



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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ATTORNEY GENERAL

March 13, 2026

Via electronic mail

Ms. Judy Brown-Marino



BroadviewNews@yahoo.com

Via electronic mail

Ms. Angela Patterson

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Via electronic mail

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RE: OMA Request for Review – 2025 PAC 91361

Dear Ms. Brown-Marino, Ms. Patterson, and Mr. Del Galdo:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)). For the reasons that follow, the Public Access Bureau this office concludes that the Village of Broadview (Village) Board of Trustees (Board) violated OMA by improperly holding fully remote meetings on November 17, 2025, December 1, 2025, and December 15, 2025.

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BACKGROUND

On December 26, 2025, Ms. Judy Brown-Marino and Ms. Angela Patterson submitted a Request for Review alleging that the Board violated OMA by conducting meetings remotely on November 17, 2025, December 1, 2025, and December 15, 2025. Noting that Village President Katrina Thompson had issued executive orders declaring a civil emergency as the Board's basis for the remote meetings, they argued that "only the Governor or Director of the Illinois Department of Public Health have the authority to declare an emergency and waive the provisions of the OMA that require meetings be held in person."¹

On January 8, 2026, the Public Access Bureau forwarded a copy of the Request for Review to the Board and asked it to provide a written response to the allegations, as well as copies of the notice, agenda, minutes, and any available recordings of each meeting. Having not received a response, on January 23, 2026, the Public Access Bureau e-mailed a second copy of the Request for Review to the Board and again requested a response. On January 26, 2026, counsel for the Board provided this office with the requested materials, including documents for this office's confidential review and links to posted videos of the three meetings. On that same date, the Public Access Bureau forwarded a copy of the Board's written response to Ms. Brown-Marino and Ms. Patterson and notified them of their opportunity to reply. On February 2, 2026, they replied.²

DETERMINATION

It is "the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2024). "The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (1989). Section 1 of OMA (5 ILCS 120/1 (West 2024)) further provides:

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of **and the right to attend all meetings** at which any business of a

¹E-mail from Judy Brown-Marino to Leah Bartelt, Public Access Counselor, Office of the Attorney General (December 26, 2025).

²To the extent that the reply could be construed as alleging the Board violated section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2024)) by improperly restricting public comment, that allegation is outside the scope of the Request for Review and therefore will not be addressed in this determination.

public body is discussed or acted upon in any way. **Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined** that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion. (Emphasis added.)

Section 2.01 of OMA³ 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." (Emphasis added.) Section 2.01 then enumerates a narrow set of public bodies covering large geographic areas that may meet the physical quorum requirement by linking meetings in multiple locations through interactive video conference; the Board and other public bodies of the Village are not authorized to meet in that manner.

Section 7 of OMA⁴ enumerates limited circumstances in which attendance by means other than physical presence is allowed. Section 7(e) of OMA⁵ permits public bodies to conduct meetings remotely without a quorum physically present if certain specific conditions are met. Among the conditions, section 7(e)(1) of OMA⁶ requires that:

(1) the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area[.]

Under the plain language of section 7(e)(1), a disaster declaration issued by the Governor or the Director of the Illinois Department of Public Health as described in that provision is a threshold requirement for a public body to meet remotely pursuant to section 7(e) of OMA. The last such disaster declaration, which authorized remote meetings because of the COVID-19 pandemic, expired on May 11, 2023.⁷ Because the requirement of a disaster declaration had not been met, section 7(e) of OMA did not authorize the Board to hold remote meetings on November 17, 2025, December 1, 2025, or December 15, 2025.

³5 ILCS 120/2.01 (West 2024).

⁴5 ILCS 120/7 (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

⁵5 ILCS 120/7(e) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

⁶5 ILCS 120/7(e)(1) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

⁷Gubernatorial Disaster Proclamation, issued April 28, 2023.

The Board argued in its response to this office that it properly held remote meetings due to credible threats against the Village that raised safety concerns. No provision of OMA, however, permits public bodies to hold remote meetings because of credible threats. The Board did not cite any provision specifically authorizing the three remote meetings, but instead asserted that it faced unique circumstances involving a controversial matter that required it to either hold remote meetings or cancel its meetings altogether and "let public business come to a halt."⁸ The Board contended that the meetings still complied with the purposes declared by the General Assembly in section 1 of OMA.⁹ Specifically, the Board argued that the meetings complied with the General Assembly's declaration "that the people have a *right to be informed as to the conduct of their Business*[,] * * * *that the actions of public bodies be taken openly and that their deliberations be conducted openly*[,] * * * [and] *'that [the] citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.'*"¹⁰ (Emphasis in the Board's response.) The Board argued that it met these purposes because it had informed the public as to its business, conducted its deliberations openly, and posted the agendas and links to observe the meetings' proceedings more than 48 hours in advance. The Board stated: "While the public was unable to physically attend these meetings, the public was welcome and encouraged to attend remotely, as attendance does not always require physical presence."¹¹

The primary objective when construing the meaning of a statute is to ascertain and give effect to the intent of the General Assembly. *DeLuna v. Burciaga*, 223 Ill. 2d 49, 59 (2006). "The most reliable indicator of legislative intent is the statutory language, given its plain and ordinary meaning." *Gaffney v. Board of Trustees of Orland Fire Protection District*, 2012 IL 110012, ¶ 56. Where the language of a statute is clear and unambiguous, a reviewing body "may not depart from the plain language by reading into the statute exceptions, limitations, or conditions that the legislature did not express." *Hayashi v. Illinois Department of Financial & Professional Regulation*, 2014 IL 116023, ¶ 16. Policy statements in the preamble of a statute "are available for clarification of ambiguous substantive portions of [an] act' [citation] but there

⁸Letter from Michael T. Del Galdo, Attorney for the Village of Broadview, Del Galdo Law Group, LLC, to Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General of the State of Illinois (January 26, 2026), at [3].

⁹5 ILCS 120/1 (West 2024).

¹⁰Letter from Michael T. Del Galdo, Attorney for the Village of Broadview, Del Galdo Law Group, LLC, to Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General of the State of Illinois (January 26, 2026), at [2], *quoting* 5 ILCS 120/1 (West 2024).

¹¹Letter from Michael T. Del Galdo, Attorney for the Village of Broadview, Del Galdo Law Group, LLC, to Benjamin J. Silver, Supervising Attorney, Public Access Bureau, Office of the Attorney General of the State of Illinois (January 26, 2026), at [3].

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is no need to resort to them where other, substantive provisions are unambiguous." *In re Tyianna J.*, 2017 IL App (1st) 162306, ¶ 62.

The policy declarations cited by the Board have no relevance to this matter because section 2.01 of OMA unambiguously provides that a quorum of members must be physically present at meetings of municipal public bodies, while the plain language of section 7(e) permits remote meetings only in limited circumstances when disaster declarations have been issued by the Governor or the Director of the Illinois Department of Public Health. Neither provision authorized the Board's remote meetings on November 17, 2025, December 1, 2025, and December 15, 2025, and no provision of OMA permits the head of a municipality to issue an executive order that authorizes their public body to meet in a remote format because of safety concerns. Accordingly, the Board violated OMA by holding the meetings without a quorum of its members physically present.

In accordance with this determination, the Public Access Bureau requests that the Board conduct its future meetings in-person and allow members of the public to physically attend the meetings, unless the conditions of section 7 of OMA have been met.

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

Very truly yours,



BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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