



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 8, 2017

Via electronic mail



RE: OMA Request for Review – 2017 PAC 46079

Dear [REDACTED]:

The Public Access Bureau has received your Request for Review alleging a possible violation of the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2016)) by the Village of Princeville (Village). Our review of the information you have furnished, however, provides no basis for the Public Access Counselor to conclude that the Village has violated OMA.

Pursuant to section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2016)), "[a] person who believes that a violation of this Act by a public body has occurred may file a request for review with the Public Access Counselor[.]" which "must include a summary of the facts supporting the allegation." Your Request for Review indicates that you submitted a Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2016)) request to the Village on January 16, 2017, seeking copies of its committees' meeting times. In response, the Village provided you with a record indicating that meetings for each of the committees are scheduled as needed and held in the board room of the Princeville Village Hall, and that notice and an agenda are posted at least 48 hours prior to committee meetings. You allege that the Village violated section 2.01 of OMA (5 ILCS 120/2.01 (West 2016)) by failing to provide specified times and places for committee meetings.

Section 2.01 of OMA provides, in pertinent part: "All meetings required by the Act to be public shall be held at specified times and places which are convenient and open to the public." This is a general requirement aimed at ensuring members of the public have the opportunity to attend open meetings. Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2016)) requires that "[e]very public body shall give public notice of the *schedule of regular meetings* at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings[.]" (Emphasis added.) Furthermore, section 2.03 of OMA (5 ILCS 120/2.03


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(West 2014)) states that "[i]n addition to the notice required by Section 2.02, each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a ***schedule of all its regular meetings*** for such calendar or fiscal year, listing the times and places of such meetings." (Emphasis added.) The plain language of these statutory provisions applies to "regular" meeting, not special, reconvened, rescheduled, or emergency meetings, which are otherwise mentioned in OMA and, by their nature, cannot be scheduled at the beginning of the calendar or fiscal year.

In a telephone conversation with an Assistant Attorney General in the Public Access Bureau on February 3, 2017, the Village Treasurer, Sue Hofer, confirmed that the Village committees do not meet regularly and that most committee business is addressed during regular Village Board meetings. Because the Village committees do not meet regularly during the fiscal or calendar year, there is no schedule of regular meetings to make available to the public. The Village's FOIA response indicated that committee meetings, when held, are held at a specified place – the Village Hall. Further, the record provided to you by the Village indicates that 48 hours' notice of committee meetings is provided as required by sections 2.02(a) and 2.02(b) of OMA (5 ILCS 120/2.02(b) (West 2016)). Therefore, this office concludes that your request for review is unfounded.

If you have any questions, you may contact me at (312) 814-5383 or the Chicago address on the first page of this letter. This letter serves to close this matter.

Very truly yours,


S. PIYA MUKHERJEE
Assistant Attorney General
Public Access Bureau

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