



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

August 6, 2019

Via electronic mail

Via electronic mail

The Honorable Jill V. Haacke
Village Clerk
Village of Dwight
209 South Prairie Avenue
Dwight, Illinois 60420
villageclerk@dwightillinois.com

RE: OMA Request for Review – 2019 PAC 58250

Dear [REDACTED] and Clerk Haacke:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2018)). For the reasons explained below, the Public Access Bureau is unable to conclude that the Village of Dwight's (Village) Plan Commission (Commission) violated the requirements of OMA with respect to the approval of its February 19, 2019, meeting minutes.

On May 23, 2019, [REDACTED] submitted Request for Review alleging that the Commission violated the requirements of OMA by failing to approve the minutes of its February 19, 2019, regular meeting within 30 days or by its second subsequent regular meeting. On May 31, 2019, this office sent a copy of the Request for Review to the Commission and requested that the Commission or its representative provide a written response to the allegations, together with various meeting records for this office's confidential review. On June 6, 2019, the Village provided an answer and the requested materials. [REDACTED] replied on June 25, 2019.

DETERMINATION

"The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business, and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (5th Dist. 1989).

Section 2.06(b) of OMA (5 ILCS 120/2.06(b) (West 2018)) provides, in pertinent part, that "[a] public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later[]" and that "[t]he minutes of meetings open to the public shall be available for public inspection within 10 days after the approval of such minutes by the public body."

Village Clerk Jill Haacke responded on behalf of the Commission, confirming that the February 19, 2019, meeting minutes had not yet been approved because the Commission had not met since the date in question. Clerk Haacke also provided copies of meeting cancellation notices for the Commission's previously posted March 19, April 16, May 21, and June 18 meeting dates. In his reply, [REDACTED] contended that the Commission should have approved the minutes in question by its second subsequent meeting date of April 16, 2019, regardless of whether a meeting was actually held. [REDACTED] also newly alleged that the Commission failed to provide 10 days' notice of the meeting cancellations under section 2.03 of OMA (5 ILCS 120/2.03 (West 2018)).¹

As an initial matter, the Public Access Bureau has consistently determined that the language "regular meeting dates" in section 2.03 of OMA means that a public body must provide 10 days' notice for changing its regular meeting *dates* going forward, such as from the first Monday of each month to the first Tuesday of the month. *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 37690, issued April 20, 2017, at 3. OMA does not set forth any procedural requirements for a public body to cancel a single meeting.

¹Section 2.03 of OMA provides, in relevant part:

In 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.

If a change is made in regular meeting *dates*, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions. (Emphasis added.)

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With respect to the approval of meeting minutes, the plain language of section 2.06(b) of OMA requires a public body to approve the minutes of its open meeting within 30 days after that meeting **or at the public body's second subsequent regular meeting, whichever is later.** OMA does not require the approval of meeting minutes by the scheduled date of a second subsequent meeting that has been cancelled. Because the Commission has not convened since its February 19, 2019, meeting, it is not yet required to approve the minutes from that meeting. Accordingly, this office is unable to conclude that the Commission violated the requirements of section 2.06(b) of OMA.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, please contact me at (217) 785-7438 or cboggs@atg.state.il.us. This letter serves to close this file.

Very truly yours,

[REDACTED]
CHRISTOPHER R. BOGGS
Supervising Attorney
Public Access Bureau

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