



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

March 25, 2022

Via electronic mail



RE: OMA Request for Review – 2022 PAC 70139

Dear [REDACTED]:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2020)). For the reasons that follow, the Public Access Bureau has determined that no further action is warranted in this matter.

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.

Your Request for Review, which was e-mailed to the Public Access Counselor on February 27, 2022, alleges that the Board of Commissioners (Board) of the Chicago Park District (District) violated section 2.02(c) of OMA (5 ILCS 120/2.02(c) (West 2020)), during its January 26, 2022, meeting, by taking final action to release certain closed session minutes without listing that item on its agenda. To support your allegation, you provided this office with three pages of the Board's January 26, 2022, agenda, as well as a link to the Board's agenda. The January 26, 2022, agenda, which is posted on the District's website, is five pages long. Agenda item nine states that it will hold a closed session "[p]ursuant to 5ILCS 120 Section 2 Subsection C, (1),

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(21)[,]" and agenda item ten states that it will return to open session to "Report on Closed Session Discussion[.]"¹

Section 2.02(c) of OMA provides, in pertinent part, that "any agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting." The Public Access Bureau has previously determined that section 2.02(c) of OMA "requires a public body's agenda to identify the general subject matter of final action – not what particular action will be taken by a public body." Ill. Att'y Gen. PAC Req. Rev. Ltr. 39177, issued February 2, 2016, at 3-4 (determining that agenda item "Illinois Rt. 53/120 Project Environmental Impact Statement" did not violate section 2.02(c) of OMA because by inclusion on the agenda, it could be inferred that the Board anticipated taking final action on the matter).

Here, the Board listed as item nine on its agenda that it was entering closed session pursuant to section 2(c)(21) of OMA (5 ILCS 120/2(c)(21) (West 2020)), which allows a public body to close a meeting for the "[d]iscussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06." The Board also listed as item ten on its agenda that it would report on that discussion in open session. Indeed, section 2.06(d) of OMA (5 ILCS 120/2.06(d) (West 2020)) requires a public body to return to open session and report whether the need for confidentiality still exists as to the closed session minutes it reviewed in a closed meeting. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 61954, issued November 12, 2020, at 6. While the Board's agenda could have been clearer, taken together, it can be inferred from agenda items nine and ten that the Board anticipated taking a vote in open session on whether the confidentiality of the closed minutes it had reviewed in its closed session still exists. Because the Board agenda provided the general subject matter of the resolution to release closed session minutes under section 2.02(c) of OMA, this office has determined that no further action is warranted in this matter.²

¹Chicago Park District Board of Commissioners Virtual Regular Board Meeting Agenda (January 26, 2022).

²██████████ Request for Review, 2022 PAC 70147, which alleges that the Board held an improper closed session discussion on November 10, 2021, remains an open matter.

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This file is closed. Please contact me at (312) 814-5201, edie.steinberg@ilag.gov, or the Chicago address listed on the first page of this letter if you have questions.

Very truly yours,

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EDIE STEINBERG
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Public Access Bureau

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