



March 28, 2013

Matthew Sebek
Assistant Attorney General
Office of the Attorney General
Public Access Bureau
100 West Randolph Street, 11th Floor
Chicago, IL 60601

RE: Open Meetings Act Request for Review – 2013 PAC 23271

Dear Mr. Sebek:

On February 6, 2013 Diane Benjamin submitted a Request for Review to your office pursuant to Section 3.5 of the Open Meetings Act (OMA). It is her claim that the City of Bloomington (City) has violated OMA by failing to release the minutes of executive session minutes. In response to Ms. Benjamin's Request for Review, your office has concluded that further inquiry is warranted and requested that the City provide a response to the allegations made in Ms. Benjamin's Request for Review, and to the extent that the City concedes the violation(s) alleged by Ms. Benjamin, provide a description of any remedial steps it has taken to ensure that the City does not continue to violate the OMA in the manner alleged moving forward.

Section 2.06(d) of OMA provides that "each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection." 5 ILCS 120/2.06(d) (West 2010).

A review of all closed session minutes was last completed by the City on September 7, 2007. The City Council authorized the release of certain executive session minutes that it determined no longer required confidential treatment and determined that the need for confidentiality still existed for others. That document is included for your review. The City concedes that, since 2008, it has failed to review the minutes of all closed session meetings on a semi-annual basis. As is the case with most municipalities in recent years, there have been multiple staff cutbacks in various areas. And with regard to the City Clerk's office, which handles this issue, there have been increased demands on their time and resources over the last few years on what is an already small office.

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That being said, the City understands and agrees with the public policy in this State that public bodies exist to aid in the conduct of the people's business and that people have a right to be informed as to the conduct of their business. 5 ILCS 120/1 (West 2010). Moving forward the City will comply with all provisions of the Open Meetings Act, including the requirements of Section 2.06(d), at issue here.

On April 8th the City Council will review all closed session minutes since 2007 and on April 22nd (in open session) authorize the release of executive session minutes that have been determined to no longer require confidential treatment. This practice will be followed every six (6) months. The City Manager acknowledged this in a February 6 email to the Mayor and Alderman:

"The Open Meetings Act requires the City Council to periodically, but not less than semi-annually, meet to review minutes of all closed sessions. According to Tracey [City Clerk] the last time the Council reviewed closed session minutes and determined which minutes should be released for public inspection was back in September 1997 [sic]. During a near future closed session staff will present a listing of closed meeting minutes together with a recommendation which minutes should remain confidential and which minutes could be released for public inspection. Furthermore, we will make sure that every six months a similar agenda item is placed on the closed meeting agenda. We will also institute a new practice by adding approval of closed meeting minutes to each closed meeting agenda."

It is the City's hope that these remedial steps in the near future and moving forward will ensure that the OMA is not violated in any manner. If you require additional information or further explanation, please feel free to contact me at (309) 434-2213.

Yours truly,

Rosalee Dodson
Assistant Corporation Counsel

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