



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
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May 27, 2025

Via electronic mail



Via electronic mail

The Honorable Mark Kownick
Mayor
Village of Cary
755 Georgetown Drive
Cary, Illinois 60013
mkownick@caryillinois.com

RE: OMA Request for Review – 2025 PAC 86666

Dear [REDACTED] and Mr. Kownick:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2022)). For the reasons explained below, this office has determined that no further action is warranted as to this matter.

On May 5, 2025, [REDACTED] submitted the above-referenced Request for Review alleging that the Village of Cary (Village) Board of Trustees (Board) violated OMA in connection with its March 18, 2025, meeting. [REDACTED] Request for Review alleged two violations regarding the agenda from that meeting.

First, [REDACTED] alleged that although the agenda for the March 18, 2025, Board meeting indicated that the Board would vote on an agreement with JM Developers, the Board instead voted on an agreement with Cordogan Clark & Associates (Cordogan), and not JM Developers. She alleged that the Board published a revised agenda after the meeting that listed the agreement with Cordogan and that the revision confirmed the original agenda was improper.

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[REDACTED] provided this office with links to the original meeting agenda¹ and revised agenda, which both list the item of "[c]onsider for Approval a Resolution Approving the Execution of a Preliminary Development Agreement" and further specify the purpose and location as "for a Proposed Residential Development of the Site Commonly Referred to as the Maplewood School Property[,]" but the revised meeting agenda includes both companies' names, not just JM Developers.²

Second, [REDACTED] alleged that during the March 18, 2025, Board meeting, the Board voted to allow a member to participate remotely but that this vote was not listed on the agenda. She alleged that "OMA mandates that all matters to be voted on must be identified on the agenda[,]" and that this violated notice requirements.³

The intent of OMA is to "ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly." 5 ILCS 120/1 (West 2022). To that end, 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2022)) provides that "[a]n agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. * * * The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda." Section 2.02(c) of OMA (5 ILCS 120/2.02(c) (West 2022)) requires a public body's agenda to set forth only the "general subject matter of any resolution or ordinance that will be the subject of final action at the meeting." (Emphasis added.)

The Public Access Bureau has previously determined that "the General Assembly's use of the term 'general subject matter' signifies that a meeting agenda must set forth the main element(s), rather than the specific details, of an item on which the public body intends to take final action." Ill. Att'y Gen. PAC Req. Rev. Ltr. 45667, issued February 16, 2017, at 4-5 (determining that agenda item "appointment of the city administrator" did not violate section 2.02(c) of OMA where the length of the appointment was not included).

The Board's March 18, 2025, original meeting agenda adequately informed the public of the "general subject matter" of the action under consideration in describing that the

¹Village of Cary Board of Trustees, Agenda Item VII. D., Consider for Approval a Resolution Approving the Execution of a Preliminary Development Agreement with JM Developers, LLC for a Proposed Residential Development of the Site Commonly Referred to as the Maplewood School Property (March 18, 2025).

²Village of Cary Board of Trustees, Agenda Item VII. D., Consider for Approval a Resolution Approving the Execution of a Preliminary Development Agreement with Cordogan Clark & Associates and JM Developers, LLC for a Proposed Residential Development of the Site Commonly Referred to as the Maplewood School Property (March 18, 2025),

³E-mail from [REDACTED] to Public Access Counselor (May 5, 2025).

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Board would consider the approval of a proposed development agreement for a residential development for the Maplewood School property site. Additionally, the meeting minutes indicate that the agreement the Board approved identified both JM Developers and Cordogan as the developers.⁴ Rather than including an incorrect or misleading detail, the agenda simply failed to include all the specific details concerning the agreement at issue. Although including the names of both developers to be awarded the agreement would have better informed the public about the agreement under consideration, section 2.02(a) of OMA did not require the Board to include that additional detail in order to provide sufficiently descriptive advance notice of the final action to be taken. The Board should be mindful, however, that if it chooses to include specific details on agendas, it should ensure that those details are accurate and complete to avoid the possibility of misleading the public about the nature of actions to be considered at its meetings.

[REDACTED] also alleged that there should have been an agenda item regarding the vote to allow a member to attend remotely. That vote was a procedural matter as part of determining the roll call for the meeting and not a final action. Neither section 2.02(c) nor any other provision of OMA requires an agenda item for a vote to allow a member to attend remotely under section 7 of OMA (5 ILCS 120/7 (West 2023 Supp.)).

Because [REDACTED] Request for Review does not set forth a summary of facts supporting the allegation that the Board violated OMA, the Public Access Bureau has determined that no further action is warranted in this matter.

If you have any questions, please contact me at the Chicago address on the first page of this letter. This file is closed.

Very truly yours,

[REDACTED]
KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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⁴Village of Cary Board of Trustees, Meeting, March 18, 2025, Minutes 9.