



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 23, 2023

Via electronic mail

Mr. Keith Freeman
Village Administrator
Village of Dolton
14122 Dr. Martin Luther King, Jr. Drive
Dolton, Illinois 60419
kfreeman@vodolton.org

RE: OMA Request for Review – 2023 PAC 76467

Dear Mr. Freeman:

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 will take no further action in this matter.

In your Request for Review, you alleged that the Village of Dolton (Village) Board of Trustees (Board) violated OMA in connection with its April 24, 2023, special meeting. Specifically, you alleged that the Board violated section 2.01 of OMA (5 ILCS 120/2.01 (West 2020)) by holding its meeting at the Dolton Park District's Lester Long Building, a location that is not owned or leased by the Village and that you allege is not convenient.

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2020)) provides that "[a] person who believes that **a violation of this Act** by a public body has occurred may file a request for review with the Public Access Counselor established in the Office of the Attorney General[.] * * * The request for review * * * **must include a summary of the facts supporting the allegation[.]**" that the public body violated OMA. (Emphasis added.)

Section 2.01 of OMA provides, in pertinent part, that "[a]ll meetings required by [the] Act to be public shall be held at specified times and places which are convenient and open to the public." Section 2.01 further provides, in pertinent part: "Except as otherwise provided in this Act, a quorum of members of a public body must be physically present at the location of an open meeting." This physical quorum requirement contains an exception for certain public

bodies with large geographic jurisdiction, as long as the meeting "is held simultaneously at one of its offices and one or more other locations in a **public building**." (Emphasis added.) It is in this context that section 2.01 defines "public buildings," and this is the only provision in OMA requiring a meeting to be held in a public building. Section 2.01 does not require that meetings under any other circumstances are held in public buildings.

OMA does not define what is "convenient." Undefined statutory terms must be given their plain and ordinary meaning. *Exelon Corp. v. Dept. of Revenue*, 234 Ill. 2d 266, 275 (2009) (finding that where a statute fails to specifically define a word, a court may use a dictionary to determine the word's plain and ordinary meaning). "'Convenient' means 'suited to a personal comfort or to easy performance' or 'affording accommodation or advantage.'" *Gerwin v. Livingston Co. Board*, 345 Ill. App. 3d 352, 361 (4th Dist. 2003) (quoting Merriam-Webster's Collegiate Dictionary 252 (10th ed. 2000)). In addressing the meaning of "convenient" for purposes of section 2.01 of OMA, the *Gerwin* court stated that "[a] meeting can be open in the sense that no one is prohibited from attending it, but it can be held in such an ill-suited, unaccommodating, unadvantageous place that members of the public, as a practical matter, would be deterred from attending it." *Gerwin*, 345 Ill. App. 3d at 361. The court construed section 2.01 as requiring "not 'absolute accessibility' but 'reasonable accessibility.'" *Gerwin*, 345 Ill. App. 3d at 362, quoting *State ex rel. Badke v. Village Board of the Village of Greendale*, 173 Wis. 2d 553, 579, 494 N.W.2d 408, 418 (Wis. 1993).

The Board held its April 24, 2023, special meeting at the Lester Long Field House, a location owned by the Dolton Park District, another public body, less than one mile from Village Hall.¹ Although you allege that this location is less familiar to the public than the Board's usual meeting location at Village Hall, and therefore less convenient, this office has not received information from which it could conclude that anyone could not attend or was actually deterred from attending the meeting due to its location.

¹Lester L. Long Fieldhouse, Dolton Park District, *available at* <https://www.doltonparkdistrict.org/location/lester-l-long-fieldhouse/> (last visited May 11, 2023).

Mr. Keith Freeman
May 23, 2023
Page 3

Because you have not provided a summary of facts supporting the allegation that the Board violated OMA, this office has determined that no further action is warranted in this matter. This file is closed. If you have questions, you may contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,



BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

76467 o no fi war mun