



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

May 20, 2025

*Via electronic mail*  
Ms. Diane Benjamin  
blnnews@yahoo.com

Re: OMA Request for Review – 2025 PAC 86729

Dear Ms. Benjamin:

On May 8, 2025, you submitted a Request for Review to the Public Access Bureau alleging that the City of Le Roy (City) did not properly post the agenda for the City Council's May 6, 2025, meeting to its website. You alleged that the City Council took action on water and sewer rates during the meeting. You included a partial screenshot of the City's website which depicted the agendas for meetings through April 21, 2025, but no agenda for May 6, 2025.

On May 9, 2025, the Assistant Attorney General (AAG) from the Public Access Bureau assigned to the matter contacted the City to determine whether full-time staff maintain the City's website.<sup>1</sup> In a telephone conversation with City Administrator Dave Jenkins on May 12, 2025, Mr. Jenkins confirmed the City does have two full-time employees who maintain the website. Mr. Jenkins acknowledged the City's oversight in failing to post the agenda to the website, but stated that he believed that the meeting agenda was properly posted at City Hall. The following day, Mr. Jenkins followed up with the AAG via e-mail and affirmed the meeting agenda was properly posted ahead of the meeting at City Hall in a continuously viewable location. On May 16, 2025, Mr. Jenkins informed the AAG in a telephone conversation that the Council would likely re-vote on the matters that were the subject of final action at the May 6, 2025, meeting. This morning, Mr. Jenkins informed the AAG that the City Council reconsidered and ratified the water and sewer ordinances from the May 6, 2025, meeting at the May 19, 2025, meeting.

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<sup>1</sup>Section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2022)) requires that "[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." Accordingly, if full-time City staff did not maintain the website, then the absence of a website posting would not violate OMA.

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Section 2.02(b) of OMA (5 ILCS 120/2.02(b) (West 2022)) provides, relevant to this matter, 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." Accordingly, the City's failure to post the May 6, 2025, meeting agenda to the website did not invalidate the City's votes on the ordinances at that meeting. Nonetheless, the City Council has now revoted on the items from the May 6, 2025, meeting, fully resolving your allegations.

This office recommends that the City take appropriate precautions to ensure future meeting agendas are properly posted to the website, such as assigning multiple City employees to check that the agenda is posted for at least the 48 hours ahead of a meeting.

This file is closed. Please contact me at [katherine.goldsmith@ilag.gov](mailto:katherine.goldsmith@ilag.gov) if you have questions.

Very truly yours,



KATIE GOLDSMITH  
Assistant Attorney General  
Public Access Bureau

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cc: *Via electronic mail*  
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City Administrator  
City of Le Roy  
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