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February 2, 2016

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IN REPLY REFER TO FILE NO.

David Pollard
Reporter
Elm Leaves
777 W. Chicago Avenue
Chicago, Illinois 60654
dpollard@pioneerlocal.com

EP-1

Re: Freedom of Information Act Request

Dear Mr. Pollard:

On January 26, 2016, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

- "- A list of the number of Village of Elmwood Park employees by municipal department that are eligible to retire or are currently planning to retire this year (2016) and over the next three years.
- A copy of village bylaws, ordinances, state or any federal laws that may apply that states the minimum number of employees needed for each municipal department under Village of Elmwood Park to function and how many are currently employed in each departments to date."

On January 28, 2016, I sent you correspondence on behalf of the Village of Elmwood Park asking you to provide a more detailed explanation of the records you are seeking in the first item of your FOIA request. Specifically, I requested that you clarify what you mean by the term "retire." The term "retire" can implicate certain age requirements and/or an employee's ability to draw on his or her pension. In order to ensure proper compliance with your FOIA request, the Village of Elmwood Park requested that you explain what you mean by the term "retire." As of today, you have not contacted our office or the Village of Elmwood Park to clarify this item of your FOIA request. Once the Village of Elmwood Park receives this clarification from you, it will be able to conduct a proper search for responsive records.

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In regards to the second item of your FOIA request, please be advised that this item of your FOIA request is denied in part and granted in part. The Village of Elmwood Park maintains no documents responsive to the portion of your request seeking, “[a] copy of village bylaws, ordinances, state or any federal laws that may apply that states the minimum number of employees needed for each municipal department under Village of Elmwood Park to function.” Enclosed please find a record responsive to the second portion of your request seeking, “how many are currently employed in each departments to date.”

The person responsible for the decision to deny a portion of your FOIA request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General’s Office. You can file your Request for Review with the Public Access Counselor by writing to:

Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN
Attorneys for the Village of Elmwood Park


Erin C. Tinaglia

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