



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 13, 2018

Via electronic mail

The Honorable Raymond A. Lopez
Alderman, 15th Ward
City Council of the City of Chicago
121 North LaSalle Street, Room 300
Chicago, Illinois 60602
raymondlopez@the15thward.org

RE: OMA Request for Review -- 2018 PAC 56006

Dear Alderman Lopez:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2016)). For the reasons set forth below, the information you have furnished provides no basis for the Public Access Counselor to conclude that the City of Chicago City Council's Committee on Housing and Real Estate (Committee) violated OMA in connection with its December 6, 2018, meeting.

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2016)) provides:

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 not later than 60 days after the alleged violation. * * * The request for review * * * must include a summary of the *facts supporting the allegation*. (Emphasis added.)

In your Request for Review, you stated that during the Committee's December 6, 2018, meeting, the first of the three items on the agenda purportedly passed with a unanimous voice vote despite the presence of just three of the Committee's 15 members. You further stated that after you made a "quorum call," the Committee Chairman, the Honorable Joseph Moore, immediately called for a recess, and that the gathering reconvened without addressing the

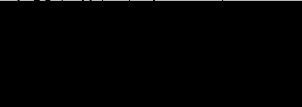
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quorum call.¹ Ten aldermen had arrived by that time, you stated, but only six of them were Committee members. You asserted that the Committee proceeded to take official votes on the final two items on the agenda despite lacking a quorum, alleging that "this is a violation of the law as well as of the City Council's own governing rules."²

The Public Access Counselor's authority to resolve disputes is limited to alleged violations of OMA and the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2016)). *See* 15 ILCS 205/7(c)(3) (West 2016). Accordingly, the Public Access Bureau does not have the authority to review the Committee's adherence to the City Council's rules or to statutory provisions other than those found in OMA and FOIA. OMA governs the transparency with which public bodies meet and conduct public business; it generally does not govern other aspects of meetings, including the number of members of the Committee who must be present to form a quorum and take action. The requirement in section 7(a) of OMA (5 ILCS 120/7(a) (West 2017 Supp.)) that a quorum be physically present addresses circumstances under which a member of a public body may be permitted to attend a meeting by audio or video conference. Ill. Att'y Gen. PAC Req. Rev. Ltr. 48860 and 49185, issued December 7, 2017) (concluding that the requirement in section 2.01 of OMA (5 ILCS 120/2.01 (West 2017 Supp.)) that a quorum of members of a public body be physically present pertains to instances involving remote participation). (Copy attached.) Your Request for Review does not allege that any members of the Committee attended its December 6, 2018, meeting by audio or video conference. This is not to say that meeting and taking action without a quorum of the members of a public body is proper; rather, those quorum requirements are determined by the City Council's governing rules and statutes, instead of OMA. Accordingly, the Public Access Bureau lacks the authority to take further action with respect to your allegations.

This letter serves to close this matter. If you have any questions, please contact me at (312) 814-8413, jjones@atg.state.il.us, or the Chicago address at the bottom of the first page of this letter.

Very truly yours,



JOSHUA M. JONES
Deputy Bureau Chief
Public Access Bureau

¹Letter from Raymond A. Lopez, Alderman – 15th Ward of Chicago, to Sarah Pratt, Public Access Counselor, Office of the Attorney General (December 7, 2018), at 1.

²Letter from Raymond A. Lopez, Alderman – 15th Ward of Chicago, to Sarah Pratt, Public Access Counselor, Office of the Attorney General (December 7, 2018), at 2.

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Attachment

cc: The Honorable Joseph A. Moore
Chairman, Committee on Housing and Real Estate
City Council of the City of Chicago
121 North LaSalle Street, Room 300
Chicago, Illinois 60602