

# Supreme Court cites Allen v. Clark Co. Park District in Opinion on Springfield School District 186 v. Atty. Gen. –

SPRINGFIELD, IL. ([ECWd](#)) –

On January 20, 2017, the Illinois Supreme Court issued its Opinion in [Board of Education of Springfield School District No. 186 v. The Attorney General of the State of Illinois](#) upholding the Appellate Court's decision to uphold the Circuit Court's decision to overturn the Attorney General's Binding Opinion on an alleged violation of Section 2(e) of Open Meetings Act.

The Supreme Court stated that:

- *an agenda posting standing alone cannot fulfill the public recital requirement of Section 2(e)*
- *in order to comply with Section 2(e), the public recital must occur during an open meeting, prior to the public body's taking action on the matter (the Supreme Court deferred consideration on the relevance of the school district's earlier posting of additional information (the agreement) prior to the meeting)*
- *under Section 2(e) a public recital must take place at the open meeting before the matter is voted on, it must announce the nature of the matter being considered with sufficient detail to identify the particular transaction or issue, but does not need to explain its terms or significance.*

In citing case law, it referred to *Roller v. Board of Education of Glen Ellyn School District #41*, and to [Allen v. Clark County Park District](#) as the only two cases considering

the meaning of Section 2(e) of the Open Meetings Act, agreeing with both previous cases. *Roller* was determined not to be a violation, while in *Allen* determined a violation did occur and overturned the Circuit Court's decision to dismiss the case.

The Supreme Court also stated that without a recital and vote in public session, any "vote" in closed session, including signing of an agreement, does not constitute final action – "*without a public vote, no final action has occurred*" –

- this part is consistent with the OMA case against the College of DuPage in 2016 where the [DuPage County State's Attorney charged the Board of Trustees of the College of DuPage](#) with violations of the Open Meetings Act for taking final action in closed session on a contract extension of now-former COD President Breuder. No public vote was ever taken on his contract extension. The COD Board plead guilty ([here](#)) and stipulated to a consent judgment nullifying the contract extension by declaring it null and void.

In ¶ 44 the Court defined "*recital*" as requiring the public body to publicly recite the "*nature of the matter to be considered*" and defined "*nature*" of a matter as a "*fundamental quality that distinguishes one thing from another*" (Black's Law Dictionary) to mean the requirement is to (in nonspecific terms) "*state the essence of the matter under consideration, its character, or its identity.*" The Court also went on to explain the meaning of "*other information*" to require specific items of business under consideration to use "specific terms" to inform the public of the specific item of business.

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