



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2018

Supervisor Charles Lutzow
Algonquin Township Board of Trustees
3702 U.S. Highway 14
Crystal Lake, Illinois 60014

RE: OMA Request for Review – 2018 PAC 52636

Dear Supervisor Lutzow:

The Public Access Bureau has received a Request for Review in which Mr. John Kraft alleges that the Algonquin Township Board of Trustees (Board) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2016)) during its April 11, 2018, meeting. A copy of the Request for Review is enclosed.

In his Request for Review, Mr. Kraft alleges that during the Board's April 11, 2018, meeting, it voted to move the Algonquin Township's Road District (Road District) office, a matter that was not identified on the meeting agenda. Mr. Kraft contends that the agenda item "Reconfiguration of Office Space"¹ did not adequately inform the public that the Board would be voting to move the Road District's office. We construe the Request for Review as alleging a violation of section 2.02(c) (5 ILCS 120/2.02(c) (West 2016)) of OMA.

This office has determined that further inquiry is warranted. To further evaluate this matter, we request that the Board or its representative provide a written response to the allegations in Mr. Kraft's Request for Review. In your response, please clarify whether the Board voted to move the Road District's office and, if so, address whether the agenda for the April 11, 2018, Board meeting set forth the general subject matter of that final action, as required by section 2.02(c) of OMA. Please also provide copies of the April 11, 2018, meeting agenda and all minutes from that meeting, whether from open or closed sessions (draft form if necessary).

As required by section 3.5(b) of the Open Meetings Act (5 ILCS 120/3.5(b) (West 2016)), please provide this information to our office within 7 working days after

¹E-mail from John Kraft to Public Access [Bureau, Office of the Attorney General] (April 12, 2018).

Supervisor Charles Lutzow
April 19, 2018
Page 2

receipt of this letter. As we conduct our review of this matter, we will notify you if we need to review additional records or information. You have the option under the Act to provide a written response to these allegations in addition to the requested materials. That response may take the form of a letter, brief or memorandum. Please note that under the Act, we are required to forward a copy of any response from a public body to the requester and provide the requester an opportunity to reply. 5 ILCS 120/3.5(c) (West 2016). The Act also permits a public body to provide a copy of a response with confidential information redacted for release to the requester. **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 believe that other documents or information would be helpful to us as we review the issues, you may submit additional records or affidavits.

If you have any questions or would like to discuss this matter, please contact me at (217) 524-7958 or at LHarter@atg.state.il.us.

Very truly yours,



LAURA S. HARTER
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Mr. John Kraft (will receive letter only)
7060 Illinois Highway 1
Paris, Illinois 61944
john@illinoisleaks.com

John Kraft

52636

From: John Kraft <john@illinoisleaks.com>
Sent: Thursday, April 12, 2018 11:23 AM
To: Public Access; Public Access
Cc: Kirk Allen
Subject: OMA Request for Review (Algonquin Township) - 4-12-2018

AG PAC,

Please consider this a request for review of allegations of Open Meetings Act violations.

NAME OF PUBLIC BODY: Algonquin Township

DATE OF ALLEGED OMA VIOLATIONS: April 11, 2018

This request for review is brought under Section 3.5 of the Open Meetings Act, which states that a person who believes that a violation of this Act by a public body has occurred may file a request for review of the alleged violation.

ALLEGATION:

This is an allegation that the Algonquin Township Board has violated the Open Meetings Act in the following way:

- *Taking action on an item not placed on the agenda as an item to take action on.*
- *Agenda did not set forth the general subject matter which was actually acted on. The agenda stated: "Reconfiguration of Office Space" when the vote was to actually "move" (not reconfigure) the Road District's office (and not the office of the public body of the township) and records to a different building(s).*
- *This item, as listed on the agenda, lead the public to believe there would only be discussion on reconfiguring the office space of the Township of Algonquin, not of actually moving the offices and records of the Algonquin Road District.*

Electronic communications preferred.

Thanks for your prompt consideration of this matter,
John Kraft
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Paris, Illinois 61944
217-808-2527
john@illinoisleaks.com