



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 12, 2026

Via electronic mail



Via electronic mail

Mr. Andrew S. Paine
Attorney for Des Plaines Park District
Tressler LLP
233 South Wacker Drive, 61st Floor
Chicago, Illinois 60606
apaine@tresslerllp.com

RE: OMA Request for Review – 2025 PAC 91103

Dear [REDACTED] and Mr. Paine:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)).

BACKGROUND

On December 10, 2025, [REDACTED] submitted a Request for Review to the Public Access Bureau alleging that the Des Plaines Park District Board of Commissioners (Board) appointed an individual to fill a vacant commissioner seat at its October 21, 2025, meeting without having any prior discussions in open session concerning the appointment. She believed that those discussions were improperly held in private meetings. [REDACTED] further alleged that the Board did not properly list the appointment of the commissioner on the October 21, 2025, meeting agenda.

On January 6, 2026, this office forwarded a copy of the Request for Review to the Board and asked it to provide this office with copies of its October 21, 2025, meeting agenda,

500 South 2nd Street
Springfield, Illinois 62701
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C
Carbondale, Illinois 62903
(618) 529-6400 • Fax: (618) 529-6416

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minutes, and closed session verbatim recording for this office's confidential review, together with a written response to ██████████ OMA allegations. On January 7, 2026, the Board advised this office that it had voted on a resolution concerning the appointment of a commissioner at its December 16, 2025, meeting. On February 4, 2026, ██████████ indicated to this office that the Board's vote at that meeting did not resolve her complaint. On March 5, 2026, this office received the Board's response to the Request for Review, which included a copy of the verbatim recording of the closed session discussion concerning the Board vacancy.¹ On March 6, 2026, this office forwarded a copy of the Board's response to ██████████; she replied on March 10, 2026. ██████████ submitted materials to provide context to the timeline of the appointment process and the closed session at the October 21, 2025, meeting.

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).

Final Action

Section 2.02(c) of OMA (5 ILCS 120/2.02(c) (West 2024)) requires that an agenda "set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting." OMA does not define the term "general subject matter." However, the Senate debate on House Bill No. 4687, which, as Public Act 97-827, effective January 1, 2013, added section 2.02(c) of OMA, indicates that the General Assembly intended this provision to ensure that agendas provide sufficiently descriptive advance notice of the matters upon which a public body anticipates taking final action:

[T]here was just no real requirement as to how specific they needed to be to the public of what they were going to discuss that would be final action. And this just says that you have to have a * * * general notice if you're going to have and take final action, as to generally what's going to be discussed so that – that people who follow their units of local government know what they're going to be acting upon. Remarks of Sen. Dillard, May 16, 2012, Senate Debate on House Bill No. 4687, at 47.

¹In its written answer, the Board advised that it had discovered that a portion of the verbatim recording was lost due to the batteries running out in the recorder.

Additionally, section 2(e) of OMA² provides that "[n]o final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted." The term "final action" generally does not encompass intermediate steps taken by a public body in the process of resolving a matter. *Gosnell*, 179 Ill. App. 3d at 176 (concluding that a board of education's closed session decision to pursue mediation as an alternative to its ongoing negotiations with the secretaries' union was part of the process of reaching a final action rather than final action itself). However, reaching a consensus and implementing a decision outside of an open meeting is final action rather than an intermediate step. *See Howe v. Retirement Board of the Firemen's Annuity & Benefit Fund*, 2013 IL App (1st) 122446, ¶ 29 (2013) (vacating the board's decision to deny disability benefits because the board had circulated the decision for signatures privately rather than voting on it in open session); *Lawrence v. Willams*, 2013 IL App (1st) 130757, ¶ 21 (2013) (signing of written decisions by two out of three board members outside of an open meeting constituted final action in violation of OMA); Ill. Att'y Gen. PAC Req. Rev. Ltr. 58555, 58614, 58615, issued August 20, 2019, at 3 (public body took final action by reaching a consensus to prohibit camping at a park and implementing that decision by posting "no camping" signs before voting on the matter at a subsequent meeting).

In its answer to this office, the Board stated that it discussed several candidates to fill a commissioner vacancy in closed session at the October 21, 2025, meeting. The Board denied, however, that it took final action at that meeting to fill the open position, asserting that it only reached a consensus on a final candidate:

After returning to open session, the Park Board documented their consensus to offer the appointment to Mr. Alan Osinski by formal vote. Staff was also directed to inform Mr. Osinski of the Park Board's decision, ask if he remained willing to serve, and if so, add an action item for his formal appointment to a future meeting agenda.^[3]

The Board argued that the appointment did not take place until a later meeting held on December 16, 2025:

The appointment of Mr. Osinski to fill the Park Board vacancy occurred during the December 16, 2025, Park Board meeting as demonstrated by the agenda and meeting minutes. The agenda clearly listed both the resolution appointing Mr. Osinski as

²5 ILCS 120/2(e) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

³Letter from Andrew S. Paine, Tressler LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (March 5, 2026), at 2.

well as the subsequent administration of the oath of office. Likewise, the minutes reflect these same things, as well as a public discussion, Board vote, and Mr. Osinski formally assuming his seat as a Park Board commissioner.^[4]

The Board's October 21, 2025, meeting agenda listed an Executive Session to consider "Personnel" and various other issues.⁵ Following this item, the agenda indicated the Board would return to open session and stated: "**A. Action Item 14-A: Approve Items Discussed in Executive Session.**"⁶ The meeting minutes document that the Board did hold a closed session. Upon returning to open session, the Board voted on one matter:

14-A1 Commissioner Haas made a motion appoint Alan Osinski to fill the vacancy of the open Park Board Seat.

Seconded by Commissioner Williams.

Roll Call: = Haas yes, Williams yes, Doerr yes and President Grady yes
Approved 4 - 0^[7]

As discussed above, the Board voted on a resolution related to this appointment at its December 16, 2025, meeting. The meeting minutes state, under item I of "New Business":

Action Item 9 – I: Approval of Resolution #25-12 Appointment to Fill Park Board Vacancy

Discussion: Executive Director Don Miletic stated that after conducting a search to fill the vacant seat on the Des Plaines Park Board of Commissioners, that was advertised in the Journal & Topics Newspaper, Park District's website, and its social media" a recommendation is being presented for approval. At the regular meeting of the Park Board of Commissioners on October 21st, 2025, the Park Board adjourned Executive Session, returning to the Regular Board Meeting to provide direction to Executive Director

⁴Letter from Andrew S. Paine, Tressler LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (March 5, 2026), at 4.

⁵Des Plaines Park District, Agenda Item 14 (October 21, 2025).

⁶Des Plaines Park District, Agenda Item 14 (October 21, 2025).

⁷Des Plaines Park District Board, Meeting, October 21, 2025, Minutes 5.

Don Miletic. Executive Director Miletic further stated that the consensus of the Park Board was to direct the Executive Director to present candidate Alan Osinski with the offer of Park Board Commissioner and begin preparation for his appointment with official appointment in December 2025, should he accept. Adoption of Resolution #25-12 is being presented to the Park Board of Commissioners on December 16th, 2025 to confirm the appointment of Alan Osinski and grant him the title of Commissioner of the Des Plaines Park Board.

Motion by Commissioner Doerr to approve Resolution #25-12 For the Appointment of Alan Osinski to Fill the Park Board Vacancy.

Second by: Commissioner Haas

**Roll call: Commissioners Haas, Aye; Doerr, Aye; Grady, Aye; Williams, Aye. Ayes: 4, Nays: 0, Absent: 0
Motion Carried: 4-0-0^[8]**

Having reviewed the submitted information, the Board took final action when it voted at the October 21, 2025, meeting to "appoint Alan Osinski to fill the vacancy of the open Park Board Seat." By selecting a final candidate and directing the Executive Director to extend an offer to Mr. Osinski, the Board had already reached a final decision and implemented the decision prior to the December 16, 2025, meeting. *See, e.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 77643, issued October 22, 2024 (board took final action by reaching a consensus on a final candidate for a position outside of an open meeting and offering the position a few weeks later to the candidate). The Board's vote on the resolution approving his appointment and Mr. Osinski's swearing in at that meeting simply formalized Mr. Osinski's acceptance of the position.

The vague reference to "Personnel" and Item 14A of the Board's October 21, 2025, meeting agenda—"Approve Items Discussed in Executive Session"—did not remotely provide advance notice that the Board would appoint a commissioner. Because the Board took final action by voting on a final candidate to fill the commissioner vacancy and because the agenda did not sufficiently describe the general subject matter of that action, this office concludes that the Board violated the notice requirements in section 2.02(c) in connection with its October 21, 2025, meeting.

⁸Des Plaines Park District Board, Meeting, December 16, 2025, Minutes 5.

The Board's December 16, 2025, meeting agenda listed the following relevant item: "**I. Action Item 9 - I: Approval of Resolution #25-12 Appointment to Fill Park Board Vacancy.**"⁹ This item sufficiently identified the general subject matter of the Board's filling of the commissioner vacancy. Because the Board's vote on this item ratified the final action taken at the prior October 21, 2025, meeting, no further remedial action is necessary.

Closed Session Discussion

As noted above, the Board confirmed it discussed candidates for the commissioner position in closed session at the October 21, 2025, meeting. The Board asserted that the discussion fell within the scope of section 2(c)(3) of OMA,¹⁰ which permits a public body to discuss in closed session:

The **selection of a person to fill** a public office, as defined in this Act, including **a vacancy in a public office**, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance. (Emphasis added.)

The Board acknowledged that it did not identify the section 2(c)(3) exception in the meeting agenda as one of the bases for the planned closed session, but it nonetheless maintained that the discussion was permissible because it is authorized to fill commissioner vacancies pursuant to section 2-25 of the Park District Code (70 ILCS 1205/2-25 (West 2024)). That provision provides, in relevant part:

Whenever any member of the governing board of any park district (i) dies, (ii) resigns, (iii) becomes under legal disability, (iv) ceases to be a legal voter in the district, (v) is convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony, (vi) refuses or neglects to take his or her oath of office, (vii) neglects to perform the duties of his or her office or attend meetings of the board for the length of time as the board fixes by ordinance, or (viii) for any other reason specified by law, that office may be declared vacant. **Vacancies shall be filled by appointment by a majority of the remaining members** of the board. (Emphasis added.)

⁹Des Plaines Park District, Agenda Item 9, New Business (December 12, 2025).

¹⁰5 ILCS 120/2(c)(3) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

Although it is helpful to include in the agenda the exceptions that may serve as the basis for a planned closed session at a meeting,¹¹ OMA does not require a public body to do so. Therefore, the Board did not violate OMA by not listing the relevant closed session exceptions in the October 21, 2025, meeting agenda, though it must still adhere to the procedure set forth in section 2a of OMA¹² for closing a meeting.

Turning to the substance of the discussion in the closed session, this office's review of the verbatim recording of the closed session confirmed that the Board discussed the merits of several candidates who had applied to fill the commissioner vacancy. During the discussion, the Board weighed the qualifications of each of those candidates. In her reply, ██████████ contended that the timeline of the appointment process evidenced "a collective decision regarding the board vacancy may have been reached in closed session and later ratified through a subsequent public vote."¹³ "Under the plain language of section 2(e) of the Open Meetings Act, the public vote is not merely a ratification of a final action taken earlier in a closed session; it is the final action." *Board of Education of Springfield School Dist. No. 186*, 2017 IL 120343, ¶ 74; *see also Jewell v. Board of Education*, 19 Ill. App. 3d 1091, 1095 (1974) ("[T]he fact that there were two votes taken, one at the closed and one at the open session, should not be considered a violation of the open meeting law.") Because the Board voted on a final candidate in open session at the October 21, 2025, meeting, any tentative consensus reached during the closed session did not constitute the final action. Accordingly, this office concludes that the Board's discussion in closed session concerning the qualifications of the individual candidates was permissible under section 2(c)(3) of OMA.

¹¹See 5 ILCS 120/2a (West 2024), as amended by Public Act 104-438, effective January 1, 2026 ("At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under Section 2.02, hold a closed meeting in accordance with this Act.").

¹²5 ILCS 120/2a (West 2024), as amended by Public Act 104-438, effective January 1, 2026 (requiring that "a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting.").

¹³E-mail from ██████████ to Ms. Lim and Mr. Paine (March 10, 2026).

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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 closes this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,

[REDACTED]
TERESA LIM
Deputy Bureau Chief
Public Access Bureau

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