



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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June 26, 2025

Via electronic mail



Via electronic mail

The Honorable Frederick M. Tiesenga
President, Board of Commissioners
Crystal Lake Park District
1 East Crystal Lake Avenue
Crystal Lake, Illinois 60014
ftiesenga@crystallakeparks.org

RE: OMA Requests for Review – 2025 PAC 87259, 87260

Dear [REDACTED] and Mr. Tiesenga:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2024)). For the reasons explained below, this office has determined that no further action is warranted as to these matters.

On June 8, 2025, [REDACTED] submitted the above-referenced Requests for Review alleging that the Crystal Lake Park District Board of Commissioners (Board) violated OMA at its May 15, 2025, annual meeting, and June 5, 2025, committee of the whole meeting by voting to approve several items but failing to indicate on its agendas that it would take action on those items. She also alleged that the Board violated OMA at its May 15, 2025, meeting by voting to approve items that were listed under a heading for "Discussion." This office construed [REDACTED] Requests for Review as alleging violations of section 2.02(c) of OMA.¹ She provided this office with the meeting agendas of both meetings. Additionally, [REDACTED] alleged that the Board should not be taking final action at its committee of the whole meetings.

¹5 ILCS 120/2.02(c) (West 2024).

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Section 3.5(a) of OMA² 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[,]" and that the submission "must include a summary of the facts supporting the allegation." Further, the Public Access Counselor's authority to resolve disputes is limited to alleged violations of OMA and the Freedom of Information Act (FOIA).³ See 15 ILCS 205/7(c)(3) (West 2024).

As an initial matter, OMA does not contain any provision specifically governing the type of action that may be taken at "committee of the whole" or other committee meetings. OMA provides procedural safeguards and requirements for every meeting of a public body, including proper posting of notice and an agenda,⁴ holding the meeting at a specified time and place that is convenient and open to the public,⁵ keeping minutes,⁶ and allowing public comment.⁷ It does not limit a public body's ability to vote on agenda items at a meeting that it has designated as a "committee of the whole" meeting. Accordingly, the Board did not violate OMA by voting on agenda items at its June 5, 2025, committee of the whole meeting instead of a regular meeting.⁸

Section 2.02(c) of OMA

Section 2.02(c) of OMA provides, in pertinent part: "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." (Emphasis added.) The Public Access Bureau has 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

²5 ILCS 120/3.5(a) (West 2024).

³5 ILCS 140/1 et seq. (West 2024).

⁴5 ILCS 120/2.02) (West 2024).

⁵5 ILCS 120/2.01(West 2024).

⁶5 ILCS 120/2.06(a) (West 2024).

⁷5 ILCS 120/2.06(g) (West 2024).

⁸This office notes that the provided materials do not indicate whether or not the Board's votes at its June 5, 2025, committee of the whole meeting were its final actions on those items. The Board could better inform the public by providing additional information regarding its planned course of action on items listed on its agendas for committee of the whole meetings.

administrator" adequately described the general subject matter of public body's final action to approve a five-year employment contract for the city administrator).

Additionally, the Public Access Bureau has determined that the language of 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); Ill. Att'y Gen. PAC Req. Rev. Ltr. 76015, issued April 21, 2023, at 2 ("Although the Board could have better informed the public by providing additional information regarding its planned course of action on the contract, OMA does not require a public body to provide advance notice of the specific type of action it will take after deliberating.").

However, this office has also determined that a public body may violate the requirements of OMA by taking final action on an agenda item when the agenda includes information that would reasonably lead the public to believe only a procedural vote or introduction will occur. "Construing section 2.02(c) of OMA as permitting public bodies to vote on matters that are identified on meeting agendas as merely procedural motions that precede final action would be contrary to the General Assembly's intent of ensuring that agendas notify the public of all matters that public bodies will be acting upon." Ill. Att'y Gen. PAC Req. Rev. Ltr. 51069, issued March 7, 2018, at 3-4 (determining that city council violated section 2.02(c) because it took final action on a proposed ordinance that was specifically labeled in the agenda as "first read," which signaled that the city council would only take a preliminary, procedural step on the ordinance).

The contested actions at the Board's May 15, 2025, meeting concerned the Board's approval of Board meeting dates and two matters presented under the agenda heading of "Discussion." The relevant portion of the Board's May 15, 2025, meeting agenda listed those particular items as:

VI. New Business

- A. Approval: Updated Full-Time Compensation Structure
- B. Approval: Brochure Bid
- C. 2025 Board Meeting Dates
- D. Approval: Barlina Barn Memo of Understanding

VII. Discussion

- A. Ordinance 11.41 The Parks and Property owned or controlled by the Crystal Lake Park District (Pier Ordinance)

B. Dry Storage at West Beach^{9]}

As to the June 5, 2025, meeting, the contested actions involved items VII through XII of the Board's June 5, 2025, meeting agenda:

VII. General Practice Manual: Policy 5.13 Preparation of the Agenda

VIII. Policies Pertaining to Board Secretary Position - General Practice Manual: Policies 5.5 Meeting Attendance; 5.11 Special/Emergency Board Meetings; 5.16 Voting; 7.4 Park Board Secretary; Park District Policy Manual: Policy 6.2 Bid Opening Procedures

IX. General Practice Manual: Policy 5.7 Regular Monthly Board Meetings and Committee of the Whole Meetings

X. Lake Ecology Advisory Committee Memo of Understanding

XI. Lake Ecology Intergovernmental Agreement

XII. Park District Policy Manual: Policy 9.3.2 Community Diversity, Equity and Inclusion^{10]}

Although ██████████ Request for Review also alleged that the Board's May 15, 2025, agenda packet listed agenda item VII, B as "discussion only," this office's review of the agenda packet posted on the Board's website did not find any item marked for "discussion only."¹¹

Both agendas describe the main elements of the relevant items that the Board voted on at its May 15, 2025, and June 5, 2025, meetings. Neither specifically indicated that the Board anticipated taking actions on any of the relevant items, but OMA did not require the Board to identify the particular actions to be taken on them. The heading "New Business" on the May 15, 2025, agenda signaled that the items under it were new matters before the Board. Although the item, "2025 Board Meeting Dates," did not include the word "Approval" like the other three items listed under that heading, the item also did not contain any language limiting action on it. It is reasonable to infer that the Board might set a schedule of meetings for the upcoming year

⁹Agenda, Crystal Lake Park District Board of Commissioners (May 15, 2025), at [2].

¹⁰Agenda, Crystal Lake Park District Board of Commissioners (June 5, 2025), at [1].

¹¹See <https://www.crystallakeparks.org/upload/04.17.25WebPacket.pdf>.


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because the May 15, 2025, meeting was the Board's annual meeting. The caption at the top of the agenda, "Commencement of 2025-2026 Fiscal Year," suggested that the Board would take action on certain matters typically addressed at the beginning of the fiscal year, such as scheduling meetings.

Likewise, listing an item for "discussion" without any additional limiting language does not indicate whether or not a public body might take action on that agenda item. Unlike "first read," which is a procedural term of art suggesting a public body will take additional steps before a final action,¹² the word "discussion" does not connote that a public body will refrain from making a decision on a particular matter. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 67673, issued September 3, 2021 (city did not violate FOIA by taking final action on items listed under the heading of "Considerations" on its agenda where additional context did not suggest that it would not take final action on the items). Because an agenda listing an item for "discussion" without any additional limitation does not preclude a public body from taking final action on the item and because neither agenda otherwise contained language further limiting action, the Board did not violate section 2.02(c) by voting to approve the items at issue at its May 15, 2025, and June 5, 2025, meetings. Accordingly, this office has determined that no further action is warranted in these matters.

The Office of the Public Access Counselor, however, is also charged with providing advice and education to both the public and public officials. *See* 15 ILCS 205/7(a), (b), (c) (West 2024). In that capacity, this office notes that the Board could better inform the public by providing clear indication on its agendas of its expected course of action with each agenda item, including whether an item it is planning to discuss may be up for final action at the meeting.

This file is closed. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,



BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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¹²*See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 79943, issued June 13, 2023, at 3.