



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 23, 2018

Via electronic mail

RE: OMA Request for Review – 2018 PAC 53311

Dear [REDACTED]

The Public Access Bureau has received your Request for Review, pursuant to section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (2016)), alleging possible violations of OMA by the Township High School District 113 (District) Board of Education (Board). For the reasons that follow, the Public Access Bureau concludes that no further action is warranted in this matter.

On May 24, 2018, the Public Access Bureau received your Request for Review alleging the Board did not give sufficient notice to the public of its May 22, 2018, special meeting that commenced at 8:30 p.m. In a May 29, 2018, telephone call with an Assistant Attorney General (AAG) in the Public Access Bureau, you stated that a person you knew had observed that the agenda for the May 22, 2018, meeting had not been posted on the District's website until the day of the meeting. On May 30, 2018, you provided supplemental correspondence to this office in which you stated a person "wouldn't know there was a meeting because the list of Meeting Times and Dates [on the District's website] wasn't updated with the May 22, 2018 meeting. The way the list appears makes it seem as if there is no meeting on May 22, 2018."¹ You also alleged that the District "post[ed] the Board Meeting Materials (The Agenda, and nothing else), on a different website that's linked to the District Website."²

¹E-mail from [REDACTED] to Matt Hartman, [Assistant Attorney General], [Public Access Bureau] (May 30, 2018).

²E-mail from [REDACTED] to Matt Hartman, [Assistant Attorney General], [Public Access Bureau] (May 30, 2018).

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Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2016)) provides that "[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*." (Emphasis added.) The public policy underlying OMA is "to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly," and that "citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2016).

A public body shall provide "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.) 5 ILCS 120/2.02(a) (West 2016). Under section 2.02(a) of OMA a public body must also provide "[p]ublic notice of any special meeting * * * at least 48 hours before such meeting, which notice shall also include the agenda for the special * * * meeting." Section 2.02(b) of OMA (5 ILCS 120/2.02(b) (West 2016)) further states:

[A] public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved."

Your Request for Review alleged that the Board violated OMA because it did not list the May 22, 2018, special meeting on the schedule of meetings posted on the District's website. OMA requires a public body to give notice of the annual schedule of regular meetings each year and to post that schedule on its website if its full-time staff maintains the website. However, OMA does not require the Board to update the annual schedule of meetings on the District's website to reflect special meetings that have been added by the Board during the course of the year.

You also alleged that the Board violated OMA because the agenda for the May 22, 2018, meeting was not posted on the District's website until the day of the meeting. This office has consistently held that, under section 2.02(b) of OMA, a public body is required to post a copy of the agenda of a special meeting on its website 48 hours before the meeting, if its full-time staff maintains the website. *See, e.g.,* Ill. Att'y Gen. PAC Req. Rev. Ltr. 39850, issued July 31, 2017, at 3-4; Ill. Att'y Gen. PAC Req. Rev. Ltr. 34032, issued May 29, 2015, at 3-4. The information provided in your Request for Review indicates that the PDF version of the agenda was created at 5:09 p.m. on May 20, 2018, and was posted at some point before the meeting on Boardbook.org, which is accessed through a link posted on the District's website. The information you have provided does not offer any basis for this office to conclude that the

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agenda was posted to the linked website less than 48 hours before the May 22, 2018, meeting commenced at 8:30 p.m.

Your Request for Review also appears to argue the District did not properly post the agenda because it used the BoardBook.org website. The District's website has a page "Meeting Information and Materials."³ That page has a clearly marked link, dist113.org/boe, which takes the user to a list of meeting agendas and minutes. The District satisfied the requirements of section 2.02(b) by providing an internet link on its website which provided the public with direct access to the Board's May 22, 2018, agenda.

Because your Request for Review does not include facts from which this office could conclude that the Board violated OMA, this office has determined that no further action is warranted in this matter. This file is closed. If you have any questions, please contact me at mhartman@atg.state.il.us, (217) 782-9054, or the Springfield address on the first page.

Very truly yours,
[REDACTED]

MATT HARTMAN
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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³ <https://www.dist113.org/Page/344>