



MILTON TOWNSHIP
EFFECTIVE LOCAL GOVERNMENT SINCE 1850

Elizabeth Higgins-Beard, Supervisor
Chris LeVan, Assessor
Michael H. Drew, Highway Commissioner
Dan Bailey, Town Clerk

Jacqueline McGrath, Trustee
Paul McGowen, Trustee
Larry L. Pitts, Trustee
Stephen Siemer, Trustee

September 11, 2025

Re: Milton Township
John Kraft FOIA Request
Request for Reconsideration
Dated: September 2, 2025

Dear Mr. Kraft:

About your request of September 2, 2025 for a reconsideration of your Freedom of Information Act Request, dated August 23, 2025 in light of the Madison County example.

We have reviewed the Madison County AG determination letter you provided and conclude it is distinguishable from your FOIA for Food Pantry records. The Milton Township Food Pantry, Inc. (the "Corporation") has a separate legal existence from Milton Township (the "Township"), and while Milton Township certainly has influence over the Corporation, the Township does not exercise the same degree of control over Corporation as the Madison County Transit District ("MCT") exercised over its not-for-profit corporation. In the MCT situation, the MCT Managing Director also served as the not-for-profit corporation's Executive Director and its Secretary/Treasurer, a role which had him reviewing all expenditures of the not-for-profit. Moreover, the sole purpose of the not-for-profit's existence was to provide public transportation services for MCT for which it received a substantial amount of money. In other words, the not-for-profit's sole mission was to perform MCT's governmental function for it in exchange for money. That is not the situation here. Operation of a food pantry is not inherently a governmental function, and the Corporation receives most of its funding from non-Township sources.

Accordingly, we restate that the Township's denial of your FOIA request per my August 29, 2025 email.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, the Township has made the determination to deny a portion of your FOIA Request, as indicated above. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this response with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: public.access@ilag.gov. You may also have a right of judicial review of the denial under Section 11 of FOIA, 5 ILCS 140/11.

Please do not hesitate to contact me with any questions."

Sincerely,

Dan Bailey



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