

Kirk Allen

From: Kirk Allen
Sent: Monday, August 9, 2021 9:52 AM
To: Lim, Teresa S.
Cc: Sanchez, Lidia; Thompson, Patricia A.
Subject: RE: OMA Request for Review (2021 PAC 66874)
Attachments: Shelby Co Board Org meeting agenda .PDF

I am requesting reconsideration on the request for review as it appears numerous matters were not addressed.

While we appreciate the PAC listened to our video/audio recording of the meeting, that recording should not be used to determine if people could hear what was being said by the board member on speakerphone. The reason is we use a professional bullet microphone that picks up things the normal hearing does not. I and others were present and it was clear people could not hear. In fact, we assured them after the meeting the microphone should have picked up everything and we will publish it as soon as possible.

Additionally, if you were to listen to the public bodies recording, similar concerns are found because their recording device was right next to the phone and it would reflect you can hear it when in fact the room filled with 21 board members and upwards of 25 citizens could not hear.

While I appreciate the PAC pointing to three requirements under 7(e), they have ignored the fact this meeting was an in-person meeting and the public was never provided the required access for a remote attendance meeting under 7(e)4:

*(4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, **in which case the public body must make alternative arrangements and provide notice pursuant to this Section of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;***

Additionally, there was no compliance with 7(e)7;

*(7) Except in the event of a bona fide emergency, 48 hours' notice **shall be given of a meeting to be held pursuant to this Section.***

The fact they failed to provide notice of the meeting to be held under section 7 is a violation, just as not having a policy for remote attendance for a regular meeting. Attached is the agenda and you will see there was no compliance for providing alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or web-based link. If the public body is relying on section 7 then they must comply with all the requirements. Failing to do so constitutes an OMA violation.

For the reasons outlined, the Public Access Bureau should have been able to conclude that the Shelby County Board of Trustees improperly permitted a trustee to attend its December 7, 2020 meeting.

Additionally, the State's Attorney has informed several people that the advice she received from the AG on this matter was that attendance by remote for one board member should not have been permitted. In fact, she has stated the UCCI provided conflicting information from that provided to her by the AG..

Please issue an appropriate opinion confirming that the Shelby County Board violated OMA.

Thanks
Kirk Allen

From: Lim, Teresa S. <Teresa.Lim@Illinois.gov>
Sent: Monday, August 2, 2021 4:25 PM
To: Kirk Allen <Kirk@illinoisleaks.com>; statesattorney@shelbycounty-il.com
Cc: Sanchez, Lidia <Lidia.Sanchez@Illinois.gov>
Subject: OMA Request for Review (2021 PAC 66874)

Good afternoon,
The Public Access Bureau has issued a determination in OMA Request for Review - 2021 PAC 66874. Please see the attached correspondence.

Thank you,
Teresa Lim

Teresa Lim
Assistant Attorney General
Public Access Bureau
Illinois Attorney General's Office
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p. 312-814-5206

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