



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

October 17, 2012

*Via electronic mail*

[REDACTED]

Mr. Max Schauf  
Mayor, City of Bridgeport  
235 Washington Street  
Bridgeport, Illinois

RE: Open Meetings Act Request for Review – 2011 PAC 17474

Dear [REDACTED] and Mr. Schauf:

The Public Access Bureau has received a Request for Review from [REDACTED] under section 3.5 of the Open Meetings Act (OMA) (5 ILCS 120/3.5 (West 2010)) concerning the Bridgeport City Council's (Council) November 11, 2011, special meeting. [REDACTED] alleged that the Council failed to comply with section 2.01 of OMA (5 ILCS 120/2.01 (West 2010)) by holding this special meeting on Veteran's Day, a legal holiday. Section 2.01 provides that "[n]o meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday."

On November 28, 2011, the Public Access Bureau forwarded a copy of the Request for Review to the Council and asked it to respond to this allegation. On December 9, 2011, Ms. Sara B. Sechrest, City Clerk, responded on behalf of the Council, acknowledging that the Council's November 11, 2011, meeting was not a regular meeting but a special meeting which concerned the topic of certain classes of commercial licenses. She acknowledged that this special meeting may not have complied with section 2.01 of OMA, although Veteran's Day was not a holiday granted to City employees, meaning that City Hall was open on that date. She also noted that because the Council recognized that this special meeting did not comply with the requirements of OMA, the Council held another special meeting on Wednesday, November 16, 2011, at 2:45 P.M at City Hall. Ms. Sechrest included copies of the agenda and minutes for both



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the Council's November 11, 2011, and November 16, 2011, special meetings.<sup>1</sup> The description of new business on both the agendas and the minutes of the respective special meetings confirm that the topic of granting additional licenses and amending the corresponding ordinance were the only topics discussed and voted on at these meetings.

### DETERMINATION

Veteran's Day, on November 11, 2011, is a legal holiday pursuant to section 17(a) of the Promissory Note and Bank Holiday Act (205 ILCS 630/17(a) (West 2010)). The facts are undisputed that the Council held its November 11, 2011, special meeting on a legal holiday. Section 2.01 contains no exception permitting public bodies to hold special meetings on legal holidays when those holidays are not observed by the public body. Accordingly, we conclude that the Council violated 2.01 of OMA.

The agenda for the November 11, 2011, meeting provided to us by Ms. Sechrest indicates that final action was taken by the Council at this meeting. However, the Council took immediate action to remedy this error by re-discussing and re-voting on the same issue at its special meeting on November 16, 2011. Therefore, we have determined that no additional action is needed to remedy the Council's violation of section 2.01.

██████████ Request for Review also alleges that the Council violated a city ordinance at the November 16, 2011, meeting, but he makes no allegation that the Council violated any other provision of OMA. This allegation is beyond the Public Access Counselor's authority to review. *See* 15 ILCS 205/7(c)(3) (West 2010)) (the Public Access Counselor's authority to resolve disputes is limited to alleged violations of OMA and the Freedom of Information Act (140/1 *et seq.* (West 2010))).


The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This correspondence shall serve to close this file. If you have any questions, you may contact me at (217)782-9078.

Very truly yours,

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MATTHEW M. SEBEK  
Assistant Attorney General  
Public Access Bureau

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<sup>1</sup>Letter from Sara Sechrest, City Clerk, City of Bridgeport, to Matthew M. Sebek, Assistant Attorney General, Office of the Public Access Counselor, (December 9, 2011).

  
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