



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

March 1, 2024

*Via electronic mail*

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE: OMA Request for Review – 2024 PAC 80103

Dear [REDACTED]:

The Public Access Bureau has received your Request for Review alleging that the Maywood Park District Board of Commissioners (Board) may have violated the Open Meetings Act (OMA) on December 12, 2023. For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.<sup>1</sup>

Your Request for Review alleges that after three of the five members of the Board resigned, the two remaining members convened a meeting on December 12, 2023, where they voted to appoint a third member, Mr. Darryl Bass. You contend: "Since there were only two members of the five-person board voting to fill the vacancy, they did not constitute a quorum and accordingly their action appointing Mr. Bass to the board was in violation of Section 1.02 of the Open Meetings Act and therefore void."<sup>2</sup>

Section 1.02 of OMA (5 ILCS 120/1.02 (West 2022)) defines a "meeting" subject to the requirements of the Act as follows:

---

<sup>1</sup>5 ILCS 120/3.5(b) (West 2022).

<sup>2</sup>OMA – Request for Review by Public Access Counselor (PAC) form from [REDACTED] (undated; submitted February 9, 2024).

500 South 2nd Street  
Springfield, Illinois 62701  
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street  
Chicago, Illinois 60603  
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C  
Carbondale, Illinois 62903  
(618) 529-6400 • Fax: (618) 529-6416

Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

[www.IllinoisAttorneyGeneral.gov](http://www.IllinoisAttorneyGeneral.gov)

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

The plain language of section 1.02 indicates that three affirmative votes are necessary for a five-member public body to take action. In this instance, however, you allege that at the time of the vote in question, the five-member Board was comprised of two members due to resignations. Section 4-1 of the Park District Code (70 ILCS 1205/4-1 (West 2022)) provides that "[t]he members of [a park district's] governing board shall constitute the corporate authority for such district and a majority of such members shall constitute a quorum for said board at any meeting thereof." Section 2-25 of the Park District Code (70 ILCS 1205/2-25 (West 2022)), which specifically governs the filling of park district board vacancies, provides that "[v]acancies shall be filled by appointment by a majority of the remaining members of the board." The Illinois Supreme Court has advised that "[w]hen statutes covering the same subject conflict, more recently enacted statutes control over earlier ones, and more specific statutes control over general statutes." *In re Craig H.*, 2022 IL 126256, ¶ 26.

Section 2-25 of the Park District Code was both enacted more recently and amended more recently than section 1.02 of OMA, and section 2-25 of the Park District Code more specifically concerns making park district board appointments. Accordingly, the procedure for filling a vacancy outlined in section 2-25 of the Park District Code prevails over the general requirement for a five-member public body to take action under section 1.02 of OMA. Moreover, it is not evident how the Board could have continued to function as a deliberative body without both of the current members convening a meeting and voting to appoint one or more new members. It would be unreasonable to construe the requirements of OMA as precluding a public body from filling a vacancy in accordance with section 2-25 of the Park District Code, when its failure to fill a vacancy would render it unable to conduct public business and carry out its basic functions for a lengthy period of time. *See Shively v. Belleville Township High School District No. 201*, 329 Ill. App. 3d 1156, 1166 (2002) ("A statute should not be construed to produce an absurd, unjust, or unreasonable result."). Therefore, your Request for Review does not indicate that the Board potentially violated OMA on December 12, 2023, and this office has determined that no further action is warranted as to this matter.

[REDACTED]  
March 1, 2024

Page 3

This file is closed. If you have any questions, please contact me at (773) 590-7951 or [joshua.jones@ilag.gov](mailto:joshua.jones@ilag.gov).

Very truly yours,

[REDACTED]  
JOSHUA M. JONES  
Deputy Bureau Chief  
Public Access Bureau

80103 o no fi war pkd

cc: *Via electronic mail*  
The Honorable Dawn Williams  
President, Board of Commissioners  
Maywood Park District  
809 West Madison  
Maywood, Illinois 60153  
[D.Williams@maywoodparkdistrict.org](mailto:D.Williams@maywoodparkdistrict.org)