



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 8, 2021

Via electronic mail
Mr. John Kraft

Via electronic mail
Ms. Cindy Brzana

Via electronic mail
Mr. Michael Medlin
Wesley Township Supervisor
21333 West Ballou Road
Wilmington, Illinois 60481
wesleysuper2017@outlook.com

RE: OMA Request for Review – 2018 PAC 53615; 2018 PAC 53713

Dear Mr. Kraft, Ms. Brzana, and Mr. Medlin:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2018)).

On June 15, 2018, Mr. John Kraft submitted a Request for Review alleging that the Board of Trustees of Wesley Township (Board) violated section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2018) during the public comment portion of its June 12, 2018, meeting by interrupting a person's public comment, adjourning the meeting during a person's public comment, and by using its public comment policy to require a person to address the entire Board rather than individual Board members. On June 22, 2018, Ms. Cindy Brzana submitted a Request for Review with the same allegations, identifying herself as the individual the Board interrupted. This office forwarded copies of the Requests for Review to the Board and asked it to provide a written response to the allegations.

Mr. John Kraft
Ms. Cindy Brzana
Mr. Michael Medlin
June 8, 2021
Page 2

On July 10, 2018, Ms. Erin M. Pell, attorney for the Board, responded on behalf of the Board. The response acknowledged that the Board interrupted Ms. Brazna while speaking during its June 12, 2018, but asserted that the Board did so because she was disruptive.

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." Under the plain language of section 2.06(g) of OMA, a public body may restrict public comment only pursuant to its established and recorded rules, which must tend to accommodate, rather than unreasonably restrict, the right to address public officials. Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 6. A public body improperly restricts an individual's right to public comment when the public body enforces a rule that requires public comments to be addressed to the board as a whole as opposed to individual board members. See Ill. Att'y Gen. PAC Req. Rev. Ltr. 50824, issued July 10, 2014, at 5-6.

After reviewing the recording of the public comment period of the June 12, 2018, meeting, the Public Access Bureau previously determined that the Board violated OMA during its June 12, 2018, meeting by interrupting Ms. Brazna, the second speaker at the meeting, and preventing her from continuing to address the Board because her comments were addressed to the Township Supervisor, rather than the Board as a whole. Ill. Att'y Gen. PAC Req. Rev. Ltr. 53822 53830 53873, issued November 7, 2018, at 3-5. Accordingly, if it has not yet done so, this office requests that the Board review and revise its public comment rules to permit members of the public to address individual Board members as well as the Board as a whole.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. These files are closed. If you have any questions, please contact me at the Chicago address on the first page of this letter, (312) 814-5201, or at edie.steinberg@illinois.gov.

Very truly yours,


EDIE STEINBERG
Senior Assistant Attorney General
Public Access Bureau

Mr. John Kraft
Ms. Cindy Brzana
Mr. Michael Medlin
June 8, 2021
Page 3

cc: *Via electronic mail*
Ms. Erin M. Pell
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