



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 15, 2026

PUBLIC ACCESS OPINION 26-005
(Request for Review 2026 PAC 92914)

OPEN MEETINGS ACT:
Taking Final Action on Matter Not
Sufficiently Identified on Meeting Agenda

Mr. Todd Marver
317 West Main Street
Carlinville, Illinois 62626

The Honorable David Jasper
Village President
Village of Okawville
304 North Front Street
P.O. Box 483
Okawville, Illinois 62271

Dear Mr. Marver and Mr. Jasper:

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 Village of Okawville (Village) Board of Trustees (Board) violated OMA in connection with its February 23, 2026, meeting by failing to provide the public with advance notice of its vote to terminate the employment of a Village police officer.

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Mr. Todd Marver
The Honorable David Jasper
May 15, 2026
Page 2

BACKGROUND

On March 12, 2026, Mr. Todd Marver submitted a Request for Review alleging that the Board violated OMA during its February 23, 2026, meeting by voting to terminate the employment of a Village police officer without setting forth the general subject matter of that final action on the agenda.¹ Mr. Marver included a copy of the meeting agenda, which listed "Personnel issues" under a "POLICE & LIQUOR" heading;² he argued that the agenda provided insufficient notice of the termination because it did not include the category of employee or type of personnel transaction that the Board intended to act upon.³

On March 27, 2026, the Public Access Bureau e-mailed⁴ a copy of the Request for Review to the Board together with a letter asking the Board to provide a written response to Mr. Marver's allegation, as well as copies of the agenda, minutes, and any available recordings of the February 23, 2026, meeting.⁵ On April 7, 2026, counsel for the Board e-mailed the minutes and recordings to this office⁶ along with a written response that acknowledged this office previously received the agenda of the February 23, 2026, meeting. On that same date, the Public Access Bureau forwarded a copy of the Board's written response to Mr. Marver and notified him of his opportunity to reply.⁷ He replied the same day.⁸

On May 11, 2026, this office extended the time for issuing a binding opinion by 21 business days, to June 10, 2026, pursuant to section 3.5(e) of OMA. Accordingly, the

¹E-mail from Todd Marver to Public Access [Bureau, Office of the Attorney General] (March 12, 2026).

²Village of Okawville, unnumbered Agenda Item, Village Board Meeting (February 23, 2026).

³E-mail from Todd Marver to Public Access [Bureau, Office of the Attorney General] (March 12, 2026).

⁴E-mail from Benjamin Silver, Supervising Attorney, Public Access Bureau, Office of the Illinois Attorney General, to [David] Jasper, [Village President, Village of Okawville] (March 27, 2026).

⁵Letter from Benjamin Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to the Honorable David Jasper, Village President, Village of Okawville (March 27, 2026), at 1-2.

⁶E-mail from Kiersten R. Stensland, Paralegal, Baker Sterchi Cowden & Rice LLC, to [Benjamin] Silver, [Supervising Attorney, Public Access Bureau, Office of the Attorney General] (April 7, 2026).

⁷Letter from Benjamin Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Todd Marver (April 7, 2026).

⁸E-mail from Todd Marver to [Benjamin Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General] (April 7, 2026).

Mr. Todd Marver
The Honorable David Jasper
May 15, 2026
Page 3

Attorney General may properly issue a binding opinion with respect to this matter.⁹

ANALYSIS

The intent of OMA is "to protect the citizen's right to know[.]" 5 ILCS 120/1 (West 2024). Thus, the General Assembly "declares it to be 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).

Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2024)) provides that "[a]n agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting." Further, section 2.02(c) of OMA (5 ILCS 120/2.02(c) (West 2024)) provides that "[a]ny agenda required under this Section shall set forth the **general subject matter** of any resolution or ordinance that will be the subject of final action at the meeting." (Emphasis added.)

The Board's February 23, 2026, meeting agenda listed "Personnel issues" under a heading for "POLICE & LIQUOR[.]"¹⁰ In its response to this office, the Board argued that "the public was aware that the Village Board was to consider an employ [*sic*] or personnel matter that fell under the Police Department. (There are no Liquor employees in the Village.)[.]"¹¹ The Board further argued that it was not "necessary under the Open Meetings Act to describe which department, which employee, nor if it was an adverse action."¹² The Board cited *In re Foxfield Subdivision v. Village of Campton Hills*, 396 Ill. App. 3d 989 (2009), in support of its argument that the Board's February 23, 2026, agenda included sufficient description of its final action terminating a police officer's employment.

In *Foxfield*, the Illinois Appellate Court analyzed whether the agenda item "'Discussion and Consideration of potential annexation of property'" provided sufficient advance notice that a village board would take action at a special meeting to annex a property. *Foxfield*,

⁹Letter from Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General, to Todd Marver and David B. Schneidewind, Baker Sterchi Cowden & Rice LLC (May 11, 2026).

¹⁰Village of Okawville, unnumbered Agenda Item, Village Board Meeting (February 23, 2026).

¹¹Letter from David B. Schneidewind, Attorney for the Village of Okawville, Baker Sterchi Cowden & Rice, LLC, to Benjamin J. Silver, Supervising Attorney, Office of the Attorney General, State of Illinois, Public Access Bureau (April 7, 2026), at 2.

¹²Letter from David B. Schneidewind, Attorney for the Village of Okawville, Baker Sterchi Cowden & Rice, LLC, to Benjamin J. Silver, Supervising Attorney, Office of the Attorney General, State of Illinois, Public Access Bureau (April 7, 2026), at 2.

396 Ill. App. 3d at 995-97. The version of section 2.02(a) of OMA¹³ that was in effect at the time of the meeting provided, in relevant part, that "[p]ublic notice of any special meeting * * * shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special * * * meeting, but the validity of any action taken by the public body which is **germane to a subject on the agenda** shall not be affected by other errors or omissions in the agenda." (Emphasis added.) Interpreting this earlier version of section 2.02, the court noted that "[o]ur Open Meetings Act does not require that an agenda be specifically detailed or that it be tailored to reach those specific individuals whose private interests are most likely to be affected by the actions of the public body. It requires only that the action taken at a special meeting be germane to the agenda listed in the notice."¹⁴ Accordingly, the court concluded that a village board provided sufficient advance notice under the plain language of section 2.02(a) because its action to annex the property was "closely related or germane to the agenda[.]"¹⁵

Subsequent to the Illinois Appellate Court's decision in *Foxfield*, section 2.02 of OMA was amended to add subsection 2.02(c), which provides in pertinent part, that "[a]ny agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting." By amending OMA to include that provision,¹⁶ the General Assembly manifested an intent to impose on public bodies an additional advance notice requirement. See *People v. Woodard*, 175 Ill. 2d 435, 444 (1997) (statutory amendments are "presumed to have a purpose, and a court must consider the language of an amended statute in light of the need for amendment and the purpose it serves."). The term "germane" in section 2.02(a) of OMA is not synonymous with the phrase "general subject matter" in section 2.02(c). "Germane" is defined as "[r]elevant; pertinent[.]" Black's Law Dictionary 756 (9th ed. 2009). If the legislature meant to use the term "germane" in section 2.02(c) of OMA, it could have done so. See *Jacobson v. General Finance Corp.*, 227 Ill. App. 3d 1089, 1098 (1992) ("In construing statutory enactments, the General Assembly is presumed to know existing law[.]") Instead, it chose the language "general subject matter," signifying that it intended for public bodies to provide the public with more detailed advance notice of its upcoming actions.

OMA does not define "general subject matter." "General" is defined as "[i]nvolving only the main features of something rather than details or particulars." The American Heritage Dictionary 552 (2d coll. ed. 1985). "Subject matter" is defined as "[t]he issue presented for consideration[.]" Black's Law Dictionary 1561 (9th ed. 2009). These definitions are broad in scope, and provide little guidance as to the amount of information the General

¹³5 ILCS 120/2.02(a) (West 2008).

¹⁴*Foxfield*, 396 Ill. App. 3d at 997.

¹⁵*Foxfield*, 396 Ill. App. 3d at 997.

¹⁶Public Act 97-827, effective January 1, 2013.

Mr. Todd Marver
The Honorable David Jasper
May 15, 2026
Page 5

Assembly intended public bodies to include on agendas for topics of final action. Although the modifier "general" signifies that an agenda item may identify a broad subject matter, the word is inherently ambiguous.

If a statute "remains ambiguous after considering the ordinarily understood meaning of its language and after looking to additional sources, [a reviewing body] may also consider a statute's legislative history and debates as important aids to determine legislative intent." *People v. Rowell*, 2020 IL App (4th) 190231, ¶ 23. The Senate debate on House Bill No. 4687, which, as Public Act 97-827, effective January 1, 2013, added section 2.02(c) of OMA, indicates that the General Assembly enacted this provision to strengthen OMA's advance notice requirement to ensure that agendas sufficiently describe matters upon which a public body anticipates taking final action:

[T]here was just no real requirement as to how specific [public bodies] needed to be to the public of what they were going to discuss that would be final action. And this just says that you have to have a * * * general notice, if you're going to have and take final action, as to generally what's going to be discussed so that — that people who follow their units of local government **know what they're going to be acting upon**. (Emphasis added.) Remarks of Sen. Dillard, May 16, 2012, Senate Debate on House Bill No. 4687, at 47.¹⁷

Here, the Board's February 23, 2026, agenda listed "Personnel issues" under a heading for "POLICE & LIQUOR[.]" The Board argued that the range of potential actions under this agenda item was limited by the fact that the Village employs no liquor employees.¹⁸ The Board, however, could have considered appointing a liquor control employee during the meeting. And even if the Board could not potentially have taken any personnel actions related to existing liquor employees, that limitation is not apparent from the agenda. Construing OMA to permit ambiguously worded agenda items to satisfy section 2.02(c) based on the assumption that members of the public are familiar with the full range of staff positions employed by public bodies would frustrate the General Assembly's intention of ensuring that agendas themselves disclose the general subject matter of resolutions or ordinances upon which the bodies anticipate taking action. Moreover, the term "Personnel issues" broadly encompasses any issue related to

¹⁷See also Ill. Att'y Gen. Pub. Acc. Op. No. 19-012, issued November 13, 2019, at 7 ("The Senate debate on House Bill No. 4687, * * * indicates that the General Assembly intended [section 2.02(c) of OMA] to ensure that agendas provide sufficient detail to notify members of the public of the types of final actions public bodies anticipated taking at their meetings[.]").

¹⁸Letter from David B. Schneidewind, Attorney for the Village of Okawville, Baker Sterchi Cowden & Rice, LLC, to Benjamin J. Silver, Supervising Attorney, Office of the Attorney General, State of Illinois, Public Access Bureau (April 7, 2026), at 2.

Mr. Todd Marver
The Honorable David Jasper
May 15, 2026
Page 6

personnel. It does not provide advance notice of the general subject matter of any particular category of personnel or any particular type of action.

The Board also emphasized that that "it was announced during the Village's open meeting that it was going into closed session to discuss personnel issues pursuant to section [2(c)(1)] of the Open Meetings Act[.]" and that the Board subsequently returned to open session and took final action on a personnel matter concerning its Police Department.¹⁹ The Board's public recital before entering closed session, which is required by section 2a of OMA,²⁰ has no relevance to whether the Board's meeting agenda provided sufficient advance notice as separately required by section 2.02(c) of OMA. The agenda did indicate that the Board would hold a closed session to consider "Personnel – Section 2 (c)(1)" and two other matters.²¹ Section 2(c)(1) of OMA²² permits closed session discussion regarding "[t]he appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body[.]"²³ The inclusion of this closed session discussion on the agenda, however, did not provide the public with any advance notice that the Board would take action to terminate the employment of a police officer.

Thus, a member of the public reviewing the Board's February 23, 2026, agenda would only have been informed that the Board intended to discuss, in some capacity, a personnel issue involving police or liquor personnel—perhaps related to the "appointment, employment, compensation, discipline, performance, or dismissal of specific employees." A member of the public would not have gleaned from this vague agenda item that the Board was considering the termination of employment—or even discipline—of a police officer. At a minimum, section 2.02(c) required the Board's agenda to include the general category of employee and general type of personnel transaction at issue. Although the Board was not required to identify the subject of the possible final employment action by name on its agenda, an agenda that merely notified the public that the Board would consider some type of action related to "personnel issues" did not set forth the general subject matter of the termination of a police officer's employment that the Board approved at its February 23, 2026, meeting. Accordingly, the Board violated section 2.02(c) of OMA.

¹⁹Letter from David B. Schneidewind, Attorney for the Village of Okawville, Baker Sterchi Cowden & Rice, LLC, to Benjamin J. Silver, Supervising Attorney, Office of the Attorney General, State of Illinois, Public Access Bureau (April 7, 2026), at 2.

²⁰5 ILCS 120/2a (West 2024).

²¹Village of Okawville, unnumbered Agenda Item, Village Board Meeting (February 23, 2026).

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

²³The exceptions that permit public bodies to close meetings to the public "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." 5 ILCS 120/2(b) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

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 March 12, 2026, Mr. Todd Marver submitted a Request for Review alleging that during its February 23, 2026, meeting, the Village of Okawville Board of Trustees voted to terminate the employment of a Village police officer without listing the general subject matter of that action on its meeting agenda. Mr. Marver's Request for Review, which included a copy of the meeting agenda, was timely filed and otherwise complies with the requirements of section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2024)).

2) On March 27, 2026, the Public Access Bureau sent a copy of the Request for Review to the Board. The Public Access Bureau also sent the Board a letter requesting copies of the agenda, minutes, and any recordings of the Board's February 23, 2026, meeting, and a written response to the allegations in Mr. Marver's Request for Review.

3) On April 7, 2026, the Board provided this office with a written response to the allegations and the requested minutes and recordings; the response acknowledged that this office previously received a copy of the meeting agenda.

4) On that same date, the Public Access Bureau forwarded a copy of the Board's written response to Mr. Marver and notified him of his opportunity to reply. He replied the same day.

5) On May 11, 2026, this office extended the time for issuing a binding opinion by 21 business days, to June 10, 2026, pursuant to section 3.5(e) of OMA. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

6) Section 2.02(c) of OMA requires that a meeting agenda "set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting." This provision requires public bodies to include on agendas sufficient detail to notify members of the public of the types of final actions that public bodies anticipate taking at their meetings.

7) The term "general subject matter" is ambiguous. The Senate debate on House Bill No. 4687, which as Public Act 97-827, effective January 1, 2013, added section 2.02(c) to OMA, indicates that the General Assembly intended this provision to ensure that agendas provide sufficient detail to notify members of the public of the types of final actions public bodies anticipated taking at their meetings. By choosing the language "general subject matter," the General Assembly signified that it intended a public body to provide the public with more detailed advance notice of its upcoming actions than the previous version of OMA, which required only that an action be "germane to a subject on the agenda."

Mr. Todd Marver
The Honorable David Jasper
May 15, 2026
Page 8

8) The Board's February 23, 2026, meeting agenda listed "Personnel issues" under a heading for "POLICE & LIQUOR." The Board's meeting agenda also included a reference to holding a closed session to discuss "personnel" under the exception in section 2(c)(1) of OMA.

9) During the meeting, the Board voted to terminate the employment of a Village police officer.

10) The meeting agenda did not set forth the general subject matter of the Board's vote to terminate the employment of a Village police officer. The agenda item identified neither the category of employee at issue nor the type of personnel transaction to be considered. Because a member of the public who read the agenda before the meeting would not have generally known what the Board would be acting upon, the Board failed to provide sufficient advance notice for the termination of a police officer's employment as required by section 2.02(c).

In accordance with these findings of fact and conclusions of law, the Board is directed to remedy this violation by re-voting on the termination of the employee after posting a meeting agenda that provides sufficient detail to identify the general subject of that final action. At a minimum, the relevant agenda item should identify the category of employee and the type of personnel action to be considered. As required by section 3.5(e) of OMA, the Board shall either take the 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. 5 ILCS 120/7.5 (West 2024).

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2024). 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. Todd Marver as defendants. *See* 5 ILCS 120/7.5 (West 2024).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:



R. Douglas Rees
Chief Deputy Attorney General

Mr. Todd Marver
The Honorable David Jasper
May 15, 2026
Page 9

cc: Mr. David B. Schneidewind
Baker Sterchi Cowden & Rice LLC
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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 26-005) 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 15, 2026.



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Deputy Division Chief

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