



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

November 18, 2020

Via electronic mail

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The Honorable Sheila Y. Chalmers-Currin
Village President
Village of Matteson
4900 Village Commons
Matteson, Illinois 60443
SChalmers-Currin@villageofmatteson.org

RE: OMA Request for Review – 2019 PAC 60394

Dear [REDACTED] and President Chalmers-Currin:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2018)). For the reasons that follow, the Public Access Bureau concludes that the Village of Matteson (Village) Board of Trustees (Board) did not violate OMA by holding a public hearing on a legal holiday that fell on the regular meeting day of its Board workshops.

On October 30, 2019, the Public Access Bureau received a Request for Review from [REDACTED] alleging that the Board improperly held a public hearing on a legal holiday. [REDACTED] included with his Request for Review an agenda for the public hearing, and also alleged that the Board does not regularly hold public hearings on the second Monday of the month. On November 14, 2019, this office sent the Board a copy of the Request for Review and requested that it provide a detailed written response, together with copies of the meeting notice, agenda, minutes (both open and closed), and closed session verbatim recording. On May 21, 2020, the Board provided the requested materials. This office forwarded [REDACTED] a copy of the Board's response; he did not submit a reply.

DETERMINATION

Section 2.01 of OMA (5 ILCS 120/2.01 (West 2018)) provides, in relevant part:

All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

OMA does not define the term "legal holiday." However, section 17(a) of the Promissory Note and Bank Holiday Act (Bank Holiday Act) (205 ILCS 630/17(a) (West 2018)) designates thirteen specific days as "legal holidays in the State of Illinois[.]" The second Monday in October, which observes Columbus Day, is listed as a legal holiday. 205 ILCS 630/17(a) (West 2018).

The Illinois Appellate Court has interpreted section 2.01 of OMA to mean that "no meeting (regular, special, rescheduled or reconvened meeting) could be held on a holiday unless the legal holiday was the same day as the regular meeting day and the regular meeting was not held on that day." *Argo High School Council of Local 571 v. Argo Community High School District 217*, 163 Ill. App. 3d 578, 580 (1st Dist. 1987). The court held that a school board did not violate OMA by holding a special meeting on Veterans' Day because it fell on the same date as the date of the board's regular meeting, which had been rescheduled. *Argo High School*, 163 Ill. App. 3d at 581. In affirming the trial court's ruling, the court approvingly quoted the following excerpt from that ruling:

"[T]he legislature could have, if it wanted to preclude a special or other meeting from being held on a legal holiday, used language specifically indicating that intent. More particularly, the court stated as follows:

" * * * [A] special meeting cannot be held on a legal holiday unless that legal holiday is a day where a regular meeting day ordinarily occurs, even though the regular meeting may not be held on that day.

Now, why do I say that? I say that because the legislature would not have had to use the word day. They could have simply said unless the regular meeting falls on that holiday, but they didn't. They inserted the word day[.]

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*** * * To me that contemplates that some other meeting could be held on a legal holiday pursuant to notice if the regular meeting day falls on that holiday. It does not require the regular meeting also to be held on that holiday.^[1] (Emphasis added.)**

The Board confirmed that the October 14, 2019, public hearing, which is inarguably required to be public under OMA, occurred on the regular meeting day of its Board workshops. With its answer, the Board included its 2019 public notice of regular meetings,² which reflects that Board workshops are regularly held on the second Monday of each month. The Board also contended that the public hearing complied both with the plain language of section 2.01 and also with the *Argo* court as discussed above. Specifically, the Board argued that "[i]f the legislature intended that a regular scheduled meeting on a holiday must not be held in order for a special meeting held on that holiday to comply with [OMA], it would have specified such a narrow meaning."³

Under the plain language of section 2.01, the only exception to the prohibition against holding meetings on legal holidays is when the public body's regular meeting day falls on the holiday. In this instance, the Board regularly holds its Board workshops on the second Monday of each month, which is also the date it held the public hearing in question. This office has not received any information disputing that the Board's monthly workshops are regular meetings of the Board. Further, the Board has demonstrated that it provides annual notice of its Board workshops as regular meetings, as required by section 2.02(a) of OMA. ██████████ has not alleged that the Board failed to provide proper notice for its October 14, 2019, public hearing or that any member of the public was prohibited from attending that meeting. For those reasons, this office concludes that the Board did not violate section 2.01 of OMA by holding a public hearing on a legal holiday that fell on the regular meeting day of its Board workshops.

¹*Argo High School*, 163 Ill. App. 3d at 580.

²Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2018)) provides that "[e]very public body shall give public notice of the **schedule of regular meetings** at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings." (Emphasis added).

³Letter from Lauren M. DaValle, Attorney at Law, to Christopher R. Boggs, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, State of Illinois (May 21, 2020), at 5.

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The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions, you may contact me at (217) 785-7438.

Very truly yours,

[REDACTED]
CHRISTOPHER R. BOGGS
Supervising Attorney
Public Access Bureau

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