



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 6, 2018

Via electronic mail



Via electronic mail
The Honorable Becca Bailey
Trustee, Village of Kappa
505 Jones Street
Kappa, Illinois 61738



Via electronic mail
The Honorable La Verna Chambers
Trustee, Village of Kappa
208 Pearl Street
Kappa, Illinois 61738



RE: OMA Request for Review – 2018 PAC 52413

Dear [REDACTED], Ms. Bailey, and Ms. Chambers:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2016)). For the reasons explained below, the information you have furnished provides no basis on which the Public Access Counselor can conclude that the Board of Trustees (Board) of the Village of Kappa (Village) violated OMA in connection with its January 8, 2018, February 12, 2018, and March 12, 2018, meetings.

On March 28, 2018, [REDACTED], Trustee Becca Bailey, and Trustee La Verna Chambers together submitted one Request for Review alleging that the Board violated OMA, as well as the First Amendment rights of Trustee Chambers, during its January 8, 2018,

Ms. Becca Bailey
Ms. La Verna Chambers
April 6, 2018
Page 2

February 12, 2018, and March 12, 2018, meetings. Specifically, the Request for Review alleged that Trustee Chambers was prevented from voicing her opinions and concerns to the Board either during the regular meeting or the public comment portions of the January, February, and March meetings.

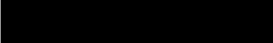
Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2016)) provides:

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 established in the Office of the Attorney General not later than 60 days after the alleged violation. * * * The request for review * * * must include a summary of the *facts supporting the allegation*. (Emphasis added.)

As an initial matter, this Request for Review was submitted more than 60 days after the January 12, 2018, meeting, so the Public Access Counselor is precluded from addressing violations alleged to have occurred at that time. Further, the Public Access Counselor's authority to resolve disputes is limited to alleged violations of OMA and the Freedom of Information Act (5 ILCS 140/1 *et seq.* (West 2016)). See 15 ILCS 205/7(c)(3) (West 2016). Therefore, this office cannot address any alleged violations of Trustee Chambers' constitutional rights. The remaining issues, then, are whether by preventing Trustee Chambers from addressing the Board during the February and March meetings or during public comment the Board violated OMA.

The intent of OMA is "to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly." 5 ILCS 120/1(West 2016). To that end, OMA provides for advance notice and the right of the public to attend all meetings where public business is discussed or acted upon. In addition, section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2016)) provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." The provisions of OMA do not address how a public body conducts its meetings or the interactions between the mayor and the trustees, therefore the allegation that Trustee Chambers was prevented from speaking during the meetings does not allege a violation of OMA.

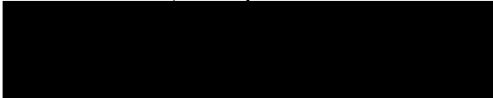
Further, section 2.06(g) is intended to provide the right to address the Board to members of the public, not to the Board members themselves. See Ill. Att'y Gen. Pub. Acc. Op. No. 14-009, issued September 4, 2014, at 4 ("Section 2.06(g) of OMA, which was added by Public Act 96-1473, effective January 1, 2011, now requires that all public bodies subject to the Act provide an opportunity for **members of the public** to address public officials at open


Ms. Becca Bailey
Ms. La Verna Chambers
April 6, 2018
Page 3

meetings." (Emphasis added.)) In contrast, Trustee Chambers' right to address the Board derives from her position as a trustee, rather than from OMA.

Because your complaint that Trustee Chambers was prevented from speaking at the meetings does not allege a violation of OMA, this office has no authority to address your complaint and will take no further action with respect to this matter. This letter serves to close this file. Please contact me at (312) 793-0865 if you have questions or would like to discuss this matter.

Very truly yours,


MARIE HOLLISTER
Assistant Attorney General
Public Access Bureau

52413 o no fi war mun

cc: The Honorable Donald McKinley, Jr.
Village President
Village of Kappa
106 First South Street
El Paso, Illinois 61738