



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

January 4, 2023

*Via electronic mail*

Mr. John Kraft  
Edgar County Watchdogs  
Box 124  
Paris, Illinois 61944  
john@illinoisleaks.com

*Via electronic mail*

The Honorable Brian Harmon  
Kansas Township  
P.O. Box 401  
Kansas, Illinois 61933  
harmobc@gmail.com

RE: OMA Request for Review – 2022 PAC 74559

Dear Mr. Kraft and Mr. Harmon:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2020)). For the reasons explained below, the Public Access Bureau concludes that the Kansas Township Board (Board) violated OMA by holding a special meeting on a legal holiday.

### **BACKGROUND**

On December 7, 2022, this office received Ms. John Kraft's Request for Review in which he alleged that the Board held a special meeting on October 10, 2022, and that October 10, 2022, was a holiday. This office construed Mr. Kraft's Request for Review as alleging that the Board violated section 2.01 of OMA (5 ILCS 120/2.01 (West 2020)).

On December 13, 2022, this office sent a copy of the Request for Review to the Board and asked it to provide a written response to the allegation in Mr. Kraft's Request for

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Review. On December 17, 2022, Kansas Township Supervisor Brian Harmon responded that the Board had held a Truth in Taxation Meeting on October 10, 2022, in violation of OMA.<sup>1</sup> On December 19, 2022, this office forwarded a copy of the Board's response to Mr. Kraft; he did not reply.

### **DETERMINATION**

Section 2.01 of OMA (5 ILCS 120/2.01 (West 2020)), provides, in pertinent part:

All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

OMA does not define the term "legal holiday." However, section 17(a) of the Promissory Note and Bank Holiday Act (Bank Holiday Act) (205 ILCS 630/17(a) (West 2020)) designates thirteen specific days as "legal holidays in the State of Illinois[.]" The second Monday in October, which is the observance of Columbus Day, is listed as a legal holiday. 205 ILCS 630/17(a) (West 2020). October 10, 2022, was the second Monday in October.

In its response to this office, the Board acknowledged that it violated OMA by holding its Truth in Taxation Meeting on the Columbus Day holiday.<sup>2</sup> Accordingly, this office concludes that the Board violated section 2.01 of OMA. In its response to this office, the Board further stated that it has subsequently revised its tax levy under the level that requires it to hold a Truth in Taxation hearing.<sup>3</sup>

Because the Board is no longer required to hold a Truth in Taxation hearing, there are no means for the Board to remedy its technical violation of section 2.01 in this instance. This office cautions the Board to adhere to the requirements of section 2.01 with respect to the scheduling of future meetings.

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<sup>1</sup>E-mail from Brian Harmon, Supervisor Kansas Township, to Benjamin Silver, [Assistant Attorney General], [Public Access Bureau] (December 17, 2022).

<sup>2</sup>E-mail from Brian Harmon, Supervisor Kansas Township, to Benjamin Silver, [Assistant Attorney General], [Public Access Bureau] (December 17, 2022).

<sup>3</sup>E-mail from Brian Harmon, Supervisor Kansas Township, to Benjamin Silver, [Assistant Attorney General], [Public Access Bureau] (December 17, 2022).

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The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions, please contact me at [benjamin.silver@ilag.gov](mailto:benjamin.silver@ilag.gov) or (773) 590-7878.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Silver', with a long horizontal flourish extending to the right.

**BENJAMIN J. SILVER**  
Assistant Attorney General  
Public Access Bureau

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