



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 13, 2026

PUBLIC ACCESS OPINION 26-004
(Request for Review 2026 PAC 92498)

OPEN MEETINGS ACT:
Improper Closed Session Discussion of
City Hall Building Under the Exception for
Purchasing or Leasing Real Property

Mr. Carl Holman
611 Janet Drive
Lebanon, Illinois 62254

The Honorable Paul Grob
City Clerk, City of Lebanon
405 North Madison Street
Lebanon, Illinois 62254

Dear Mr. Holman and Mr. Grob:

This binding opinion 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 discussed below, this office concludes that the City of Lebanon (City) City Council (Council) violated section 2(a) of OMA¹ during its December 22, 2025, and February 9, 2026, regular meetings by discussing topics in closed session that are not authorized by any of the exceptions to the general requirement that public bodies conduct public business openly.

BACKGROUND

On February 20, 2026, Mr. Carl Holman submitted a Request for Review to the Public Access Bureau alleging, in pertinent part, that the Council violated OMA at its December 22, 2025, and February 9, 2026, meetings by improperly entering into closed session to discuss

¹5 ILCS 120/2(a) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

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its future plans for its City Hall building.² Mr. Holman stated that the Council began taking steps to inspect the building in August of 2025, and had discussed during October meetings whether the building was inhabitable.³ He asserted that since then, the Council "has never openly discussed in any City Council Committee nor Regular Council meetings how much it would cost to renovate the former city hall, or what are the plans for the future city hall building."⁴ Mr. Holman indicated that the Council relied on section 2(c)(6) of OMA⁵ to close the December 22, 2025, and February 9, 2026, meetings, saying the Council entered closed session "under Item 6 of the Closed Meeting Exceptions" related to "Setting a price for sale or lease of property."⁶

On March 16, 2026, the Public Access Bureau e-mailed⁷ a copy of the Request for Review to the Council, together with a letter asking the Council to provide a written response to Mr. Holman's allegation as well as copies of the Council's agenda, minutes, and any recordings of the Council's December 22, 2025, and February 9, 2026, meetings.⁸ On March 23, 2026, the Council's attorney e-mailed this office⁹ the requested meeting agendas and minutes¹⁰ along with a written response. On that same date, the Public Access Bureau forwarded a copy of the

²OMA – Request for Review by Public Access Counselor (PAC) form submitted by Carl Holman (February 20, 2026), at [2]. Mr. Holman's Request for Review also alleged that the Council failed to conduct a semi-annual review of its closed session meeting minutes and failed to vote to approve closed session minutes at its regular meetings. These allegations are addressed in a separate Request for Review: 2026 PAC 92499.

³OMA – Request for Review by Public Access Counselor (PAC) form submitted by Carl Holman (February 20, 2026), at [2].

⁴OMA – Request for Review by Public Access Counselor (PAC) form submitted by Carl Holman (February 20, 2026), at [2].

⁵ILCS 120/2(c)(6) (West 2024), as amended by Public Act 104-438, effective January 1, 2026. Under this section of OMA, a public body may hold closed meetings "to consider * * * [t]he setting of a price for sale or lease of property owned by the public body."

⁶OMA – Request for Review by Public Access Counselor (PAC) form submitted by Carl Holman (February 20, 2026), at [2].

⁷E-mail from Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office, to [Paul Grob, City Clerk, City of Lebanon] (March 16, 2026).

⁸Letter from Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to the Honorable Paul Grob, City Clerk, City of Lebanon (March 16, 2026), at 1-2.

⁹E-mail from Luke A. Behme, Bruckert, Behme & Long, P.C., to [Christina] Lucente-McCullough, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (March 23, 2026).

¹⁰Letter from and Luke A. Behme, Attorney for City of Lebanon, Bruckert, Behme & Long, P.C., to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (March 23, 2026).

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Council's written response to Mr. Holman and notified him of his opportunity to reply.¹¹ He submitted a reply on March 24, 2026.¹² On March 30, 2026, the Council's attorney e-mailed this office copies of the closed session recordings from the December 22, 2025, and February 9, 2026, meetings.¹³

On April 20, 2026, this office extended the time for issuing a binding opinion by 21 business days, to May 20, 2026, pursuant to section 3.5(e) of OMA.¹⁴

ANALYSIS

Section 2(a) of OMA provides that "[a]ll meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a." Such exceptions "are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be **strictly construed, extending only to subjects clearly within their scope.**"¹⁵ (Emphasis added.)

The Board's response to this office¹⁶ and the minutes of the December 22, 2025,¹⁷ and February 9, 2026,¹⁸ meetings indicate that the Board entered closed session at both meetings pursuant to section 2(c)(5) of OMA,¹⁹ rather than section 2(c)(6) as Mr. Holman asserted. The section 2(c)(5) exception applies to "[t]he purchase or lease of real property for the use of the

¹¹Letter from Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Carl Holman (March 23, 2026).

¹²E-mail from Carl Holman to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (March 24, 2026).

¹³E-mails from Luke A. Behme, Bruckert, Behme & Long, P.C., to [Christina] Lucente-McCullough, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (March 30, 2026).

¹⁴Letter from Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Carl Holman and Luke A. Behme, Bruckert, Behme & Long, P.C. (April 20, 2026).

¹⁵ILCS 120/2(b) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

¹⁶Letter from and Luke A. Behme, Attorney for City of Lebanon, Bruckert, Behme & Long, P.C., to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (March 23, 2026), at [1].

¹⁷Lebanon City Council, Meeting, December 22, 2025, Minutes [2].

¹⁸Lebanon City Council, Meeting, February 9, 2026, Minutes [2].

¹⁹ILCS 120/2(c)(5) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

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public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired."

The Illinois Appellate Court analyzed the scope of section 2(c)(5) of OMA in *Galena Gazette Publications, Inc. v. County of Jo Daviess*, 375 Ill. App. 3d 338, 344-45 (2007). There, a public body held a closed session meeting to discuss the possibility of leasing a specific property for its use in promoting tourism. *Galena Gazette*, 375 Ill. App. 3d at 344. The plaintiff conceded that the section 2(c)(5) exception authorized the public body to discuss "material terms" of the sublease, but contended that the discussion improperly extended to "peripheral matters" concerning the use of the property such as displaying promotional materials. *Galena Gazette*, 375 Ill. App. 3d at 344. The court disagreed, holding that section 2(c)(5) permitted those discussions because they were intertwined with the public body's "consideration of the proposed subleasing arrangement * * *". To abstract any such discussions from the larger context would ignore the participants' purposes in raising the issue of the display of promotional materials." *Galena Gazette*, 375 Ill. App. 3d at 344. The court emphasized, however, that its ruling did "not suggest that a public body may shelter deliberations that must be public merely by depositing them among discussions of exempt matters. That is not what happened here." *Galena Gazette*, 375 Ill. App. 3d at 346.

More recently, the Attorney General issued a binding opinion determining that a school board's closed session discussions of plans to build a new school, funding for the school, legislative considerations, and various other topics, did not fall within the scope of section 2(c)(5) of OMA simply because the school district eventually would have to acquire property if it were to build a new school. Ill. Att'y Gen. Pub. Acc. Op. No. 22-012, issued September 30, 2022. In that opinion, the Attorney General concluded that section 2(c)(5) does not encompass "all aspects of a public body's deliberations about a new endeavor * * * simply because the project may require the purchase or lease of real property as one of its main elements." Ill. Att'y Gen. Pub. Acc. Op. No. 22-012, at 9.

In its response to this office, the Council described its closed session discussions as follows:

While in closed session, the [Council] discussed whether or not the City needed to look at purchasing property in order to build a new City Hall as operations had already been moved from the previous City Hall building and into a leased space. As part of the discussion, the City Council discussed the space that the old City Hall sat on as a contrast to determining if new land was necessary. The City Council went on to discuss several properties that were either already listed for sale or could potentially be purchased.^[20]

²⁰Letter from Luke A. Behme, Bruckert, Behme & Long, P.C., to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (March 23, 2026), at [1].

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The Council argued that these closed session discussions were permissible under section 2(c)(5) of OMA because they were limited to "'specific parcels' for 'the potential use' of the City," and "pertained solely to * * * whether the City needed to explore the purchase of land."²¹

This office's confidential review of the closed session verbatim recordings and closed session minutes of the December 22, 2025, and February 9, 2026, meetings confirmed that the Council did spend considerable time discussing the relative merits of particular properties that potentially could be acquired. Section 2(c)(5) authorized the Council to discuss those matters in closed session. However, other topics also were discussed, including the condition of the existing City Hall building as well as its possible disposition and related financial matters. These were separate and distinct conversations. They were not intertwined by, for example, the Council comparing and contrasting the pros and cons of the existing City Hall property to possible alternative properties that were up for sale.

Even if it was necessary for the Council to determine whether the current City Hall building was habitable before considering alternative properties, the two topics are segregable. The condition of the building and the feasibility of renovating it presented a preliminary issue for the Council to consider; only after doing so did the Council move on to deliberating about purchasing property for a new building. The factors that the Council considered when it discussed the condition of the building did not bear on the relative merits of the alternative properties that the Council subsequently considered for a new City Hall location. Accordingly, the Council's ability to fully discuss in closed session "[t]he purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired[]" would not have been compromised if it had discussed the existing City Hall building in open session. Because the section 2(c)(5) exception did not authorize the Council to discuss the condition and possible disposition of its own property, this office concludes that those portions of the Council's December 22, 2025, and February 9, 2026, closed session discussions violated OMA.

FINDINGS AND CONCLUSIONS

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

1) On February 20, 2026, Mr. Carl Holman submitted a Request for Review alleging that on December 22, 2025, and February 9, 2026, the City of Lebanon City Council improperly discussed in closed session its future plans for its City Hall building. Mr. Holman's Request for Review was timely filed and otherwise complies with the requirements of section

²¹Letter from Luke A. Behme, Bruckert, Behme & Long, P.C., to Christina Lucente-McCullough, Assistant Attorney General, Public Access Bureau, Office of the Attorney General (March 23, 2026), at [1].

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3.5(a) of OMA.²²

2) On March 16, 2026, the Public Access Bureau sent a copy of the Request for Review to City Clerk Paul Grob and asked the Council to provide for this office's confidential review copies of the agenda, minutes, and any available recordings from the Council's December 22, 2025, and February 9, 2026, open and closed meetings. This office also asked the Council to respond in writing to the allegation that it violated OMA by discussing its future plans for its City Hall building in closed session.

3) On March 23, 2026, the Council's attorney provided the Public Access Bureau with its written response as well as copies of the December 22, 2025, and February 9, 2026, meeting agendas and minutes. In this response, the Council explained that it entered closed session during both meetings pursuant to section 2(c)(5) of OMA.

4) On that same date, the Public Access Bureau forwarded a copy of the Council's written response to Mr. Holman and notified him of his opportunity to reply. He replied on March 24, 2026.

5) On March 30, 2026, the Council's attorney provided the Public Access Bureau with copies of the closed session recordings from the December 22, 2025, and February 9, 2026, meetings.

6) On April 20, 2026, this office extended the time for issuing a binding opinion by 21 business days, to May 20, 2026, pursuant to section 3.5(e) of OMA. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

7) Section 2(a) of OMA requires that all meetings of public bodies be open to the public unless the subject of the meeting is covered by one of the limited exceptions enumerated in section 2(c). Section 2(c)(5), which the Council relied on to enter closed session at both meetings, permits a public body to close a portion of a meeting to discuss "[t]he purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired."

8) Portions of the closed session discussions at the Council's December 22, 2025, and February 9, 2026, meetings concerned the merits of properties that the City potentially could purchase. Section 2(c)(5) of OMA authorized the Council to discuss those properties in closed session.

²²Section 3.5(a) of OMA provides that a Request for Review generally must be filed "not later than 60 days after the alleged violation." February 20, 2026, was the 60th day after the Board's December 22, 2025, meeting. Therefore, Mr. Holman timely submitted his Request for Review on that date.

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9) However, the section 2(c)(5) exception did not authorize the Council to also discuss in closed session its future plans for the current City Hall building. The Council's deliberations about the condition and possible disposition of that existing property, and related financial matters, were independent of the discussions about the potential purchase of other properties. Because the topics were not intertwined in the context in which they were discussed by the Council, considering them separately would not have precluded the Council from fully considering the potential acquisition of property as permitted by the section 2(c)(5) exception under which the Council entered closed session.

10) Accordingly, the Council violated OMA during its December 22, 2025, and February 9, 2026, meetings by improperly discussing the existing City Hall building in closed session.

In accordance with these findings of fact and conclusions of law, the Council is directed to remedy this violation by disclosing to Mr. Holman and making publicly available the portions of the December 22, 2025, and February 9, 2026, closed session verbatim recordings and closed session minutes that directly concern the current City Hall building. The Council may redact the portions of these recordings and minutes that concern the potential acquisition of other properties. As required by section 3.5(e) of OMA, the Council shall either take necessary action as soon as practical to comply with the directives of this opinion or shall initiate administrative review under section 7.5 of OMA.²³

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law.²⁴ An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with 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 Mr. Carl Holman as defendants. *See* 5 ILCS 120/7.5 (West 2024).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:



R. Douglas Rees
Chief Deputy Attorney General

²³5 ILCS 120/7.5 (West 2024).

²⁴735 ILCS 5/3-101 *et seq.* (West 2024).

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cc: Mr. Luke A. Behme
Bruckert, Behme & Long, P.C.
201 East Hanover
New Baden, Illinois 62265

CERTIFICATE OF SERVICE

Steve Silverman, Deputy Division Chief, Public Access & Opinions Division, Chicago, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 26-004) upon:

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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 May 13, 2026.



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Deputy Division Chief

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