



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 13, 2017

The Honorable Tari Renner
Mayor
City of Bloomington
109 East Olive Street
Bloomington, Illinois 61701

RE: OMA Request for Review – 2017 PAC 46767

Dear Mayor Renner:

The Public Access Bureau has received a Request for Review in which Ms. Diane Benjamin alleges that the City of Bloomington City Council (Council) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2014)). A copy of the Request for Review is enclosed.

In her Request for Review, Ms. Benjamin alleges that the Council improperly held a closed session meeting on February 20, 2017, pursuant to the section 2(c)(11) exception (5 ILCS 120/2(c)(11) (West 2014), as amended by Public Act 99-78, effective July 20, 2015) to the general requirement that public bodies discuss public business openly. Section 2(c)(11) permits a public body to close a portion of its meeting to consider "[I]itigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent[.]"

We have determined that further action is warranted. In order to further evaluate this matter, we request that the Council or its representative provide a written response to the allegation in the Request for Review, along with copies of the verbatim recording of the February 20, 2017, closed session and the meeting minutes, in draft form if necessary. In your response, please identify any relevant pending litigation; if the closed session discussion concerned pending or imminent litigation, please provide the Council's basis for finding that litigation was probable or imminent.

As required by section 3.5(b) of the Open Meetings Act (5 ILCS 120/3.5(b) (West 2015 Supp.)), please provide this information to our office within seven (7) business days after

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receipt of this letter. As we review this matter, we will advise you if we require additional information. Any written response submitted may take the form of a letter, brief, or memorandum. Under OMA, "[t]he Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review. The requester may, but is not required to, respond in writing[.]" 5 ILCS 120/3.5(c) (West 2014), as amended by Public Act 99-402, effective August 19, 2015). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.** If you believe that other documents or information would be helpful to us as we review the issues, you may submit additional records or affidavits.

If you have any questions or would like to discuss this matter, please contact me at (312) 814-6437 or lbartelt@atg.state.il.us.

Very truly yours,



LEAH BARTELT
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Ms. Diane Benjamin (without enclosure)
blnews@yahoo.com

Via electronic mail
Mr. Jeffrey R. Jurgens
Corporation Counsel
City of Bloomington
109 East Olive Street
Bloomington, Illinois 61702
jjurgens@cityblm.org

46767

Bloomington Normal News

From: Bloomington Normal News <blnnews@yahoo.com>
Sent: Tuesday, March 07, 2017 4:54 PM
To: Access, Public
Subject: Request for Review

You may have been contacted by McLean County State's Attorney Jason Chambers pertaining to this issue.

On February 20th, the City of Bloomington held an Executive Session:
<http://www.cityblm.org/Home/ShowDocument?id=12020>

MONDAY, FEBRUARY 20, 2017; 6:15 P.M.

A light dinner will be provided

1. Call to Order
2. Roll Call of Attendance
3. Public Comment
4. Closed Special Meeting
 - A. Probable Litigation-- Section 2(c) (11) of 5 ILCS 120.2 (60 minutes)
5. Adjourn Closed Session and Return to Open Session
6. Adjourn: (approximately 7:15 PM)

Probable litigation was not a legitimate reason for holding this Executive Session. There was and is no pending litigation. There is no threat of litigation unless the Bloomington's Mayor's (Tari Renner) claim that litigation was threatened in 2014 is considered valid. He has no proof to back up his allegations.

Bloomington used this Executive Session to discuss withdrawing from a Tax sharing agreement with Normal, IL.

On February 27th this issue appeared on the agenda - this is the first time cancelling the agreement was discussed in public: <http://www.cityblm.org/Home/ShowDocument?id=12216>

- A. Future collaboration on regional economic development between the City of Bloomington and Town of Normal and dissolution of the Metro Zone. (Recommend that the resolution calling for a new process of joint collaboration between the City of Bloomington and Town of Normal on regional economic development and dissolving the Metro Zone, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.) (Council discussion 15 minutes)

I believe the Executive Session was illegal since "Probable Litigation" never existed. The citizens of Bloomington should have heard the arguments in open session for keeping or walking away from a 30 year old agreement. The only discussions since they voted to end the agreement have been in the press, discussion were very limited during the open Council meeting. The citizens of Bloomington still have no idea why 7 of the 9 aldermen voted to end the contract which has angered Normal.

A previous Open Meetings Act violation for an Executive Session against the City took 2 1/2 years to resolve and the City was found guilty. Audio of that session has still not been released. I hope this violation can be resolved quickly since the friction between the two cities is growing everyday.

Diane Benjamin
309-724-8520