



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 12, 2016

Via electronic mail

Mr. Bruce J. Meeks
1402 Wright Street
Bloomington, Illinois 61701
brucehelp@yahoo.com

Via electronic mail

Mr. Paul Shannon
Executive Director
Bloomington Election Commission
115 East Washington Street, Room 403
Bloomington, Illinois 61702
pauls@becvote.org

Re: OMA Request for Review – 2014 PAC 27844

Dear Mr. Meeks and Mr. Shannon:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2015 Supp.)). For the reasons discussed below, this office concludes that the City of Bloomington Board of Election Commissioners (Board) violated section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2014)) by failing to post on its website the agenda for its February 4, 2014, meeting at least 48 hours in advance of that meeting.

On February 2, 2014, Mr. Bruce Meeks submitted a Request for Review alleging that the Board had not posted on its website the agenda for its meeting that was scheduled to occur at 10:00 a.m. on February 4, 2014, which was in less than 48 hours. On February 11, 2014, the Public Access Bureau sent a copy of the Request for Review to the Board and asked it to respond to Mr. Meeks's allegation, clarifying whether its website is maintained by full-time Board staff. On February 18, 2014, Board responded, explaining that the agenda for the February 4, 2014, meeting was physically posted in its office as of January 31, 2014, but that, due to an oversight, the agenda was not posted on the Board's website until 8:40 a.m. on February 3, 2014 – less than 26 hours before the meeting began. This office forwarded a copy of the Board's response to Mr. Meeks on February 27, 2014; he did not reply. In a December 6,

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2016, e-mail to an Assistant Attorney General in the Public Access Bureau, the Board's Executive Director confirmed that the Board's website was maintained by a full-time employee of the Bloomington Election Commission – the public body that the Board governs – in February 2014.

DETERMINATION

Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2014)) provides, in pertinent part:

An 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. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded.

Section 2.02(b) of OMA (5 ILCS 120/2.02(b) (West 2014)) further states that "[t]he failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting."

The Board has acknowledged that its website was maintained by full-time staff of the public body at the time of Mr. Meeks's Request for Review. Accordingly, under section 2.02(a) of OMA, the Board was required to post the agenda for its February 4, 2014, meeting on its website at least 48 hours before the meeting began. It is undisputed that the Board failed to do so. Accordingly, this office concludes that the Board did not adhere to the website posting requirement of section 2.02(a) of OMA with respect to that meeting. Because section 2.02(b) of OMA provides that the Board's failure to timely post the agenda on its website did not invalidate the meeting or any actions taken at the meeting, however, no remedial action is necessary at this time. This office reminds the Board to timely post meeting agendas on its website in the future for as long as the website is maintained by full-time staff of the public body, and to otherwise fully comply with OMA.

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The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, please contact me at (312) 814-6437. This letter serves to close this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leah Bartelt". The signature is written in a cursive, flowing style.

LEAH BARTELT
Assistant Attorney General
Public Access Bureau

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