



AMERICANS FOR
PROSPERITY
ILLINOIS

September 15, 2022

VIA E-MAIL

Rebecca Hume, Village Clerk
Village of Arlington Heights
Email: rhume@vah.com

Re: Freedom of Information Act Request

I write on behalf of Americans for Prosperity – Illinois (“AFP-IL”), a 501(c)(4) nonpartisan organization. AFP-IL is investigating the corporate welfare programs offered by the Village of Arlington Heights, including the special deal the Village is negotiating behind closed doors to force taxpayers to subsidize the Chicago Bears football stadium. [According to our polling](#), 68% of Arlington Heights voters disapprove of supporting the project with taxpayer dollars, compared to only 22% support.¹ The poll also found strong support for AFP-IL’s proposed [Anti-Corporate Welfare Ordinance](#), which would prohibit the Village from using taxpayer funds to help build a stadium or other corporate welfare programs, by a 55%–30% margin.²

Pursuant to the Illinois Freedom of Information Act (“FOIA”), 5 ILL. COMP. STAT. 140/1 *et seq.*, AFP-IL hereby requests the following records:³

- 1) All communications (*e.g.*, e-mail, text, instant messaging, *etc.*) sent or received by the following records custodians from April 1, 2022 to the present:⁴
 - a. Mayor Tom Hayes
 - b. Village Manager Randall Recklaus
 - c. Business Development Manager Michael Mertes

¹ *POLL: Voters Strongly Oppose Taxpayer Funded Bears Stadium*, AMS. FOR PROSPERITY, (Aug. 23, 2022), <https://americansforprosperity.org/poll-voters-strongly-oppose-taxpayer-funded-bears-stadium/>.

² *Taxpayers Shouldn’t Have to Bear the Cost of New Bears Stadium*, AMS. FOR PROSPERITY, (Aug. 2, 2022), <https://americansforprosperity.org/taxpayers-shouldnt-have-to-bear-the-cost-of-new-bears-stadium/>.

³ For purposes of this request, the term “record” means any medium of information storage in the form and format maintained by the agency at the time of the request. If any portion of a “record,” so defined, is responsive to AFP-IL’s request, then the Village should process and disclose the record in its entirety. If the Village considers a medium of information storage to contain multiple records that it believes can be segmented on the basis of the subject-matter or scope of AFP-IL’s request, AFP-IL explicitly seeks access to those separate “records” as well. They should not be treated as “non-responsive.”

⁴ For purposes of this request, the term “present” should be construed as the date on which the Village begins its search for responsive records. *See Pub. Citizen v. Dep’t of State*, 276 F.3d 634 (D.C. Cir. 2002).

d. Director of Planning and Community Development Charles Witherington-Perkins

that include any of the following keyword combinations:

- 1) "corporate welfare"
 - 2) "financial incentive"
 - 3) "Tax Increment Finance" OR "TIF"
 - 4) "Chicago Bears"
 - 5) "Bears"
 - 6) "stadium"
 - 7) "subsidy" OR "subsidies"
 - 8) "Industrial Revenue Bonds"
 - 9) "Class 6b"
 - 10) "tax abatement"
 - 11) "Retail Small Business Incentive Program"
 - 12) "Americans for Prosperity" OR "AFP"
 - 13) "Costin"
- 2) The following records regarding Tax Increment Financing districts (TIF) in Arlington Heights:
- a. All TIF Annual Reports other than the reports covering 2021 currently available on the Village website
 - b. The original TIF Redevelopment Plan for each TIF district and any amendments
 - c. The original TIF Eligibility Report and any amendments
- 3) Records sufficient to identify the amount of money the Village holds in escrow from the Chicago Bears
- 4) Records sufficient to identify the recipient and the amount provided under the following incentive programs: Zero Interest Loan Program, Retail Small Business Incentive Program, Class 6b Tax Abatement Program, or Industrial Revenue Bonds
- 5) All FOIA requests, responses, and documents produced from April 7, 2022 to the present related to the keywords above.

For the purposes of this request, please omit daily news clippings or other mass mailings unless there is commentary related to them. For all items of this request, if the Village uncovers responsive e-mail records, AFP-IL's request specifically seeks the entirety of any e-mail chain, any portion of which contains an individual e-mail message responsive to this request, *i.e.*, the entire e-mail chain is responsive to this request.

Request for a Public Interest Fee Waiver

AFP-IL requests a waiver of any and all applicable fees. The FOIA provides that the agency shall furnish requested records without charge if "the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal

rights of the general public and is not for the principal purpose of personal or commercial benefit.”⁵

AFP-IL intends to educate the public with the results of this FOIA request and how the documents relate to their “welfare and legal rights.” It has the intent and ability to make those results available to a reasonably broad public audience through various media. Its staff has significant experience and relevant expertise; AFP-IL professionals will analyze responsive records, if any, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public. AFP-IL is a non-profit organization as defined under Section 501(c)(4) of the Internal Revenue Code, and it has no commercial interest in making this request.

Record Production and Contact Information

To facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, AFP-IL requests that those records be produced first, and the remaining records be produced on a rolling basis as circumstances permit. If you have any questions about this request, please contact me at bcostin@afphq.org. Thank you for your attention to this matter.

/s/ Brian Costin

BRIAN COSTIN
DEPUTY STATE DIRECTOR, AFP-IL

⁵ 5 ILL. COMP. STAT. 140/6(c).