Records are maps or other records regarding the location or security of utility or power generator facilities. § 7(1)(x)
- The Specified Records are records of proposals, bids, or negotiations related to the procurement of electric power. § 7(1)(y)
- The Specified Records are library circulation or order records identifying library uses with specific materials, or provided in the Library Records Confidentiality Act. § 7.5(b)
- The Specified Records are held by an authorized representative of the Illinois Department of Public Health and relate to known or suspected cases of sexually transmissible disease, or other information the disclosure of which is prohibited under the Illinois Sexually Transmissible Disease Control Act. § 7.5(d)
- The Specified Records concern an enforcement proceeding under the Commission's ethics regulations. § 7.5(h)

**General Notice of Denial / Partial Denial of Request – Page 5**

\_\_\_ The Specified Records are information contained in a local emergency energy plan. § 7.5(i)

\_\_\_ The Specified Records concern the distribution of surcharge moneys collected and distributed by wireless carriers under the Wireless Emergency Telephone Safety Act. § 7.5(j)

\_\_\_ The Specified Records are law enforcement identification information or driver identification information compiled pursuant to Section 11-212 of the Illinois Vehicle Code. § 7.5(k)

\_\_\_ The Specified Records are records or information provided to a residential health care facility resident sexual assault and death review team. § 7.5(l)

\_\_\_ The Specified Records constitute defense budget and petitions for certifications of compensation and expenses for court-appointed trial counsel under Sections 10 and 15 of the Capital Crimes Litigation Act. § 7.5(n)

\_\_\_ The Specified Records relate to security portions of system safety program plans, reports, and other information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act. § 7.5(p)

\_\_\_ Disclosure of the Specified Records is prohibited by the Personnel Records Review Act. § 7.5(q)

\_\_\_ Disclosure of the Specified Records is prohibited by the Illinois School Student Records Act. § 7.5(r)

\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_.

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

STATE OF ILLINOIS        )  
  )  
COUNTY OF \_\_\_\_\_ )        SS.

PROOF OF SERVICE

I, \_\_\_\_\_, being duly sworn on oath, state that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on or about the hour of \_\_\_\_\_ .m., I personally delivered or mailed the foregoing document entitled "**DENIAL OF REQUEST FOR PUBLIC RECORDS**" by:

\_\_\_ Personally handing it to the person to whom it is addressed.

\_\_\_ Delivering it to the property located at:

\_\_\_\_\_  
\_\_\_\_\_

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

\_\_\_ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

# DUPAGE WATER COMMISSION

## NOTICE OF INTENT TO DENY REQUEST FOR PUBLIC RECORDS

To: Public Access Counselor  
Office of the Illinois Attorney General

\_\_\_\_\_  
\_\_\_\_\_, Illinois \_\_\_\_\_

To: \_\_\_\_\_ ("Requestor")

\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received a written request from the Requestor for inspection, copying, or certification of certain Commission public records ("Request"). The Commission has determined that all or a portion of the records identified in the Request are exempt from disclosure under Sections 7(1)(c) and/or 7(1)(f) of the Freedom of Information Act, 5 ILCS 140/7(1)(c) and 5 ILCS 140/7(1)(f) ("Exempt Records"), for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to Section 9.5(b) of the Illinois Freedom of Information Act, the Commission hereby notifies you of its intent to deny the Request with respect to the Exempt Records. Copies of the Request, and of the Commission's proposed notice of denial to the Requestor, are enclosed.

Dated \_\_\_\_\_, 20\_\_\_\_

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

STATE OF ILLINOIS     )  
  )  
COUNTY OF \_\_\_\_\_ )     SS.

PROOF OF SERVICE

I, \_\_\_\_\_, being duly sworn on oath, state that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on or about the hour of \_\_\_\_\_ .m., I personally delivered or mailed the foregoing document entitled "**NOTICE OF INTENT TO DENY REQUEST FOR PUBLIC RECORDS**" by:

\_\_\_ Personally handing it to the person or persons to whom it is addressed.

\_\_\_ Delivering it to the property located at:

\_\_\_\_\_  
\_\_\_\_\_

which property is believed by me to be the residence, office, or other location of the person or persons to whom the document is addressed.

\_\_\_ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**DUPAGE WATER COMMISSION**

**DENIAL OF REQUEST FOR PUBLIC RECORDS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On \_\_\_\_\_, the DuPage Water Commission received your written request for inspection, copying, or certification of certain Commission public records ("Your Request").

**1. Denial of Request**

\_\_\_ Your Request is hereby denied in its entirety. The reason(s) for denial are stated in Paragraph 5 below.

\_\_\_ Your Request has been denied in part. The records for which Your Request is denied are identified below. (The records for which Your Request is approved are identified in the enclosed Notice of Approval.)

Your Request is denied as to the following records (the "Specified Records"):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Responsible Official**

The Commission's Freedom of Information Officer is the official responsible for this denial.

**3. Notice of the Right to Review by Illinois Attorney General**

You have the right to file a request for review of Your Request and this Notice of Denial by the Public Access Counselor of the Office of the Illinois Attorney General. The Public Access Counselor may be contacted at \_\_\_\_\_ (address), or by telephone at (\_\_\_\_) \_\_\_\_\_.

**4. Notice of Right to Judicial Review**

Under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/11, you have the right to seek judicial review of this denial. The Commission cannot

advise or represent you in this matter. You should consult your own legal counsel.

**5. Justification for Denial**

Your Request is being denied with respect to the Specified Records because the Specified Records are exempt from disclosure pursuant to the Illinois Freedom of Information Act for the following reason or reasons (references are to sections of the Act):

- \_\_\_\_\_ Disclosure of the Specified Records would constitute a clearly unwarranted invasion of personal privacy. § 1, § 7(1)(c)
  
- \_\_\_\_\_ The Specified Records are preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or policies or actions are formulated. § 7(1)(f)

Dated: \_\_\_\_\_.

DUPAGE WATER COMMISSION

By: \_\_\_\_\_  
Freedom of Information Officer

STATE OF ILLINOIS        )  
  )  
COUNTY OF \_\_\_\_\_ )        SS.

PROOF OF SERVICE

I, \_\_\_\_\_, being duly sworn on oath, state that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, on or about the hour of \_\_\_\_\_ .m., I personally delivered or mailed the foregoing document entitled "**DENIAL OF REQUEST FOR PUBLIC RECORDS**" by:

\_\_\_ Personally handing it to the person to whom it is addressed.

\_\_\_ Delivering it to the property located at:

\_\_\_\_\_  
\_\_\_\_\_

which property is believed by me to be the residence, office, or other location of the person to whom the document is addressed.

\_\_\_ Placing it in an envelope addressed to the person to whom it is addressed at the address to which it is addressed and depositing said envelope, with proper postage affixed, in the United States post office or mail box located at:

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

# DUPAGE WATER COMMISSION

## FREEDOM OF INFORMATION ACT

### ORGANIZATIONAL DESCRIPTION

#### I. ORGANIZATION, PURPOSES, AND POWERS.

The DuPage Water Commission is a county water commission, body politic and corporate, political subdivision, and unit of local government existing and operating under the Water Commission Act of 1985, 70 ILCS 3720/0.01 et seq., and Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 et seq. (collectively, the "Act"). The Commission was created under the Act to finance, construct, acquire, and operate a water supply system to serve municipalities in the territory of the Commission (primarily DuPage County, Illinois) and other potential water purchasers. The Commission may exercise all powers, functions, and duties of a commission created under the Act, as now or hereafter amended, including, among others, constructing and operating a waterworks system; providing recreational facilities on its acquired properties; issuing revenue bonds to carry out its corporate purposes and powers; establishing rates and charges for water supplied; condemning private property; and taxing property and transactions within its territory.

Responsibility for the Commission's operating and financial policies is vested in its Board of Commissioners. The Board of Commissioners consists of: a Chairman, appointed by the Chairman of the DuPage County Board with the advice and consent of the County Board and with the advice and consent of the Board of Commissioners; one Commissioner from each of the six DuPage County Board districts, appointed by the Chairman of the County Board with the advice and consent of the County Board; and one Commissioner from each DuPage County Board district, appointed by majority vote of the mayors of municipalities which are "included units," and which have the greatest percentage of their respective populations residing within the respective districts. "Included units" are local governments with waterworks systems that have within their corporate limits territory within DuPage County, with the exception of the City of West Chicago and certain local governments which, as of the effective date of the Act, received more than 25% of their water from sources outside DuPage County. The Commissioners appointed by the Chairman of the DuPage County Board and by the mayors of such municipalities, respectively, serve staggered six year terms with approximately one third of the terms expiring every two years.

Day to day management of the Commission's administrative and operating functions are the responsibility of the General Manager, who reports directly to the Board of Commissioners. The General Manager is responsible for all administrative functions, including hiring and supervising all employees and consultants, superintending all construction related activities, and operating and maintaining all facilities through the policies and directives of the Board of Commissioners.

II. CONTROLLING BOARD.

The Board of Commissioners:

S. Louis Rathje, Chairman

**DISTRICT 1**

Larry Hartwig, Municipal  
William J. Maio, County

**DISTRICT 2**

William Mueller, Municipal, Vice-Chairman  
Elizabeth Chaplin, County

**DISTRICT 3**

William Murphy, Municipal  
Thomas Bennington, Count

**DISTRICT 4**

Gregory Mathews, Municipal  
Timothy Elliott, County

**DISTRICT 5**

Allan L. Poole, Municipal  
Donald G. Zeilenga, County

**DISTRICT 6**

Frank Saverino, Municipal  
James Zay, County

III. COMMITTEES AND OTHER ADVISORY BODIES.

Administration Committee: William Murphy, Chair; Elizabeth Chaplin; Timothy Elliott; and James Zay

Engineering and  
Construction Committee: William J. Maio, Chair; Larry Hartwig; William Mueller; and Allan Poole

Finance Committee: Gregory Mathews, Chair; Thomas Bennington; Frank Saverino; and Donald G. Zeilenga

IV. FUNCTIONAL SUBDIVISIONS.

The block diagram attached hereto depicts the functional subdivisions of the Commission.

V. COMMISSION EMPLOYEES.

The Commission employs approximately 36 full-time employees and one part-time employee.

VI. OPERATING BUDGET.

The total amount of the Commission's operating budget, including budgeted capital expenditures, for Fiscal Year 2009-2010 is \$91,160,000.00.

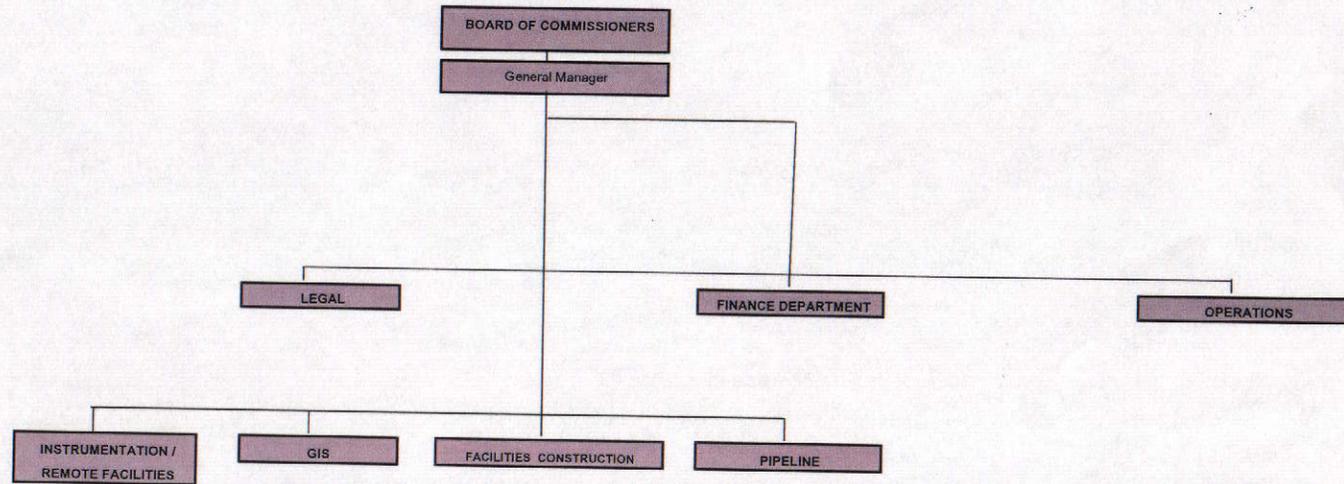
VII. COMMISSION OFFICES.

The Commission maintains offices at the following location:

DuPage Pumping Station  
600 East Butterfield Road  
Elmhurst, Illinois 60126-4642

The foregoing information is provided pursuant to  
Section 4(a) of the Illinois Freedom of Information Act, 5 ILCS 140/4(a).

DuPAGE WATER COMMISSION  
ORGANIZATIONAL CHART  
FISCAL YEAR 2008-2009



# DUPAGE WATER COMMISSION

## FREEDOM OF INFORMATION ACT

### REQUESTS FOR PUBLIC RECORDS: OVERVIEW

The DuPage Water Commission maintains comprehensive Rules and Regulations Implementing the Illinois Freedom of Information Act (the "FOIA Rules"), which provide procedures, instructions, and forms for obtaining Commission public records.

This document provides a brief summary of the Commission's FOIA Rules.

All requests to inspect, copy, or certify public records must be submitted to the Commission in writing. The Commission encourages Requestors to submit their requests on the convenient form provided by the Commission, which is available at the Commission's headquarters **[and on the Commission's website]**. The Commission will review all written requests in any form. The Commission will respond to each written request to inspect, copy, or certify public records in a manner consistent with the Illinois Freedom of Information Act.

Copies of public records will be provided upon payment of a copying fee, if applicable, as provided in Section IV of the FOIA Rules. If requested, copies of public records will be mailed after the Commission receives payment of the actual cost of postage and copying.

Requests and other communications regarding Commission records relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules, and all requests for any other information relating to the Commission's implementation of the Illinois Freedom of Information Act must be directed to:

Freedom of Information Officer  
DuPage Water Commission  
DuPage Pumping Station  
600 East Butterfield Road  
Elmhurst, Illinois 60126 4642  
Phone: (630) 834-0100  
Facsimile: (630) 834-0120  
E-mail: \_\_\_\_\_

---

The foregoing information is provided pursuant to Section 4(b)  
of the Illinois Freedom of Information Act, 5 ILCS 140/4(b).

---