



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

April 11, 2022

*Via electronic mail*

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

*Via electronic mail*

Mr. Jesse Danley  
Cole's County State's Attorney  
651 Jackson Avenue, Room 330  
Charleston, Illinois 61921  
jdanley@co.coles.il.us

RE: OMA Request for Review – 2020 PAC 66240

Dear Mr. Allen and Mr. Danley:

This determination letter is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2020)).

On December 23, 2020, this office received Mr. Kirk Allen's Request for Review alleging that the Committee on Committees (Committee) of the Coles County Board (Board) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2020)) by failing to post notice and the agenda 48 hours in advance of its December 7, 2020, meeting. On January 12, 2021, this office forwarded a copy of Mr. Kirk Allen's Request for Review to the Board and asked it to provide a written response to the allegations, along with the notice, agenda, and minutes of the December 7, 2020, Committee meeting.

On January 19, 2021, the Coles County State's Attorney responded on behalf of the Board, acknowledging that the Committee met on December 7, 2020. The response included copies of (1) the notice to Board members and the media of meetings to be held in December 2020 -- this notice did not list any meetings for the Committee; (2) a petition and notice for a special meeting of the County Board to hold a reorganizing meeting on December 7, 2020; (3)

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the agenda for the December 7, 2020, Board meeting; and (4) the minutes of the December 7, 2020, Board meeting. On January 28, 2021, Mr. Allen replied, emphasizing that the response did not include the notice, agenda, or minutes of the Committee meeting.

"The General Assembly \* \* \* declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2020). Section 2.02(b) of OMA (5 ILCS 120/2.02(b) (West 2020)) provides: "[p]ublic notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held." Additionally, section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2020)) provides, in pertinent part, that "[a]n agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting." Section 2.02(c) of OMA (5 ILCS 120/2.02(c) (West 2020)) further provides that "[t]he public body conducting a public meeting shall ensure that at least one copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting."

The response provided by the Coles County State's Attorney did not include the requested notice, agenda, or minutes of the December 7, 2020, Committee meeting requested by this office. Because there is no evidence that the Committee provided advance notice of its December 7, 2020, or any indication that it posted an agenda 48-hours before that meeting, this office concludes that the Committee violated sections 2.02(a), 2.02(b), and 2.02(c) of OMA. As a result, if it has not already done so, the Board and Committee should take steps to ensure that notices of and agendas for all future meetings are posted at the locations required by section 2.02 and continuously available for public review 48 hours in advance of its meetings.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This file is closed. If you have any questions, please contact me at (312) 814-5201 or at the Chicago address below if you have questions.

Very truly yours,

  
EDIE STEINBERG  
Senior Assistant Attorney General  
Public Access Bureau