



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 26, 2013

Mr. Kirk Allen
P.O. Box 593
Kansas, Illinois 61933

Mr. John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

Mr. Ben Jenness, Chairman
Edgar County Board
115 West Court Street
Paris, Illinois 61944

RE: OMA Requests for Review – 2013 PAC 24619 and 2013 PAC 24620

Dear Mr. Allen, Mr. Kraft and Mr. Jenness:

This determination letter is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 140/3.5(e) (West 2012)). For the reasons that follow, the Public Access Bureau concludes that the Edgar County Board (Board) violated OMA by convening a meeting before the time posted on the meeting agenda.

On May 20, 2013, Mr. Kirk Allen and Mr. John Kraft submitted identical Requests for Review alleging that the Board improperly convened its May 20, 2013, meeting fifteen minutes early. This office forwarded those Requests for Review to the Board and asked it to respond to the allegations. On June 12, 2013, Mr. Chris Patrick, the then-Edgar County Board Chairman, responded on behalf of the Board by acknowledging that the Board started the meeting at 9:15 a.m. even though the agenda indicated that the meeting would start at 9:30 a.m. Mr. Patrick stated that he started the meeting early because the committee meetings that preceded the meeting scheduled for 9:30 a.m. had ended early and all of the Board members were present at 9:15 a.m. Mr. Patrick also stated that no one else showed up for the meeting, and that he instructed the county clerk to make such a notation in the meeting minutes. This office forwarded Mr. Patrick's response to Mr. Allen and Mr. Kraft, who both replied by noting that several Board members had objected to starting the meeting early.

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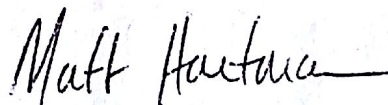
Section 2.01 of OMA (5 ILCS 120/2.01 (West 2012)) provides, in pertinent part, that "[a]ll meetings required by this Act to be public shall be held at *specified times* and places which are convenient and open to the public." (Emphasis added.) Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2012)) requires a public body to post an agenda for each regular meeting at least 48 hours before the meeting commences.

The agenda for the Board's May 20, 2013, meeting indicated that the meeting would commence at 9:30 a.m. However, the minutes indicate that Mr. Patrick called the meeting to order at 9:12 a.m. The Board does not dispute that the meeting started early; rather, the Board contends that no harm occurred because no additional members of the public showed up after the meeting commenced. The fact that additional members of the public did not arrive after the meeting began does not relieve the Board of its responsibility under section 2.01 to hold its meetings at the time specified in the agenda. Thus, the Board violated OMA by starting its May 20, 2013, meeting early.

The minutes of the May 20, 2013, meeting indicate that the Board met for a study session in which no votes were taken. Because no action was taken at the meeting, this office concludes that no action is required to remedy the Board's violation of section 2.01 of OMA. However, this office cautions the Board to adhere to the requirements of section 2.01 and all other provisions of OMA.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, you may contact me at (217) 782-9054 or the Springfield address below. This letter shall serve to close this matter.

Very truly yours,



MATT HARTMAN
Assistant Attorney General
Public Access Bureau