



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

October 25, 2024

PUBLIC ACCESS OPINION 24-013
(Request for Review 2024 PAC 82412)

OPEN MEETINGS ACT:
Notice of a Change in Regular Meeting Dates

Mr. John A. Dagner, Jr.
201 West Forest Street
Marissa, Illinois 62257

The Honorable Laura McMahon
Acting Mayor
Village of Marissa
111 North Main Street
Marissa, Illinois 62257

Dear Mr. Dagner and Ms. McMahon:

This binding opinion is issued by the Attorney General pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2022)). For the reasons discussed below, this office concludes that on June 3, 2024, the Village of Marissa (Village) Board of Trustees (Board) changed the dates of its regular meetings and failed to subsequently provide the advance notice of that change required by section 2.03 of OMA (5 ILCS 120/2.03 (West 2022)).

BACKGROUND

On July 31, 2024, Mr. John A. Dagner, Jr. submitted a Request for Review stating that on June 3, 2024, the Board voted to move its regular meetings that are scheduled for the third Monday of the month to the third Wednesday of the month, beginning in July until further notice. He alleged that the Board did not post notice of this change to its regular meeting dates in accordance with section 2.03 of OMA.¹

¹OMA – Request for Review by Public Access Counselor (PAC) form submitted by John A. Dagner Jr. (July 31, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 2

On August 5, 2024, the Public Access Bureau e-mailed a copy of the Request for Review to Acting Mayor Laura McMahon, in her capacity as the head of the Board.² The Public Access Bureau also e-mailed the Acting Mayor a letter requesting copies of any notice given concerning the change in the Board's regular meeting dates and copies of the June 3, 2024, and July 17, 2024, Board meeting agendas and minutes.³ The Public Access Bureau also asked the Board to provide a written response describing the notice it gave for its change in regular meeting dates and addressing whether the Board met the requirements of section 2.03 of OMA.⁴ This office did not receive a response to its correspondence. On August 22, 2024, this office both mailed⁵ and e-mailed⁶ the Acting Mayor another copy of Mr. Dagner's Request for Review and this office's August 5, 2024, correspondence. On August 26, 2024, the Acting Mayor provided this office with a written response and supporting materials.⁷

On August 27, 2024, the Public Access Bureau forwarded a copy of the Board's written response to Mr. Dagner and notified him of his opportunity to reply.⁸ On September 3, 2024, Mr. Dagner submitted a reply.⁹

On September 17, 2024, the Public Access Bureau asked the Village to send it copies of the Board's 2024 schedule of regular meetings, as posted, as it appeared before the change and the 2024 schedule of regular meetings, as posted, after the change.¹⁰ On September

²E-mail from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to villageofmarissa@gmail.com (August 5, 2024).

³Letter from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Laura McMahon, Acting Mayor, Village of Marissa (August 5, 2024), at 1-2.

⁴Letter from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Laura McMahon, Acting Mayor, Village of Marissa (August 5, 2024), at 2.

⁵Letter from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Laura McMahon, Acting Mayor, Village of Marissa (August 22, 2024), at 2.

⁶E-mail from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to villageofmarissa@gmail.com (August 22, 2024).

⁷Letter from Laura McMahon, Acting Mayor, Village of Marissa, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau (August 26, 2024).

⁸Letter from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to John A. Dagner, Jr. (August 27, 2024).

⁹E-mail from John A. Dagner, Jr. to [Village of Marissa Board of Trustees and Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (September 3, 2024).

¹⁰E-mail from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to [Village of Marissa] (September 17, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 3

18, 2024, the Village provided a copy of the regular schedule of meetings after the change and stated that it did not have a schedule from before the change.¹¹

On September 27, 2024, the Public Access Bureau extended the time in which to issue a binding opinion by 21 business days, to October 30, 2024, pursuant to section 3.5(e) of OMA.¹²

ANALYSIS

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 2022). "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).

Section 2.03 of OMA: A Change In Regular Meeting Dates

Section 2.02 of OMA (5 ILCS 120/2.02 (West 2022)) provides, in pertinent part:

Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give 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. * * * **Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting[.]** * * *

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be

¹¹E-mail from Donna [Stewart, Village of Marissa] to [Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (September 18, 2024).

¹²Letter from Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to John A. Dagner, Jr., and The Honorable Laura McMahon, Acting Mayor, Village of Marissa (September 27, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 4

held. * * * The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. (Emphasis added.)

Further, section 2.03 provides:

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. However, in the case of bodies of local governmental units with a population of less than 500 in which no newspaper is published, such 10 days' notice may be given by posting a notice of such change in at least 3 prominent places within the governmental unit. Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02. (Emphasis added.)

The primary objective when construing the meaning of a statute is to ascertain and give effect to the intent of the General Assembly. *DeLuna v. Burciaga*, 223 Ill. 2d 49, 59 (2006). "The most reliable indicator of legislative intent is the statutory language, given its plain and ordinary meaning." *Gaffney v. Board of Trustees of Orland Fire Protection District*, 2012 IL 110012, ¶ 56. A reviewing body views "the statute as a whole, construing words and phrases in light of other relevant statutory provisions and not in isolation. Each word, clause, and sentence of a statute must be given a reasonable meaning, if possible, and should not be rendered superfluous." *People v. Gutman*, 2011 IL 110338, ¶ 12.

Under the plain and unambiguous language of section 2.03 of OMA, public bodies are required to establish an annual schedule of regular meetings at the beginning of each calendar or fiscal year and to give public notice of that schedule. When a regular meeting will not occur on the date as originally scheduled, the plain language of the notice requirements in OMA distinguish between a single "rescheduled regular meeting" and a change in multiple "regular meeting dates." Section 2.02(a) of OMA requires a public body to give 48-hours' notice

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 5

to the public of any rescheduled regular meeting.¹³ The term "rescheduled regular meeting" does not appear in section 2.03 of OMA, which refers only to "a change in regular meeting dates[.]" The notice requirements in section 2.03 of OMA include, among other things, giving 10 days' notice by publication in a qualifying newspaper. When construed together, sections 2.02 and 2.03 may be harmonized to mean that a public body must provide 10 days' notice for changing its regular meeting dates going forward, but only needs to provide at least 48 hours' advance notice to reschedule a single meeting if it otherwise maintains the existing regular meeting schedule.

The Village did not provide this office with copies of the Board's schedule in effect at the time of the June 3, 2024, meeting. Although it appears that the Board did not have "a schedule of all its regular meetings * * * listing the times and places of such meetings[.]"¹⁴ the Village Code stated that the Board meets on the first and third Mondays of each month.¹⁵

The minutes of the Board's June 3, 2024, meeting state: "A motion was made by Roy Dean and seconded by Natalie to move the 3rd Monday of the month meeting to the 3rd Wednesday of the month starting in July until further notice. Motion passed with roll call as follow[s]: Roy Dean-yes, Natalie-yes, Todd-yes, Bryan-yes."¹⁶ The Board's meeting records indicate that it followed the changed schedule, as it met on the third Wednesday of July (July 17, 2024) and the third Wednesday of August (August 21, 2024). The minutes of the Board's August 21, 2024, meeting state:

A motion was made by Bryan and seconded by Roy Dean to approve Ordinance #2024-07/ an ordinance amending sections 1-2-2, and 1-2-13(A) and 1-2-13(B) of the Village Code. **This code amends the 2nd meeting of the month being held on a Wednesday instead of a Monday**, deletes the section that says you must be placed on the agenda to speak and changes the time for citizens to speak from 5 minutes to 3 minutes. Motion passed with roll call as follows: Roy Dean-yes, Natalie-yes, Todd-yes, Chris-yes, Bryan-yes, Laura-yes. 6-ayes, 0-nayes.¹⁷ (Emphasis added.)

¹³A public body must also "supply copies * * * of the notice of any * * * rescheduled * * * meeting, to any news medium that has filed an annual request for such notice." 5 ILCS 120/2.02(b) (West 2022).

¹⁴5 ILCS 120/2.03 (West 2022).

¹⁵Village of Marissa Revised Code of Ordinances § 1-2-2 (approved January 2, 2018), https://codelibrary.amlegal.com/codes/marissail/latest/marissa_il/0-0-0-159 (last visited October 11, 2024).

¹⁶Village of Marissa Board of Trustees, Meeting, June 3, 2024, Minutes [2].

¹⁷Village of Marissa Board of Trustees, Meeting, August 21, 2024, Minutes [3].

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 6

In its response to this office, the Board argued that the meeting date changes voted on during the June 3, 2024, meeting were temporary and, therefore, the notice requirements in section 2.03 of OMA were inapplicable. It asserted that it did not permanently change the meeting dates until its August 21, 2024, meeting.¹⁸ The Board, however, passed a motion during the June 3, 2024, meeting "to move the 3rd Monday of the month meeting to the 3rd Wednesday of the month starting in July **until further notice**."¹⁹ (Emphasis added.) "Until further notice" is an idiom that means "until an announcement is made (that something has been changed back to the way it was)."²⁰ By including "until further notice" in the motion, the Board implied that the change in meeting dates could be temporary, yet it did not give any indication of how long the change would last or how many meeting dates would be changed. Rather than rescheduling one regular meeting, the Board's vote at the June 3, 2024, meeting made a "change in regular meeting dates" from the third Monday of the month to the third Wednesday of the month. That change resulted in different dates for the July and August meetings than what was contemplated under the Village Code at the time of the June 3, 2024, meeting. The action by the Board at the August 21, 2024, meeting established that the Board would continue meeting on the third Wednesday of the month indefinitely. Regardless of when that was confirmed, the requirements of section 2.03 apply to any single action taken that will change multiple meeting dates going forward. If a public body could take action to change its regular meetings dates for an unknown period but avoid complying with the requirements of section 2.03 of OMA as long as it did not take additional action to verify that it would not revert back to its original meeting schedule, the purpose of that provision would be defeated. See *People v. Latona*, 184 Ill. 2d 260, 269 (1998) (holding that a reviewing body "has a duty to avoid a construction of the statute that would defeat the statute's purpose or yield an absurd or unjust result."). Accordingly, the Board was required to provide the notice as described in section 2.03 after its June 3, 2024, meeting.

Section 2.03 of OMA: Notice By Publication in a Newspaper

After the Board made the change in regular meeting dates on June 3, 2024, section 2.03 of OMA required it to provide "at least 10 days' notice of such change * * * by publication in a newspaper of general circulation in the area in which such body functions." Further, "[n]otice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02." Because the first changed regular meeting date was

¹⁸Letter from Laura McMahon, Acting Mayor, Village of Marissa, to Laura S. Harter, Deputy Bureau Chief, Public Access B[ureau] (August 26, 2024).

¹⁹Village of Marissa Board of Trustees, Meeting, June 3, 2024, Minutes [2].

²⁰Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/until%20further%20notice> (last visited October 11, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 7

July 17, 2024, the plain language of section 2.03 of OMA required the Board to give notice by July 7, 2024.

In its response to this office, the Board stated that "[t]he newspaper reporter was told more than the 10 days in advance and reported in the newspaper of this change."²¹ The Board provided a copy of a June 6, 2024, *County Journal* article as proof that it met the newspaper notice requirements of section 2.03 of OMA for its change of meeting dates. The Board also stated that "[w]e will be doing a notice * * * for this in the paper next week on the permanent change [approved on August 21, 2024]."²²

The June 6, 2024, news article the Board provided with its response reported on the June 3, 2024, meeting, stating, in pertinent part: "One motion was passed to change the dates of the board meetings. Starting in July, the first meeting of each month will still be on the first Monday, but the second meeting will be held on the third Wednesday instead of the third Monday."²³

In his reply, Mr. Dagner argued that the Board did not submit anything to the newspaper regarding the change of meeting dates; he contended that "[t]he information in the article was written by a local reporter employed by the County Journal to attend village board meetings and report minutes[.]"²⁴ He noted that the *County Journal* newspaper "has published Publications for Bids, Advertisement for Bids, Ordinance postings, Public Notice, etc., within the Classified section by villages served by the County Journal."²⁵

The Board appears to argue that the *County Journal* reporter's article reporting on the June 3, 2024, meeting and referencing the change in meeting dates is the equivalent of a "notice * * * by publication." The Board's assertion, however, is not supported by the plain meaning of section 2.03 of OMA and other Illinois statutes governing notice by publication.

²¹Letter from Laura McMahon, Acting Mayor, Village of Marissa, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau] (August 26, 2024).

²²Letter from Laura McMahon, Acting Mayor/Village of Marissa, to Laura S. Harter, Deputy Bureau Chief, Public Access Bureau] (August 26, 2024).

²³Mike Trotter, *Change is coming to Marissa village board meeting schedule*, County Journal, June 6, 2024, at 5.

²⁴E-mail from John A. Dagner, Jr. to [Village of Marissa Board of Trustees and Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (September 3, 2024).

²⁵E-mail from John A. Dagner, Jr. to [Village of Marissa Board of Trustees and Laura S. Harter, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (September 3, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 8

OMA does not define the phrase "notice * * * shall be given by publication in a newspaper," therefore, "[i]t is appropriate to use a dictionary to ascertain the meaning of an otherwise undefined word or phrase." *Poris v. Lake Holiday Property Owners Ass'n*, 2013 IL 113907, ¶ 48. Black's Law Dictionary defines "notice," in relevant part, as "[l]egal notification required by law or agreement," and "[a] written or printed announcement[.]"²⁶ More specifically, "public notice," also termed "notice by publication," is defined as "[n]otice given to the public or persons affected, usu[ally] by publishing in a newspaper of general circulation."²⁷ Ballentine's Law Dictionary defines "publication" as "[t]he printing of a notice in a newspaper of general circulation and distribution."²⁸

Chapter 715 of the Illinois Compiled Statutes is entitled "Notices" and comprises the Notice by Publication Act (715 ILCS 5/0.01 *et seq.* (West 2022)), the Newspaper Legal Notice Act (715 ILCS 10/0.01 *et seq.* (West 2022)), and the Legal Advertising Rate Act (715 ILCS 15/0.01 *et seq.* (West 2022)). Each of these Acts concern notices that are "required by law" to be published in a newspaper.²⁹ Accordingly, these Acts govern the newspaper notice required by section 2.03 of OMA.

Section 8 of the Notice by Publication Act (715 ILCS 5/8 (West 2022)) provides that a public body must pay for the publication of its legal notice in a newspaper: "When any notice shall be required by law to be published by a public officer in relation to public business, in pursuance of law, the reasonable expense thereof shall be allowed and paid out of the state or county treasury, as the case may require." The Legal Advertising Rate Act sets the minimum and maximum rates that newspapers may charge for required public notices. 715 ILCS 15/1 (West 2022). Additionally, the Notice by Publication Act provides that "[w]henver notice by publication in a newspaper is required by law * * * the newspaper publishing the notice shall, at no additional cost to government, cause the notice to be placed on the statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for such notices." 715 ILCS 5/2.1 (West 2022). Further, in defining "newspaper," section 1(d) of the Newspaper Legal Notice Act (715 ILCS 10/1(d) (West 2022)), distinguishes between "news" and "legal or other announcements and notices," stating that a newspaper in which a legal notice shall be published means a newspaper:

(d) which publishes miscellaneous reading matter, **legal or other announcements and notices**, and **news and information** concerning current happenings and passing events of a political,

²⁶Black's Law Dictionary 1277 (11th ed. 2019).

²⁷Black's Law Dictionary 1278 (11th ed. 2019).

²⁸Ballentine's Law Dictionary (3d ed. 1969), LexisNexis.

²⁹*See, for example*, 715 ILCS 5/1 (West 2022); 715 ILCS 10/2 (West 2022); 715 ILCS 15/1 (West 2022).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 9

social, religious, commercial, financial or legal nature, and
advertisements or bulletins[.]

The June 6, 2024, *County Journal* article the Board provided with its response to this office is "news" written by a *County Journal* reporter rather than a legal notice provided by the Board to the *County Journal* for publishing. The Board has not provided this office with copies of any legal notice it submitted to the *County Journal* for publishing. Section 1 of the Notice by Publication Act (715 ILCS 5/1 (West 2022)) provides that:

When any notice shall be required by law * * * to be published in any newspaper, and no other mode of proving the same is provided, the certificate of the publisher, by himself or his authorized agent, with a written or printed copy of such notice annexed, stating the number of times which the same shall have been published, and the dates of the first and last papers containing the same, shall be sufficient evidence of the publication therein set forth. The certificate shall also contain the further certificate of the publisher, by himself or his authorized agent, stating that the newspaper is a newspaper as hereinafter defined.

The Board has not supplied this office with a publisher's certificate to prove it published legal notice. This office has reviewed the Public Notice Illinois website, which is the "statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for such notices" described in section 2.1 of the Notice by Publication Act, and did not locate any notices posted by the Village or Board concerning the change of meeting dates before the July 17, 2024, meeting.³⁰

Further, the Board has not provided copies of the other notices required by section 2.03, including the notice posted at the principal office of the Village or the notice supplied to any news media which have filed an annual request for notice. Accordingly, this office finds that the Board violated section 2.03 of OMA by not providing adequate notice at least 10 days before the July 17, 2024, meeting.

The Board further stated in its answer that it printed "the meeting dates to notify the public of the upcoming temporary meeting dates[]" on "the back of water bill[s] from 2 different months[.]"³¹ The Board provided copies of the purported backs of the water bills, which list updates from the Village, including, "Village Board Meetings July 1st & July 17th"

³⁰Public Notice Illinois,
[https://www.publicnoticeillinois.com/\(S\(drlgklbjmmhovy0chrg2ltcp\)\)/default.aspx](https://www.publicnoticeillinois.com/(S(drlgklbjmmhovy0chrg2ltcp))/default.aspx) (last visited October 11, 2024).

³¹Letter from Laura McMahon, Acting Mayor/Village of Marissa, to Laura S. Harter, Deputy Bureau Chief, Public Access [Bureau] (August 26, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 10

and "Village Board Meetings August 5th & August 21st[.]"³² Section 2.03 of OMA does not require notice to be provided on utility bills; the Board's provision of that notice does not cure its failure to adhere to the requirements of section 2.03 of OMA.

Based on this office's review of the Public Notice Illinois website, on August 29, 2024, the Board published legal notice of the change in regular meeting dates as approved at the August 21, 2024, meeting.³³

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the arguments presented, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On July 31, 2024, Mr. John A. Dagner submitted a Request for Review alleging that on June 3, 2024, the Village of Marissa Board of Trustees voted to move its regular meetings that are scheduled for the third Monday of the month to the third Wednesday of the month, beginning in July until further notice. He alleged that the Board did not subsequently post notice of this change to its regular meeting dates in accordance with section 2.03 of OMA. It is undisputed that Mr. Dagner's Request for Review was timely filed and otherwise complies with the requirements of section 3.5(a) of OMA.

2) On August 5, 2024, and August 22, 2024, the Public Access Bureau sent copies of the Request for Review to the Board. The Public Access Bureau also sent the Board a letter requesting copies of any notice given concerning the change in regular Board meeting dates and copies of the June 3, 2024, and July 17, 2024, Board meeting agendas and minutes together with a detailed written answer to the allegations that the Board violated section 2.03 of OMA.

3) On August 26, 2024, the Village's Acting Mayor provided this office with a written answer and supporting materials.

4) On August 27, 2024, the Public Access Bureau forwarded a copy of the Board's written answer to Mr. Dagner and notified him of his opportunity to reply. On September 3, 2024, Mr. Dagner submitted a reply.

5) On September 17, 2024, the Public Access Bureau asked the Village to send it copies of the Board's 2024 schedule of regular meetings before and after the changes. On

³²Letter from Laura McMahon, Acting Mayor/Village of Marissa, to Laura S. Harter, Deputy Bureau Chief, Public Access [Bureau] (August 26, 2024), attachment.

³³Notice, Village of Marissa Board of Trustees (August 29, 2024), [https://www.publicnoticeillinois.com/\(S\(lgrmrceqpaxakdypxnr4io5\)\)/Details.aspx?SID=lgrmrceqpaxakdypxnr4io5&ID=2490736](https://www.publicnoticeillinois.com/(S(lgrmrceqpaxakdypxnr4io5))/Details.aspx?SID=lgrmrceqpaxakdypxnr4io5&ID=2490736) (last visited October 11, 2024).

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 11

September 18, 2024, the Village responded that it did not have copies of the schedule before the change. It provided a copy of the schedule reflecting the changed dates.

6) On September 27, 2024, the Public Access Bureau extended the time in which to issue a binding opinion by 21 business days pursuant to section 3.5(e) of OMA. Therefore, the Attorney General may properly issue a binding opinion with respect to this matter.

7) Section 2.03 of OMA provides that "[i]f 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. * * * Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02." Accordingly, a public body must provide the notice required in section 2.03 of OMA after it takes action to change its regular meeting dates going forward, rather than merely rescheduling a single meeting.

8) On June 3, 2024, the Board voted to move its regular meeting date from the third Monday of the month to the third Wednesday of the month, starting in July until further notice. The Board subsequently followed that schedule for the months of July and August, meeting on July 17, 2024, and August 21, 2024.

9) The Board did not give at least 10 days' notice of the changed meeting dates before the July 17, 2024, meeting. A *County Journal* news article written about the schedule change does not constitute notice by publication in a newspaper as required by section 2.03 of OMA. Accordingly, the Board violated section 2.03 of OMA.

10) Because the Board has subsequently published a legal notice in the *County Journal* of its changed regular meeting dates, no further action is required at this time to remedy the Board's violation of section 2.03 of OMA. The Board is directed to fully comply with the requirements of section 2.03 if it makes future changes to its regular meeting dates.

Mr. John A. Dagner, Jr.
The Honorable Laura McMahon
October 25, 2024
Page 12

This opinion shall be considered a final decision of an administrative agency for the purpose of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review in the Circuit Court of Cook County or Sangamon County within 35 days of the date of this decision, naming the Attorney General of Illinois and the Village of Marissa Board of Trustees or Mr. John A. Dagner, Jr. as defendants. *See* 5 ILCS 120/7.5 (West 2022).

Very truly yours,

KWAME RAOUL
ATTORNEY GENERAL

By:

A handwritten signature in black ink, appearing to read "Brent D. Stratton", is written over a horizontal line.

Brent D. Stratton
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

Steve Silverman, Bureau Chief, Public Access Bureau, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 24-013) upon:

Mr. John A. Dagner, Jr.
201 West Forest Street
Marissa, Illinois 62257
John.dagner2@gmail.com

The Honorable Laura McMahon
Acting Mayor
Village of Marissa
111 North Main Street
Marissa, Illinois 62257
marissaclerk@egyptian.net

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on October 25, 2024.



Steve Silverman
Bureau Chief

Steve Silverman
Bureau Chief
Public Access Bureau
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115 South LaSalle Street
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