



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

March 3, 2023

*Via electronic mail*  
The Honorable Matt Carter  
Mayor  
City of Silvis  
121 11th Street  
Silvis, Illinois 61282  
mcarter@silvisil.org

RE: OMA Request for Review – 2023 PAC 75590  
Requester: Mr. John Kraft

Dear Mayor Carter:

The Public Access Bureau has received the attached Request for Review in which Mr. John Kraft alleges that the Silvis City Council (Council) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2020)) in connection with its February 7, 2023, meeting. This office has determined that further inquiry is warranted.

Specifically, Mr. Kraft contends that the Council entered into closed session without a majority vote of the members present, which this office construes as alleging a violation of section 2a of OMA.<sup>1</sup> Mr. Kraft also contends that the Council discussed the mayor and city clerk during closed session, which he alleges is not permitted by the exception the Council cited as its basis for entering closed session, section 2(c)(1) of OMA.<sup>2</sup> He noted that the Council prohibited the mayor and city clerk from participating in the closed session. Mr. Kraft also contends that the Council violated section 2.06(e) of OMA<sup>3</sup> by improperly removing the verbatim recording of the February 7, 2023, closed session from its storage location and by refusing to permit the mayor to listen to the February 7, 2023, closed session recording.

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<sup>1</sup>5 ILCS 120/2a (West 2020).

<sup>2</sup>5 ILCS 120/2(c)(1) (West 2021 Supp.), as amended by Public Act 102-813, effective May 13, 2022.

<sup>3</sup>5 ILCS 120/2.06(e) (West 2021 Supp.).

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To further evaluate this matter, this office requests that you provide a written response addressing Mr. Kraft's allegations. Please also provide copies of the February 7, 2023, meeting agenda, open and closed session minutes (draft form, if necessary), and the verbatim recording of the closed session for this office's confidential review. Please provide a copy of the recording of the open session of the meeting, if one exists. Please be sure to include in your written response a description of the Council's public recital and vote made pursuant to section 2a of OMA and identify the specific exception(s) in section 2(c) of OMA that the Council publicly cited as its basis for entering closed session during its February 7, 2023, meeting. Please explain how that exception, or any other exception listed in section 2(c) of OMA, applied to the Council's closed session discussion.

As required by section 3.5(b) of OMA (5 ILCS 120/3.5(b) (West 2020)), please provide this information to our office within 7 business days after receipt of this letter. As we review this matter, we will notify you if we require additional records or information. Please note that under OMA, this office is required to forward a copy of any response from a public body to the requester and provide the requester an opportunity to reply. 5 ILCS 120/3.5 (West 2020). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

If you have any questions or would like to discuss this matter, please contact me at the Springfield address on this letter, (217) 843-0564, or [Laura.Harter@ilag.gov](mailto:Laura.Harter@ilag.gov).

Very truly yours,



LAURA S. HARTER  
Deputy Bureau Chief  
Public Access Bureau

Attachment

cc: *Via electronic mail*  
Mr. John Kraft  
john [REDACTED]

cc: *Via electronic mail*  
Ms. Keri-Lyn Krafthefer  
Ancel Glink  
[kkrafthefer@ancelglink.com](mailto:kkrafthefer@ancelglink.com)

## Dunham, Lorraine

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**From:** John Kraft <jk[REDACTED]>  
**Sent:** Tuesday, February 21, 2023 6:16 PM  
**To:** Lim, Teresa; Public Access; Boggs, Christopher  
**Cc:** Kirk Allen  
**Subject:** [EXTERNAL] OMA Request For Review (City of Silvis) 2-21-2023

AG PAC,

Please consider this a request for review of allegations of Open Meetings Act violation(s).

**NAME OF PUBLIC BODY:** City of Silvis

**DATE OF ALLEGED OMA VIOLATIONS:** February 7 and 14, 2023, but the same meeting is in question

**ALLEGATIONS:**

On February 7 and 14, 2023, the City of Silvis City Council violated the OMA in the following ways:

1. February 7, 2023, **Entered into closed session without a majority vote of the members present at an open meeting (Sec 2a),**
2. February 7, 2023, **entered into closed session to discuss the Mayor and City Clerk which is not a permitted subject for closed sessions (Sec 2(c)),**
3. February 7, 2023, **improperly prohibited the Mayor and City Clerk from attending the improper closed session (the Mayor was part of the public body and his presence counted toward the quorum, the Clerk has a duty to take meeting minutes),**
4. February 7, 2023, **and permitting the city's labor attorney to confiscate the closed session recording (Sec 2.06(e) – recording removed from the main office of the public body or its official storage location without a vote of the public body),**
5. February 14, 2023, **and refusing to permit the Mayor access to the verbatim recording (Sec 2.06(e))**

See approximate mark 42:14 in the open meeting recording of February 7, 2023: [https://soundcloud.com/user-625882465/220207\\_1828a?utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/user-625882465/220207_1828a?utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

I ask the PAC to determine this public body violated the Open Meetings Act by holding an improper closed meeting without a vote, by discussing items in closed session that are not exempted from open meetings, by removing the closed session recording from the main office of the public body or its official storage location, and by refusing to permit the Mayor to have access to the verbatim recording.

**Electronic communications preferred.**

////SIGNED////

Thanks,  
John Kraft  
Edgar County Watchdogs

[REDACTED]

