



ROBERT B. BERLIN
STATE'S ATTORNEY
DU PAGE COUNTY, ILLINOIS

June 1, 2011

David Carlin

Chairman of the Board of Trustees

College of DuPage Board of Trustees
425 Fawell Boulevard
Glen Ellyn, IL 60137

Dear Mr. Carlin:

A request has been submitted to my office to review a potential violation of the Illinois Open Meetings Act by the College of DuPage Board of Trustees at its meeting of May 23, 2011.

The posted agenda for the May 23, 2011, meeting of the Board of Trustees included under New Business, For Approval: 10B.7 "Village of Glen Ellyn." When item 10B.7 was addressed at the meeting, action was taken:

"It is the recommendation of the President of the Board of Trustees rescind the Intergovernmental Agreement it approved on April 28, 2011 and authorize the President to work with the College's legal counsel to pursue deannexation from the Village of Glen Ellyn at the earliest possible date. Further, the College's attorney be authorized to seek relief from the DuPage County Court to prevent the Village from engaging in any activity during this transition period that would unnecessarily harm the College of DuPage and thereby, hinder its ability to deliver instructional programs and related services to the citizens of District 502."

This recommendation was passed unanimously, and constitutes final action to the extent it rescinds action previously taken and authorizes litigation. All other items listed on the Agenda for approval gave sufficient detail as to what the Board intended to approve; 10.B7 "Village of Glen Ellyn" did not. **The action of the Board violates the spirit, if not the intent, of the Illinois Open Meetings Act in that the agenda did not give the public notice of the action to be taken. 5 ILCS 120/2.02.**

Any violation of the Act may be cured by ratification, provided that proper notice of the proposed action is given, e.g., "Ratification of action taken on May 23, 2011, to rescind Glen Ellyn IGA, and to authorize litigation concerning deannexation", is listed on the agenda. **I expect compliance with the Illinois Open Meetings Act prior to, or by the next regularly scheduled meeting, June 23, 2011.**

This violation should be rectified, and if the Board fails to do so, I recommend that this office pursue all legal remedies available.

Sincerely,

Robert B. Berlin
DuPage County State's Attorney

May 25, 2011

Ms. Lisa Smith
DuPage County State's Attorney's Office, Civil Division
503 North County Farm Road
Wheaton IL 60187

Dear Ms. Smith:

I hereby submit a request for your office to review the following potential violation of the Illinois Open Meetings Act by the College of DuPage Board of Trustees at its meeting of May 23, 2011:

The posted agenda for the May 23, 2011 meeting of the Board of Trustees (a clean copy of which is attached) included under item **10. NEW BUSINESS, 10.B. For Approval, 10.B.7)** "Village of Glen Ellyn."

When item **10.B.7** came up in the meeting, action was taken on the following:

"It is the recommendation of the President that the Board of Trustees rescind the Intergovernmental Agreement it approved on April 28, 2011 and authorize the President to work with the College's legal counsel to pursue deannexation from the Village of Glen Ellyn at the earliest possible date. Further, the College's attorney be authorized to seek relief from the DuPage County Court to prevent the Village from engaging in any activity during this transition period that would unnecessarily harm the College of DuPage and, thereby, hinder its ability to deliver instructional programs and related services to the citizens of District 502."

This recommendation was passed unanimously. (The recommendation was available to the public at the close of the meeting, and a copy is attached.)

I believe this to be a violation of the Open Meetings Act since the agenda did not give the public notice of the action to be taken. I know of at least one person who would have addressed the Board of Trustees on the subject of deannexation if he had been aware that this action would be considered.

Thank you for your attention to this matter.

Sincerely,

Rinda Y. Allison
537 Hillside Avenue
Glen Ellyn IL 60137
630-469-5347
rindaallison@yahoo.com