OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 26, 2023

Via electronic mail
[redacted]

RE: OMA Request for Review – 2023 PAC 77235

Dear [redacted]:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2022)). For the reasons that follow, the Public Access Bureau has determined that this Request for Review is unfounded.

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2022)) 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 established in the Office of the Attorney General[.] * * * The request for review * * * **must include a summary of the facts supporting the allegation**[]" **that the public body violated OMA**. (Emphasis added.)

Your Request for Review appears to allege that the Board of Trustees (Board) of the Doyle Public Library (Library) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq*. (West 2022)) by not posting on the Library's website the agenda and minutes of its March 2023 special meeting or its April 4, 2023, regular meeting.

Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2022)) provides, in pertinent part, that "[a] public body that **has a website that the full-time staff of the public body maintains** shall also post on its website the **agenda of any regular meetings** of the governing body of that public body." (Emphasis added.) Section 2.06(b) of OMA (5 ILCS 120/2.06(b) (West 2022)) provides, in pertinent part, that "[a] public body that **has a website that the full-time staff of the public body maintains** shall post the **minutes of a regular meeting** of its

governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body." (Emphasis added.)

First, you allege that the Board violated OMA by not posting the agenda or the minutes of its March 2023, *special* meeting on its website. The plain language of section 2.02(a) and 2.06(b) of OMA, requiring the posting of certain agendas and minutes on a public body's website, applies to regular meetings, not special meetings. Accordingly, this office has determined that no further action is warranted regarding the March 2023 special meeting.

Second, you allege that that the Board violated OMA by not posting the agenda for or the minutes of its April 4, 2023, regular meeting on its website. The language of OMA clearly states that only public bodies with websites maintained by full-time staff are required to post regular meeting agendas and meeting minutes on their websites. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 54137, issued April 23, 2019, at 3. "A full-time job is generally considered one in which an individual works 40 hours per week." *Teresi v. Department of Employment Security*, 2022 IL App (3d) 190560, ¶ 22*; see also* 56 Ill. Adm. Code § 2720.1 (2023), last amended at 43 Ill. Reg. 6385, effective May 14, 2019 ("Generally, part-time work will be less than 40 hours per week except when company policy or a collective bargaining agreement provides for a lesser number of hours per week as full-time work.")

On September 20, 2023, the Board President informed an Assistant Attorney General (AAG) in the Public Access Bureau that its Library director posts items such as minutes to its website. The Board President also informed the AAG that the director works up to 35 hours per week, but occasionally works more hours, and does not receive benefits. Your Request for Review asserts the position of Library director is a full-time position but does not provide facts to support that assertion or contradict the information provided by the Board President. Thus, the available information indicates that the website is not maintained by full-time staff of the Library. Because you did not set forth facts from which this office could conclude that the Board violated OMA, the Public Access Bureau has determined that no further inquiry is warranted in this matter.

Because this office is also charged with providing advice and education to both the public and public officials,[1] we note that many public bodies with websites that are not maintained by full-time staff also post meeting agendas and minutes online, even though they are not required to do so. This office encourages that practice to promote transparency, consistent with the spirit of OMA.

[1]15 ILCS 205/7(a), (c) (West 2022).

This file is closed. Please contact me at edie.steinberg@ilag.gov, (312) 814-5201, or at the Chicago address listed on the first page of this letter if you have questions.

Very truly yours,

[redacted]

EDIE STEINBERG
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Public Access Bureau

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cc: *Via electronic mail*
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