



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

May 24, 1971

File No. s-298

PUBLIC MEETINGS:
Board of State Fair Advisers
State of Illinois

Mr. Thomas B. Evans
State Fair Manager
State Fair Agency
Springfield, Illinois

Dear Mr. Evans:

I have your recent letter requesting my opinion on whether meetings of the Board of State Fair Advisers are subject to the provision of "An Act in relation to meetings", approved July 11, 1957, as amended, (Illinois Revised Statutes 1969, Chapter 102, Paragraphs 41 et seq.).

Decisions concerning the Illinois State Fair are by statute to be made by the State Fair Agency, Illinois Revised Statutes 1969, Chapter 127, Paragraph 401 et seq., and the

Mr. Thomas B. Evans - 2.

function of the Board of State Fair Advisers is to advise that agency, Illinois Revised Statutes 1969, Chapter 127, Paragraph 406.

The public policy of the State of Illinois with regard to the meetings of public agencies is expressed in Illinois Revised Statutes 1969, Chapter 102, Paragraph 41, as follows:

"It is the public policy of this State that * * * * public agencies in this State exist to aid in the conduct of the people's business. It is the intent of this Act that their actions be taken openly and that their deliberations be conducted openly. (Emphasis added)

To achieve the end that the actions and delibera-
tions of public agencies be taken and conducted openly, Illinois Revised Statutes 1969, Chapter 102, Paragraph 42, provides:

"All meetings of any legislative, executive, administrative or advisory bodies of the State, * * * * shall be public meetings, * * * *."
(Emphasis added)

The cardinal rule of statutory construction is that a statute must be construed so as to give effect to the intention of the General Assembly, People ex rel. Cason v. Ring,

Mr. Thomas B. Evans - 3.

41 Ill. 2d 305, 242 N.E. 2d 267 (1968); People ex rel. Moss v. Pate, 30 Ill. 2d 271, 195 N.E. 2d 641 (1964); Inskip v. Board of Trustees of University of Ill., 26 Ill. 2d 501, 187 N.E. 2d 201 (1962). The intention of the General Assembly with regard to the meetings of public agencies is clearly expressed in Illinois Revised Statutes 1969, Chapter 102, Paragraph 41, as favoring open action and open deliberation. A statute may not be construed so as to defeat the intent of the General Assembly, Niles Imp. Ass'n v. J. Emil Anderson and Son, Inc., 93 Ill. App. 2d 167, 236 N.E. 2d 402 (1968).

"Deliberation" is defined in Webster's New International Dictionary (2d ed.) as:

1. Act of deliberating or of weighing and examining reasons for and against a choice or measure; careful consideration; mature reflection. Choosing the fairest way with a calm deliberation. W. Montagu.
2. A discussion and consideration by a number of persons of the reasons for and against a measure.
3. Quality or state of being deliberate; deliberateness.
4. Obs. a A resolution. b A consultation."

Mr. Thomas B. Evans - 4.

It, therefore, appears that the discussion and consideration of the Board of State Fair Advisers on the advice to be given to the State Fair Agency fits within the deliberation that the General Assembly intended to be conducted openly, Illinois Revised Statutes 1969, Chapter 102, Paragraph 41, notwithstanding the fact that the Board of State Fair Advisers does not make the final decision.

The requirement of open meetings in Illinois Revised Statutes 1969, Chapter 102, Paragraph 42, has the following statutory exceptions:

- a) personnel or collective negotiating matters between public employers and their employees or representatives as to employment,
- b) deliberations for decisions of the Illinois Commerce Commission, the Illinois Parole and Pardon Board and the Illinois Youth Commission or its successor agency,
- c) executive sessions of the Illinois Crime Investigating Commission where investigations are to be discussed,
- d) meetings where the acquisition of real property is being considered, or where a pending court proceeding against or on behalf of the particular governmental

Mr. Thomas B. Evans - 5.

unit is being considered, but no other portion of such meetings may be closed to the public,

- e) grand and petit jury sessions,
- f) meetings at public institutions of higher education relating to campus security or to the safety of staff and students,
- g) where the Constitution provides that a governmental unit can hold secret meetings,
- h) meetings of the General Assembly or committees and commissions thereof,
- i) closed sessions to consider information regarding appointment, employment or dismissal of an employee or officer or to hear testimony on a complaint lodged against an employee or officer to determine its validity, but no final action may be taken at a closed session,
- j) closed sessions where Federal regulation requires it,
- k) closed sessions of a school board or any committee thereof for hearing student disciplinary cases as for discussing matters relating to individual students in special education programs as defined by Article 14 of The School Code (Chapter 122, Illinois Revised Statutes 1969, Paragraph 14-1 et seq.),
- l) closed sessions of an advisory committee appointed to provide a public body with

Mr. Thomas B. Evans - 6.

professional consultation on matters germane to its field of competence to consider matters of professional ethics or performance, and

- m) closed sessions to consider the appointment of a member to fill a vacancy on that body, but no final action may be taken at a closed session.

and it does not appear that the deliberation of the Board of State Fair Advisers is within the scope of any of the above exceptions to the open meetings act. It is a rule of statutory construction that the expression of certain exceptions in a statute is an exclusion of all others, Savings Ass'n v. International Ins. Co., 17 Ill. 2d 609, 162 N.E. 2d 345 (1959).

Since Illinois Revised Statutes 1969, Chapter 102, Paragraph 41, includes deliberation of public agencies and since Illinois Revised Statutes 1969, Chapter 102, Paragraph 42, specifically includes advisory bodies, I conclude that the meetings of the Board of State Fair Advisers must be open to the public.

With regard to the reference in your letter concerning the holding of meetings by letter, the Board of State Fair

Mr. Thomas B. Evans - 7.

Advisers as a board may take action only at a regular or called meeting as the court said in Webster v. Texas and Pacific Motor Transport Co., 166 S.W. 2d 75, 77(Tex.):

"The purpose of the * * * * rule, which requires the board to act as a body at a regular meeting or at a called meeting, upon proper notice is to afford each member of the body an opportunity to be present and to impart to his associates the benefit of his experience, counsel, and judgment, and to bring to bear upon them the weight of his argument on the matter to be decided by the Board, in order that the decision, when finally promulgated, may be the composite judgment of the body as a whole."

Very truly yours,

A T T O R N E Y G E N E R A L