



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 29, 2018

Via electronic mail

Mr. Kirk Allen
P.O. Box 593
Kansas, Illinois 61933
kirk@illinoisleaks.com

RE: OMA Request for Review – 2017 PAC 50999

Dear Mr. Allen:

The Office of the Attorney General, Public Access Bureau, has received the attached response to your Request for Review from Maine Township.

You may, but are not required to, reply in writing to the public body's attached response. If you choose to reply, you must submit your reply to this office within 7 business days of your receipt of this letter. 5 ILCS 120/3.5(c) (West 2016). Please send a copy of your reply to Mr. Dowd as well.

If you have any questions about this matter, please contact me at the Chicago office address listed below.

Very truly yours,

A handwritten signature in black ink, appearing to read "Teresa Lim", is written over a horizontal line.

TERESA LIM
Assistant Attorney General
Public Access Bureau

Attachment

Mr. Kirk Allen
January 29, 2018
Page 2

cc: *Via electronic mail*
Mr. Daniel J. Dowd
Dowd, Dowd & Mertes, Ltd.
701 Lee Street, Suite 790
Des Plaines, Illinois 60016
danieljdowd@sbcglobal.net

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January 22, 2018

WRITER'S E-MAIL ADDRESS:
danieljdowd@sbcglobal.net

Via E-Mail to tlim@atg.state.il.us

Office of the Attorney General
State of Illinois
100 West Randolph Street
Chicago, IL 60601

Attn: Ms. Teresa Lim
Assistant Attorney General
Public Access Bureau

Re: Maine Township OMA Request for Review
2017 PAC 50999
Requester: Mr. John Kraft
Date of Meeting: November 28, 2017
Our File: 7511

Dear Ms. Lim:

I am the attorney for Maine Township ("Township") and have been instructed to respond to the January 4, 2018 letter you sent to the Township concerning the OMA Request for Review referenced above.

As requested, we are sending herewith copies of the Agenda and Minutes and a link to the video recording of the November 28, 2017 meeting.

The Maine Township Board consists of four trustees and a supervisor who are all entitled to vote on matters that come before the Board. Three of the Trustees were newly elected in April, 2017 and were sworn in in May of 2017.

On the Agenda of the November 28, 2017 meeting was the subject of the destruction of the audio tape for a closed session that took place on March 22, 2016. The minutes of the meeting were approved and released at the October 25, 2016 Board meeting. As none of the newly trustees participated in this closed session, they abstained from voting. When the question was called for a vote, the remaining trustee, Supervisor and the Clerk voted to release the minutes and destroy the audio recording.

DOWD, DOWD & MERTES, LTD.

January 22, 2018

Page Two

Including the Clerk (who was a Trustee at the time that the closed session in question was held), was a result of a mistaken belief that the Clerk in this case could provide the vote which would meet the 3 vote threshold required by OMA and the Township Code.

This mistake was the direct result of my failure to advise the Board that the Clerk is not a voting member of the Board except in the case of a tie vote to fill a vacancy in office. While I was not present at the meeting, I had reviewed the Agenda in advance and should have provided guidance and advice to the Board on the voting requirements for this item.

The audio tape in question was destroyed prior to the Township receiving any request for a copy of it. The Township has decided going forward to retain the audio cassettes of special meetings indefinitely in order to ensure that it will be available to the public after the minutes of a closed session are released for public inspection.

Please let me know if you require any additional information or explanation from the Township concerning this matter.

Very truly yours,



Daniel J. Dowd

DJD/mk

Enclosures

cc: Ms. Laura Morask, Supervisor
Maine Township
(via e-mail)