

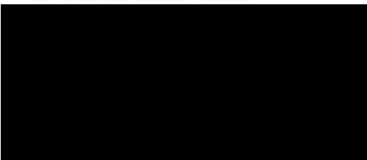


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 12, 2025

Via electronic mail



Via electronic mail

Ms. Julie A. Tappendorf
Ancel Glink
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
jtappendorf@ancelglink.com

RE: OMA Request for Review – 2025 PAC 87758

Dear [REDACTED] and Ms. Tappendorf:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)). For the reasons explained below, the Public Access Bureau concludes that the Aurora Civic Center Authority (Authority) Board of Directors (Board) violated OMA in connection with three meetings.

BACKGROUND

On June 28, 2025, [REDACTED] submitted a Request for Review to this office alleging (1) the minutes for the March 26, 2025, April 23, 2025, and May 28, 2025, Board meetings did not adequately summarize the discussions held, (2) the April minutes failed to document the votes of the members on adjourning to closed session, and (3) the Board had failed to conduct the requisite semi-annual review of its closed session minutes in the past 18 months.

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On July 9, 2025, this office sent a copy of the Request for Review to the Board and asked it to provide copies of any recordings of the open sessions of the meetings, as well as a written response to [REDACTED] allegations. On July 18, 2025, the Board provided this office with its written response. The Board confirmed that it did not make verbatim recordings of the open sessions of these meetings (which it was not required to make under OMA, but might have chosen to make). That same day, this office forwarded a copy of the Board's response to [REDACTED] and notified him of his opportunity to reply; he substantively replied to the Board's response on July 21, 2025. Separately, on July 9, 2025, and July 22, 2025, [REDACTED] sent background information to this office about Board meetings and Authority committee meetings in previous years.

DETERMINATION

It is the "public policy of this State that its 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 2024). "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 (1989).

As to [REDACTED] allegation that the Board failed to conduct a timely semi-annual review of its closed session minutes, section 2.06(d) of OMA¹ provides, in pertinent part:

Each public body shall periodically meet to review minutes of all closed meetings. Meetings to review minutes shall occur every 6 months, or as soon thereafter as is practicable, taking into account the nature and meeting schedule of the public body. * * * At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

In its response to this office's inquiry letter, the Board acknowledged that it had failed to schedule its semi-annual review, but stated that it had since scheduled the review for the July 23, 2025, Board meeting. Because it appears the Board has now met to review the minutes of its closed session meetings, that part of the Request for Review has been resolved.

With respect to [REDACTED] allegation that the April 23, 2025, Board meeting minutes did not record the vote of each member on the question of holding a meeting closed to

¹5 ILCS 120/2.06(d) (West 2024).

the public, section 2a of OMA (5 ILCS 120/2a (West 2024)) provides, in relevant part: "The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting."

In its response to this office's inquiry letter, the Board acknowledged that it failed to record the vote to go into closed session at the April 23, 2025, meeting in the meeting minutes, as well as in the minutes for certain prior meetings where closed sessions occurred, and that it would approve revised meeting minutes at the July 23, 2025, Board meeting. Accordingly, given that it appears that the Board has also resolved this issue, this determination will proceed by addressing whether the pertinent Board meeting minutes comply with the requirements of section 2.06(a)(3) of OMA.²

Section 2.06(a) of OMA provides:

- (a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:
 - (1) the date, time and place of the meeting;
 - (2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and
 - (3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.**
- (Emphasis added.)

OMA does not further address the degree of information that must be included in meeting minutes beyond section 2.06(a), and no Illinois reviewing court appears to have addressed the issue. In construing a statute, the primary objective is to ascertain and give effect to the intent of the legislature, and the most reliable indicator of that intent "is the statutory language, given its plain and ordinary meaning." *Better Government Ass'n v. Illinois High School Ass'n*, 2017 IL 121124, ¶ 22. The term "summary" has an ordinary and commonly-understood meaning: "A summary of something is a short account of it, which gives the main points but not the details." Collins Online Dictionary, <https://www.collinsdictionary.com/dictionary/english/summary>. Accordingly, the Public Access Bureau has previously concluded that "[m]inutes need not contain the level of detail of a transcript," but "merely identify[ing] the topics" of the discussion is insufficient. Ill. Att'y Gen.

²5 ILCS 120/2.06(a)(3) (West 2024).

PAC Req. Rev. Ltr. 51987, issued April 18, 2018, at 7; *see also* Ill. Att'y Gen. PAC Req. Rev. Ltr. 26700, issued April 9, 2015, at 5 (one-sentence general statements in minutes about 'discussion' are insufficient to satisfy section 2.06(a)(3).").

In its response to this office's inquiry letter, the Board argued that "[a] reasonable interpretation of 'summary' of discussion under Section 2.06(a)(3) is that minutes identify the topic of the matter being discussed prior to a vote being taken on that matter."³ The Board argued that the pertinent meeting minutes were sufficient for the following reasons:

[M]uch of the Authority Board meetings involve matters that do not result in any Board proposal, deliberation, or vote that would trigger the requirement of Section 2.06(a)(3). Where the Board has taken action that triggers that Section, it has included a brief summary of discussion that identifies the matter to be voted on in its meeting minutes. The Authority is aware of no case or opinion that would require the minutes to be a transcript, or a line-by-line detail of each person's statements, or a recitation of the 'key points' of a matter that is voted on. * * * [T]here simply is no OMA requirement that there be a detailed or verbatim recitation of a public body's discussions in the meeting minutes. That position is not consistent with the common meaning of 'summary' which is a brief statement, and not a detailed accounting of every point made by every person who participated in the discussion.^{[4] 5}

In reply, [REDACTED] cited definitions from multiple dictionaries for the meanings of five terms: proposed, deliberated, decided, discussion, and summary. [REDACTED] argued, in

³Letter from Julie A. Tappendorf, Ancel Glink, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau (July 18, 2025), at 2.

⁴Letter from Julie A. Tappendorf, Ancel Glink, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau (July 18, 2025), at 3.

⁵Citing *Board of Education of Springfield School District No. 186 v. Attorney General*, 2017 IL 120343, the Board's response appears to suggest that the requisite amount of detail in meeting minutes may be construed as comparable to an adequate "public recital" under section 2(e) of OMA (5 ILCS 120/2(e) (West 2024)). Section 2(e) provides that "[f]inal action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted." The Illinois Supreme Court has held that section 2(e) requires a public body to "state the essence of the matter under consideration, its character, or its identity[,]" and "other information" * * * to inform the public of the specific item of business (the purpose of the loan, the subject of the contract, the type of property being purchased, the title of the policy, or the purpose of the resolution)." *Board of Education of Springfield School District No. 186*, 2017 IL 120343, ¶¶ 46, 50. Because section 2(e) does not require a public body to recite "a summary" of the discussion that preceded its final action, it is not relevant to section 2.06(a)(3) of OMA.

relevant part, that "it is clear that to only 'identify the topic' does not meet the definition of 'summary.' A 'summary' should include a brief statement of the main facts. A 'summary' does not require a verbatim transcript, but it must state the main points of the discussion."⁶

Based on the plain language of section 2.06(a)(3), the Public Access Bureau has previously determined that "OMA does not require a public body to provide a detailed summary of any matter that was merely *discussed* by a public body if the discussion did not rise to the level of deliberating upon or considering a decision relating thereto." (Emphasis in original.) Ill. Att'y Gen. PAC Req. Rev. Ltr. 25528, issued March 15, 2014, at 3 (school board members' questions about strategic plan not required to be summarized minutes because board president deferred further discussion of the plan to a special meeting). *Compare* Ill. Att'y Gen. PAC Req. Rev. Ltr. 36909, issued September 2, 2015, at 2 (public body not required to summarize in meeting minutes a brief discussion concerning a public comment which did not pertain to substantive matters being considered by the public body) *with* Ill. Att'y Gen. PAC Req. Rev. Ltr. 41916, issued April 3, 2016, at 2 (public body violated section 2.06(a)(3) of OMA by failing to summarize discussions concerning the adoption of an ordinance).

This office has reviewed the available materials, including the pertinent Board meeting minutes provided by [REDACTED] in his Request for Review. The minutes at times fall short of the minimum information necessary to comply with section 2.06(a)(3) because they are devoid of the main points of discussions of matters considered by the Board. The March 26, 2025, April 23, 2025, and May 28, 2025, Board meeting minutes each list "financials presented and discussed[.]"⁷ and indicate that the financials were unanimously approved by the Board. It also seems apparent from other entries in the minutes, such as "[t]he board discussed how the remaining funds can be used to support a capital campaign and the DEVO department[.]"⁸ that additional discussions extended beyond stray remarks about those topics and rose to the level of deliberation or consideration. Those entries merely identified the topic that was considered by the Board without any description of even the general contours of the discussion, leaving the public without a short account of what transpired as required by section 2.06(a)(3) of OMA. The lack of detailed descriptions about other topics of discussion precludes this office from discerning whether they concerned substantive matters which were required to be summarized in the meeting minutes.

⁶Memo from [REDACTED] to [Katie] Goldsmith, Attorney General's Office (July 21, 2025), at 3.

⁷Aurora Civic Center Authority Board of Directors, Meeting, March 26, 2025, Minutes 1; Aurora Civic Center Authority Board of Directors, Meeting, April 23, 2025, Minutes 1; Aurora Civic Center Authority Board of Directors, Meeting, May 28, 2025, Minutes 1.

⁸Aurora Civic Center Authority Board of Directors, Meeting, May 28, 2025, Minutes 1.


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To the extent possible, this office asks the Board to amend these meeting minutes to provide a sufficient summary of the proceedings with respect to financials and any other discussions that are not summarized which relate to matters proposed, deliberated or decided. This office also asks the Board to be mindful when drafting and approving meeting minutes in the future of the requirement to include sufficient descriptions of discussions that section 2.06(a)(3) requires the Board to summarize, rather than merely identifying topics.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This file is closed. If you have any questions, please contact me at katherine.goldsmith@ilag.gov.

Very truly yours,


KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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