



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 28, 2017

The Honorable Henry Araujo
Supervisor
Bruce Township
216 North Sterling Street
Streator, Illinois 61364

RE: OMA Request for Review – 2017 PAC 50318
SECOND REQUEST

Dear Mr. Araujo:

On November 6, 2017, the Public Access Bureau sent you the enclosed letter requesting a response to the above-referenced Request for Review. **As of the date of this letter, this office has not received your response.** Please provide a written response to the allegations in the Request for Review as soon as possible. Under section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b)(West 2016)) **this information must be submitted to our office within seven (7) business days after receipt of this letter.**

If you have any questions, you may contact me by mail at the Chicago address listed on below, by phone at (312) 550-4480, or by e-mail at sbarnaby@atg.state.il.us. Thank you.

Very truly yours,

Shannon Barnaby
SHANNON BARNABY
Assistant Attorney General
Public Access Bureau

Enclosure

cc: Via electronic mail
Mr. Kirk Allen
kirk@illinoisleak.com



OFFICE OF THE ATTORNEY GENERAL
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Lisa Madigan
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November 6, 2017

The Honorable Henry Araujo
Supervisor
Bruce Township
216 North Sterling Street
Streator, Illinois 61364

RE: OMA Request for Review – 2017 PAC 50318

Dear Mr. Araujo:

The Public Access Bureau has received the enclosed Request for Review in which Mr. Kirk Allen alleges that the Bruce Township (Township) Board of Trustees (Board) may have violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2016)). We have determined that further action is warranted.

With his Request for Review, Mr. Allen provided this office a letter that he alleges the Trustees of the Board supplied to local media outlets for publication, which states "[t]he Trustees of Bruce Township have had many discussions concerning General Assistance Funds."¹ Mr. Allen's Request for Review asserts that no such discussions occurred in recent open meetings, and therefore, he alleges that the Board held these meetings without opening the meetings to the public or otherwise complying with the requirements of OMA.

In order to further evaluate this matter, we request that the Board, or its representative, provide a written response to the allegations in Mr. Allen's Request for Review. In your response, please clarify whether members of the Board met as described in the Request for Review and, if so, please identify the members who participated and a summary of any discussion or votes that took place. As you respond, please keep in mind that section 1.02 of OMA (5 ILCS 120/1.02 (West 2016)) defines a "meeting" as:

[A]ny *gathering*, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging),

¹Letter from Harold "Randy" Baumrucker, Gerald "Jerry" Christensen, Robert "Bob" Harrison, Scott Orban, to The Taxpayers of Bruce Township (undated).

Mr. Henry Araujo
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or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

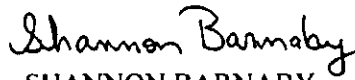
Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.
(Emphasis added.)

In addition, if the members of the Board met as described in the Request for Review, please clarify if a notice and/or an agenda for the meeting was posted, and if so, please provide copies and specify when and where they were posted. Also, if the members of the Board met as described in the Request for Review, please clarify whether there are any recordings, written minutes, or any other written documentation of the meeting, and if so, provide a copy of these materials to this office.

This information must be submitted to our office within seven (7) business days after receipt of this letter. 5 ILCS 120/3.5(b) (West 2016)). Under OMA, "[t]he Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review. The requester may, but is not required to, respond in writing[.]" 5 ILCS 120/3.5(c) (West 2016). If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.

If you have any questions, you may contact me by mail at the Chicago address listed on the first page of this letter, by e-mail at sbarnaby@atg.state.il.us, or by phone at (312) 550-4480. Thank you.

Very truly yours,


SHANNON BARNABY
Assistant Attorney General
Public Access Bureau

Enclosure

Mr. Henry Araujo
November 6, 2017
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cc: *Via electronic mail*
Mr. Kirk Allen
P.O. Box 593
Kansas, Illinois 61933
kirk@illinoisleak.com

Public Access

50318

From: Kirk Allen <Kirk@illinoisleaks.com>
Sent: Thursday, November 02, 2017 9:54 AM
To: Public Access
Subject: Request for Review
Attachments: TRUSTEES NEWSPAPER REBUTTAL OCTOBER 2017.docx

Please consider this a request for review regarding an alleged Open Meetings Act Violation.

Local Government:
Bruce Township
216 N. Sterling Street
Streator, IL 61364

Attached is a letter that marsh Johnston (BruceClerk@mediacombb.net), the Township Clerk, sent out to the local media for publication.

The letter contains all the names of the Trustees and it would appear they conducted public business without any proper notice given to the public regarding this matter. This was not discussed any recent meetings and appears it was done behind closed doors.

Below is the actual email communication with the Media, which confirms the letter is from the Trustees, as in plural. Although they are not signed, it does appear to be public business by these trustees which was not discussed in a public meeting. We can find no record of any vote or discussion to send this letter to the media.

We ask for the PAC to review this matter and make a determination regarding compliance with the Open Meetings Act.

We also ask that all communications be done electronically on this matter.

Thanks
Kirk Allen
PO box 593
Kansas, IL 61933
217 2508 0564

To the Taxpayers of Bruce Township,

The Trustees of Bruce Township have had many discussions concerning General Assistance Funds. These funds have accumulated over a fifteen year period. Twenty years ago when Mr. Henry Araujo became supervisor, the General Assistance was underfunded and had a short fall of \$70,000. The Township Fund deposited \$70,000 in General Assistance and the following year, an additional \$20,000 was needed to cover General Assistance expenses.

In a previous article from the Times, it stated the Trustees voted to transfer the amount of \$120,000 from the Township Fund to the General Assistance Fund. That is INCORRECT. The money was transferred back to General Assistance from the Township Fund at the Annual Township Meeting in April 2017. This was voted on not by the Trustees and/or Supervisor but by all the registered voters of Bruce Township that attended the meeting.

The General Assistance program clientele must meet certain requirements. An applicant is ineligible for General Assistance if the applicant is receiving Supplemental Security Income (SSI). They may not have a job, can be married or single but must not have children under the age of 18 living in the applicant's household. A person receiving Social Security (SS) or Social Security Disability (SSD) may be eligible. The Township office receives numerous phone calls weekly concerning the assistance. Many applicants choose not to fill out the paper work, bring proof of income, and eviction or disconnection notices. We would like to bring back a program which is called Emergency Assistance. The clientele requirements will be different. With the Emergency Assistance program you may be single or married, have a job and also have dependents in your household under the age of 18. It was first discussed to have a maximum total household income of \$50,000, but that was not set in stone. After further discussion, the possibility of following the Federal Poverty Level maybe our guideline. We will still discuss and learn more about this option at the conference we are attending in November. We would like to help as many residents of Bruce Township that are experiencing financial difficulties. On a taxpayer's bill, 4.94% is for Bruce Township & Township Road. Only a small percentage of the Township's share goes to the General Assistance. We cannot completely deplete the Fund as some have suggested by in the form of a refund. Vouchers for the clients on assistance, office supplies and partial salaries, and catastrophic insurance with Township being liability for the first \$25,000 need to be kept in reserve.

In their opinion, Mr. Steve Biroshik and Mr. David Giuliani along with his articles recommend that money be refunded but without having a clear formula to do so. The estimated cost of postage, checks, and paper products would exceed \$10,000 for this option. Labor cost is not included in this expense. The number of parcels currently eligible for the refund is slightly over 6500. How would you decide who gets the refund, the current owner or should it be EVERY owner that owned that property over the last 10 years? That could possibly be several checks to be issued for a single property. In addition, other factors to consider would be changes in assessments and exemptions.

As Trustees of Bruce Township, in our opinion we feel the fairest way to lower our General Assistance Fund is to initiate the Emergency Assistance Fund and not levy for the General Assistance Fund until it is substantially reduced. This should lower the tax rate for Bruce Township.

Respectfully submitted,

Harold "Randy" Baumrucker
Gerald "Jerry" Christensen

Robert "Bob" Harrison
Scott Orban