



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Kwame Raoul
ATTORNEY GENERAL

September 1, 2020

Via electronic mail
The Honorable Maripat Oliver
maripatoliver1924@gmail.com

RE: OMA Request for Review – 2020 PAC 64514

Dear Ms. Oliver:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/ 3.5(b) (West 2018)). For the reasons set forth below, the Public Access Bureau concludes that no further action in this matter is warranted.

In your Request for Review, received August 27, 2020, you allege that the DuPage Township (Township) Board (Board), of which you are a member, violated OMA at its July 21, 2020, meeting by permitting another trustee to read a letter during the period designated for public comment. Specifically, you allege that this action violated the Board's policy on public comments because the letter was not directed to the Township Clerk, exceeded 200 words, and did not relate to Township business. You ask this office to make a determination as to whether this alleged violation of the Board's public comment policy violates OMA.

Section 3.5(a) of OMA (5 ILCS 120/ 3.5(a) (West 2018)) provides that "[a] person who believes that a **violation of this Act by a public body has occurred** may file a request for review with the Public Access Counselor established in the Office of the Attorney General[.] * * * The request for review * * * must include a summary of the **facts supporting the allegation.**" (Emphasis added.)

Section 2.06(g) of OMA (5 ILCS 120/ 2.06(g) (West 2018)) provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." A public body violates section 2.06(g) of OMA when it: (1) **prohibits** a member of the public from addressing its members in a manner inconsistent with its established and recorded rules, or (2) **prohibits** a member of the public from providing public comment pursuant to its established and recorded rules but those rules unreasonably restrict that

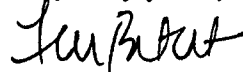
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person's right to address public officials. (Emphasis added.) Ill. Att'y Gen. Pub. Acc. Op. No. 14-009, issued September 4, 2014, at 5-7.

Your Request for Review alleges that the Board permitted a public comment to be read during the public comment period when its rules may have allowed the Board to prohibit that comment from being read. "The primary purpose of adopting rules governing public comment pursuant to section 2.06(g) of OMA is to accommodate the speaker's statutory right to address the public body, while ensuring that the public body can maintain order and decorum at public meetings." Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 6. Therefore, allowing a longer written comment generally would not run afoul of section 2.06(g) of OMA, in contrast to the Board cutting off that comment before it reached the word limit listed in the rules. Similarly, allowing an individual's comments to be read even if she sent those comments to a trustee rather than the clerk, and permitting the comments to be read regardless of their subject matter, does not violate section 2.06(g) of OMA. Although a public body must abide by its established and recorded rules when restricting public comment, a public body does not violate OMA when it allows comments to be given or read. Based on the facts provided in your Request for Review, the Board did not violate OMA in connection with the public comment portion of its July 21, 2020, meeting because the Board did not prohibit any individual from providing public comment at that meeting. Accordingly, no further action is warranted.

This letter closes this file. Please contact me at (312) 814-6437 or the Chicago address listed on the first page of this letter if you have questions.

Very truly yours,



LEAH BARTELT
Deputy Public Access Counselor
Public Access Bureau

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cc: *Via electronic mail*
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