



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

January 22, 2021

*Via electronic mail*  
Mr. Christopher Hansen  
[REDACTED]

*Via electronic mail*  
Ms. Jennifer L. Gover Bannon  
Assistant City Attorney  
City of Champaign  
102 North Neil Street  
Champaign, Illinois 61820  
legaldepartment@champaignil.gov

RE: OMA Requests for Review – 2020 PAC 64615; 64711

Dear Mr. Hansen and Ms. Gover Bannon:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2018)). This office has consolidated two Requests for Review in this matter. For the reasons that follow, the Public Access Bureau concludes that the Champaign Community Coalition (Coalition) is not a public body subject to the requirements of OMA.

On September 3, 2020, Mr. Christopher Hansen submitted a Request for Review (2020 PAC 64615) to the Public Access Bureau alleging that the Coalition and its subcommittees violated the requirements of OMA in connection with various meetings held within 60 days of his submission. On September 9, 2020, Mr. Hansen submitted a second Request for Review (2020 PAC 64711) alleging that the Coalition violated the requirements of OMA in connection with its September 9, 2020, meeting. On September 18, 2020, this office sent a copy of the Requests for Review to the Coalition and asked it to provide this office with a written response to Mr. Hansen's allegations. On October 2, 2020, the City of Champaign submitted a written response and accompanying materials on behalf of the Coalition. The response asserted that the Coalition is not a "public body" under the definition of that term in OMA. On October 16, 2020, Mr. Hansen submitted a reply.

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## DETERMINATION

"In order that the people shall be informed, the General Assembly finds and declares that it is the intent of [OMA] to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly." 5 ILCS 120/1 (West 2018). Section 1.02 of OMA (5 ILCS 120/1.02 (West 2018)) defines "public body" as including:

all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue[.]

An "advisory body," for purposes of OMA, is typically an entity that has defined responsibilities and is a formal part of the structure of the public body that it advises. *Board of Regents of the Regency University System v. Reynard*, 292 Ill. App. 3d 968, 977-78 (4th Dist. 1997). In contrast, OMA "is not intended to open to the public the deliberations of merely informal advisory committees who discuss internal" affairs of a public body. *Pope v. Parkinson*, 48 Ill. App. 3d 797, 800 (4th Dist. 1977). Factors to consider in determining whether a group constitutes an advisory body under OMA include:

who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes. *University Professionals of Illinois v. Stukel*, 344 Ill. App. 3d 856, 865 (1st Dist. 2003).

In *Stukel*, the plaintiff alleged that a group of presidents and chancellors of public universities (Council), which made recommendations to the Illinois Board of Higher Education (IBHE), violated OMA by meeting privately before IBHE meetings to discuss issues related to funding for public education. *Stukel*, 344 Ill. App. 3d at 857-58. The court held that the Council was not an advisory body of IBHE in part because it was not incorporated into the formal

Mr. Christopher Hansen  
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organizational structure of IBHE, a factor that the court identified as a "**primary consideration** in determining whether an organization is a public body under [OMA]." (Emphasis added.) *Stukel*, 344 Ill. App. 3d at 865. The court explained that "the Council was formed by the presidents and chancellors of the various state universities to express its views to the IBHE. Granted, its role is advisory but that role is one that the Council [and not IBHE] created." *Stukel*, 344 Ill. App. 3d at 866. The court also noted that the plaintiff's complaint did not allege that the group had a "deliberative or investigative function in relation to the IBHE or that the Council is subject to government control. It does not appear that the Council is otherwise accountable to any public body. It does not appear to have a budget[.]" *Stukel*, 344 Ill. App. 3d at 866. Further, "no member of the Council is a member of the IBHE." *Stukel*, 344 Ill. App. 3d at 866; *see also Pope*, 48 Ill. App. 3d at 800 (committee of four faculty members and four students that advised director of sports stadium and chancellor was not an advisory body because OMA "is not intended to open to the public the deliberations of merely informal advisory committees who discuss internal University affairs."); *People ex rel. Cooper v. Carlson*, 28 Ill. App. 3d 569, 572 (2d Dist. 1975) (OMA does not apply to voluntary "technical staff" meetings of "department heads or employees who seek to improve with dispatch their performance or function of assisting in the conduct of the people's business.").

Conversely, in *Reynard*, the appellate court concluded that the Athletic Council of Illinois State University (ISU) was an advisory body subject to OMA. *Reynard*, 292 Ill. App. 3d at 979. The court observed that the Athletic Council serves "as an advisory body to the athletic director, with primary advisory responsibility to the president[;]" "gives advice on the development of budgets and policies governing the intercollegiate athletic program[;]" and "exists to provide faculty input to the decision-making bodies at ISU." *Reynard*, 292 Ill. App. 3d at 971-72. The court also noted that the athletic director "is free to reject [the Athletic Council's] advice and there have been occasions when he has done so. The Council deals only with internal ISU matters, it has no budget, and none of its members are paid." *Reynard*, 292 Ill. App. 3d at 972. These factors mitigated against finding that the Athletic Council was subject to OMA. In concluding that the Athletic Council was an advisory body subject to the requirements of OMA, however, the court emphasized that the Council is "part of the formal organizational structure of ISU and its duties and responsibilities are set forth in the supplement [to the bylaws of the ISU Senate]. The broad scope of the Council's responsibilities \* \* \* contrasts sharply with the limited duties of the committee in *Pope v. Parkinson*." *Reynard*, 292 Ill. App. 3d at 978.

Similarly, Illinois courts consider the following factors in determining whether an entity could be a "subsidiary body": (1) the extent to which the entity has a legal existence independent of government resolution, (2) the degree of government control exerted over the entity, (3) the extent to which the entity is publicly funded, and (4) the nature of the functions performed by the entity. *Better Government Ass'n v. Illinois High School Ass'n*, 2017 IL 121124, ¶26, 89 N.E.3d 376, 384 (2017).

Mr. Christopher Hansen  
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In its response to this office, the Coalition explained that it is comprised of various local organizations, business partnerships, non-profits, government partners, and residents from across Champaign County with a mission of advancing various initiatives centered on both youth and police-community relations.

### **Coalition Membership and Compensation**

The Coalition explained that its membership is facilitated by the City but open to the general public. In addition, the Coalition is guided by its Executive Committee, which is tasked with identifying Coalition priorities and liaising with members of the surrounding community. The Coalition confirmed that any individual or entity who wishes to serve on the Executive Committee is eligible to do so upon payment of annual dues, but there is no formal application or nomination process for Executive Committee membership. The information provided to this office indicates that with one exception, members of the Executive Committee are drawn from public bodies such as the City of Champaign, City of Urbana, and Champaign County, but no single public body accounts for a majority of the members. The Coalition emphasized that no members receive compensation, with the exception of City of Champaign employees who assist in the facilitation of Coalition meetings. In his reply, Mr. Hansen emphasized that the Coalition is supported by and receives resources from City employees during business hours.

### **Coalition Duties, Functions, and Funding**

The Coalition asserted that it was not created by a statute or ordinance and further confirmed that it has no by-laws. The Coalition stated that it does not make legislative decisions, or exert influence over the legislative decisions of any public bodies. As to its funding, the Coalition stated that the annual dues associated with its Executive Committee membership support the various expenditures associated with the Coalition's community engagements and initiatives. Mr. Hansen retorted that the Coalition has, in fact, been supported by public funds. Specifically, Mr. Hansen provided a link to a news article demonstrating that in 2016, one of the Coalition's programs "C-U Fresh Start" received \$75,000 from the Champaign County Mental Health Board.<sup>1</sup>

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<sup>1</sup> Angelica Sanchez, *Funding Approved for C-U Fresh Start*, Fox Illinois, (May 25, 2016), <https://foxillinois.com/news/local/funding-approved-for-c-u-fresh-start>.

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### Coalition Accountability and Organizational Role

The Coalition explained that while some of its members consist of staff and elected officials from Champaign-area public bodies, "the Coalition is not beholden to or accountable to any one public body. The City of Champaign serves as a "lead agency" and its staff provide logistical support and moderate meetings; however, the Coalition is not a subsidiary of the City of Champaign or part of its organizational structure."<sup>2</sup> The Coalition further asserted that its role is even less formal than a traditional informal advisory committee in that its primary function is to share resources among community stakeholders and collaborate on shared initiatives. Mr. Hansen contended that the Coalition's existence was born entirely out of City government, but also acknowledged the Coalition's role with numerous other public bodies in Champaign county.

### Conclusion

After careful review of both parties' arguments and applying the *Stukel* factors, this office concludes that the Coalition is not a public body subject to the requirements of OMA. Although the Coalition was created over 10 years ago in response to a City-facilitated community forum, and City staff indeed have assisted in the facilitation of Coalition meetings, there is no evidence to suggest any kind of pervasive day-to-day control by the City over the functioning of the Coalition with respect to its membership or the promotion of its objectives. See *Better Government Ass'n v Illinois High School Ass'n*, 2017 IL 121124, ¶44, 89 N.E.3d 376, 387 (2017) (high school athletic association controlled by board comprised of individual principals of member schools was not a public body); *Hopf v. Topcorp*, 256 Ill. App. 3d 887, 894 (1st Dist. 1993) (corporation formed by a city and private university not a subsidiary body of the city despite city's contractual right to appoint half the members of the corporation's board of directors: "Although both the City and Northwestern are able to *influence* the direction and decisions of the two corporations through their appointment power, neither the City nor Northwestern can *control* the two corporations." (Emphasis in original.)) Further, the Coalition is not part of the City's formal organizational structure, nor is it accountable to the City in the sense of any legal or financial obligation. Rather, the Coalition is a membership organization that represents the collective interests of its members across the Champaign county area. As such, it is controlled by the members of its Executive Committee, not by any individual public body.

In addition, the Coalition's objectives, goals, and initiatives are self-derived through its various meetings. The staff and elected officials from various local public bodies

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<sup>2</sup>Letter from Jennifer Gover Bannon, Assistant City Attorney, to Christopher R. Boggs, Supervising Attorney, Public Access Bureau (October 2, 2020), at 5.

Mr. Christopher Hansen  
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who serve as Coalition members do not receive compensation for participating. The Coalition does not have any bylaws or an authorizing statute or ordinance, and it does not appear to have any investigative or formal deliberative functions. Although the Coalition serves a significant public purpose in advancing various objectives pertaining to youth and police-community relations, such initiatives have no binding authority on the City or any other local public body.

Finally, the receipt of public funding also does not transform a private entity into a public body. *Hopf v. Topcorp, Inc.*, 170 Ill. App. 3d 88, 92-93 (1st Dist. 1988). As the Illinois Appellate Court has explained:

Although the Act itself provides that a particular entity need not be publicly funded in order to be required to hold open meetings, it does not state that public funding alone will make a particular entity subject to the Act. To imply such a statutory intent would affect large numbers of completely private entities that receive a large portion of their funding from the State. *Rockford Newspapers, Inc. v. Northern Illinois Council on Alcoholism & Drug Dependence*, 64 Ill. App. 3d 94, 96 (2d Dist. 1978) (holding that not-for-profit entity receiving 90% of funding from governmental sources was not subject to OMA).

Accordingly, based on the available evidence, this office concludes that the Coalition is not an advisory or subsidiary body of the City or any other member public body. Therefore, the Coalition is not required to adhere to the requirements of OMA.

The Public Access Counselor has determined that resolution of these matters does not require the issuance of a binding opinion. This letter serves to close these matters. If you have any questions, you may contact me at (217) 785-7438 or [cboggs@atg.state.il.us](mailto:cboggs@atg.state.il.us).

Very truly yours,



CHRISTOPHER R. BOGGS  
Supervising Attorney  
Public Access Bureau



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

September 18, 2020

Ms. Dorothy Ann David  
Champaign County Community Coalition  
Office of Equity, Community, and Human Rights  
102 North Neil Street  
Champaign, Illinois 61820

RE: Open Meetings Act Requests for Review – 2020 PAC 64615; 64711

Dear Ms. David:

The Public Access Bureau has received two Requests for Review from Mr. Christopher Hansen under section 3.5 of the Open Meetings Act (OMA) (5 ILCS 120/3.5 (West 2018)) and has concluded that further inquiry is warranted in order to ensure that the Champaign County Community Coalition (Coalition) complied with the requirements of the OMA in connection with various meetings within 60 days of Mr. Hansen's submission. The Request for Review is enclosed for your reference.

On September 3, 2020, and September 10, 2020, Mr. Hansen submitted these Requests for Review alleging that the Coalition and its various committees has failed to adhere to the requirements of OMA at recent meetings. To continue our review of this issue, we ask that you, or an appropriate representative of the Coalition, provide a response to the allegations made in the Request for Review. Specifically, please address the extent to which the Coalition is a public body subject to the requirements of OMA. If the Coalition contends that it is not subject to the requirements of OMA, please provide sufficient information to that argument. If the Coalition asserts that its various committees are indeed subject to the requirements of OMA, please provide information concerning the extent to which those bodies have complied with the requirements of OMA in connection with the meetings referenced in the Requests for Review.

**As required by the OMA, this information must be provided to our office within 7 working days after receipt of this letter. 5 ILCS 120/3.5(b) (West 2018).** As we conduct our review of this matter, we will notify you if we require additional records or

Ms. Dorothy Ann David

September 18, 2020

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information. If the Coalition believes that other documents or information would be helpful to us as we review the issues, it may submit additional records or affidavits.

Please note that under the OMA, we are required to forward a copy of any **answer** from a public body to the requester and provide the requester an opportunity to reply. 5 ILCS 120/3.5(c) (West 2018). OMA also provides, however, that "[r]ecords that are obtained by the Public Access Counselor from a public body for purposes of addressing a request for review under this Section 3.5 may not be disclosed to the public, including the requester, by the Public Access Counselor. Those records, while in the possession of the Public Access Counselor, shall be exempt from disclosure by the Public Access Counselor under the Freedom of Information Act." 5 ILCS 120/3.5(g) (West 2018). **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 have any questions, please contact me at (217) 785-7438 or [cboggs@atg.state.il.us](mailto:cboggs@atg.state.il.us). Thank you.

Very truly yours,



CHRISTOPHER R. BOGGS  
Supervising Attorney  
Public Access Bureau

cc: *Via electronic mail*  
Mr. Christopher Hansen (will receive letter only)

[REDACTED]



Public Access Counselor Pratt,

I am writing to formally request that your office review the actions of the Champaign County Community Coalition (CCCC), its “executive committee” members, and the members of its various subcommittees regarding meetings held on July 8, July 16, July 20, July 23, July 30, August 11, August 12, and August 17 of 2020. Though not within the 60 day time period, I would also suggest the PAC review previous meetings and actions of this public body. I believe the CCCC has violated numerous requirements of the Illinois Open Meetings Act, and has been doing so since its founding. From the actions of this body, it seems that they may be attempting to conduct business without any consideration to the fact that they are a public body.

According to the CCCC website, the “coalition” is made up of the following members, which comprise an “executive committee”:

Chairperson: Dorothy Ann David, Champaign City Manager

Community Coalition Facilitator: Tracy Parsons, Champaign Community Relations Manager

Alice Cary, UIUC Police Chief

Anthony Cobb, Champaign Police Chief

Bryant Seraphin, Urbana Police Chief

Carol Mitten, Urbana City Administrator

Dalitso Sulamoyo, Regional Planning Commission, CEO

Darlene Kloeppel, County Executive

David Northern, The Housing Authority of Champaign County, Exec. Director

Dustin Heuerman, County Sheriff

Jameel Jones, Champaign Parks Director of Recreation

Dr. Jennifer Ivory-Tatum, Urbana Schools Superintendent

Joan Walls, Champaign Deputy City Manager

Joe DeLuce, Champaign Parks Exec. Director

Julia Rietz, State’s Attorney

Julie Pryde, CUPHD Administrator

Lynn Canfield, Champaign County Mental Health Board, Exec. Director

Orlando Thomas, Champaign Schools Director of Achievement and Student Services

Robert Flider, University of Illinois at Urbana-Champaign, Director of Community and Government Relations

Sue Grey, United Way of Champaign County, CEO

Dr. Susan Zola, Champaign Schools Superintendent

Dr. Thomas Ramage, Parkland College President

Tim Bartlett, Urbana Parks Exec. Director

Dr. Wanda Ward, University of Illinois at Urbana-Champaign, Exec. Assoc. Chanc. for Administration and University Relations

Virtually every member of the committee is a public official. The City of Champaign posts CCCC meeting dates and times on their official city calendar, and uses their own resources to record meetings and host them on their website (<https://champaign.cablecast.tv/CablecastPublicSite/gallery/13?channel=1>). I believe the CCCC receives funding from the City of Champaign and other public sources. Certainly, they must operate on a budget, since they have expenditures (such as renting a hotel conference room on a monthly basis for their meetings before the pandemic). Furthermore, CCCC meetings occur at 3:30pm, during business hours, such that all public officials and employees are attending during their public work hours.

The CCCC also has subcommittees, some of which are:

- Resource Subcommittee
- Race Relations Subcommittee
- Neighborhood Safety Subcommittee

I believe there are several other such committees, however since the CCCC recently changed their website, I can no longer see all of their different committees and meeting times.

The CCCC, their “executive committee” members, and their various subcommittees, have violated the Open Meetings Act by:

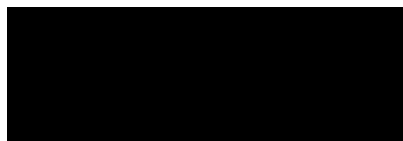
- 1) Failing to have all board members go through OMA training
- 2) Failing to post agendas for meetings
- 3) Failing to keep recordings of meetings of subcommittees
- 4) Failing to follow quorum requirements at all meetings
- 5) Failing to take, approve, and post meeting minutes
- 6) Failing to allow public input during their meetings (at each CCCC meeting that I was able to attend, there was no opportunity to address the public officials)
- 7) Generally, failing almost all OMA guidelines

I am alleging these violations for every meeting since the founding of the CCCC. Since the CCCC does not follow the OMA, there have likely been many meetings that the public is not even aware of.

I thank you for your careful review of this matter. I understand my request may appear rather broad. If desired, I can attempt to supply a more precise list of violations, but my feeling was that such a painstaking analysis was not fitting for this request.

Regards,

Christopher Hansen, September 2, 2020



Public Access Counselor Pratt,

I am writing to formally request that your office review the actions of the Champaign County Community Coalition (CCCC), its “executive committee” members, and the members of its various subcommittees regarding the meeting held on September 9 of 2020. From the actions of this body, it seems that they may be attempting to conduct business without any consideration to the fact that they are a public body.

According to the CCCC website, the “coalition” is made up of the following members, which comprise an “executive committee”:

Chairperson: Dorothy Ann David, Champaign City Manager

Community Coalition Facilitator: Tracy Parsons, Champaign Community Relations Manager

Alice Cary, UIUC Police Chief

Anthony Cobb, Champaign Police Chief

Bryant Seraphin, Urbana Police Chief

Carol Mitten, Urbana City Administrator

Dalitso Sulamoyo, Regional Planning Commission, CEO

Darlene Kloeppel, County Executive

David Northern, The Housing Authority of Champaign County, Exec. Director

Dustin Heuerman, County Sheriff

Jameel Jones, Champaign Parks Director of Recreation

Dr. Jennifer Ivory-Tatum, Urbana Schools Superintendent

Joan Walls, Champaign Deputy City Manager

Joe DeLuce, Champaign Parks Exec. Director

Julia Rietz, State’s Attorney

Julie Pryde, CUPHD Administrator

Lynn Canfield, Champaign County Mental Health Board, Exec. Director

Orlando Thomas, Champaign Schools Director of Achievement and Student Services

Robert Flider, University of Illinois at Urbana-Champaign, Director of Community and Government Relations

Sue Grey, United Way of Champaign County, CEO

Dr. Susan Zola, Champaign Schools Superintendent

Dr. Thomas Ramage, Parkland College President

Tim Bartlett, Urbana Parks Exec. Director

Dr. Wanda Ward, University of Illinois at Urbana-Champaign, Exec. Assoc. Chanc. for Administration and University Relations

Virtually every member of the committee is a public official. The City of Champaign posts CCCC meeting dates and times on their official city calendar, and uses their own resources to record meetings and host them on their website (<https://champaign.cablecast.tv/CablecastPublicSite/gallery/13?channel=1>). I believe the CCCC receives funding from the City of Champaign and other public sources. Certainly, they must operate on a budget, since they have expenditures (such as renting a hotel conference room on a monthly basis for their meetings before the pandemic). Furthermore, CCCC meetings occur at 3:30pm, during business hours, such that all public officials and employees are attending during their public work hours.

The CCCC also has subcommittees, some of which are:

- Resource Subcommittee
- Race Relations Subcommittee
- Neighborhood Safety Subcommittee

I believe there are several other such committees, however since the CCCC recently changed their website, I can no longer see all of their different committees and meeting times.

The CCCC, their “executive committee” members, and their various subcommittees, have violated the Open Meetings Act by:

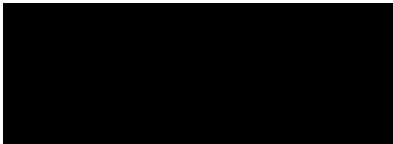
- 1) Failing to have all board members go through OMA training
- 2) Failing to follow quorum requirements
- 3) Failing to take, approve, and post meeting minutes
- 4) Failing to allow public input during their meetings
- 5) Generally, failing almost all OMA guidelines (attendance, votes, etc...)

The September 9<sup>th</sup> meeting agenda gives offers no time or opportunity for public input. I attended the September 9<sup>th</sup> CCCC meeting and asked multiple times through the Zoom chat feature how and when I could address the public officials, without success. The Zoom chat feature itself does not qualify as public input, and I don’t believe the CCCC is recording the chat in any way.

I thank you for your careful review of this matter. I understand my request may appear rather broad. If desired, I can attempt to supply a more precise list of violations, but my feeling was that such a painstaking analysis was not fitting for this request.

Regards,

Christopher Hansen, September 9, 2020





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

October 7, 2020

*Via electronic mail*  
Mr. Christopher Hansen  
[REDACTED]


RE: OMA Requests for Review – 2020 PAC 64615; 64711

Dear Mr. Hansen:

The Public Access Bureau has received the enclosed response to your Requests for Review from the Champaign County Community Coalition (Coalition). Attachments to the Coalition's written answer have been withheld from forwarding pursuant to section 3.5(g) of OMA (5 ILCS 120/3.5(g) (West 2018)).

You may, but are not required to, reply in writing to the public body's response. If you choose to reply, you must submit your reply to this office within 7 working days of your receipt of this letter. 5 ILCS 120/3.5(c) (West 2018). Please send a copy of your reply to the Coalition as well. If you have questions about these matters, please contact me at (217) 785-7438 or [cboggs@atg.state.il.us](mailto:cboggs@atg.state.il.us).

Very truly yours,

  
CHRISTOPHER R. BOGGS  
Supervising Attorney  
Public Access Bureau

Attachment

cc: *Via electronic mail*  
Ms. Jennifer L. Gover Bannon  
Assistant City Attorney  
City of Champaign  
OBO Champaign County Community Coalition  
[Jennifer.Bannon@champaignil.gov](mailto:Jennifer.Bannon@champaignil.gov)



City of  
**CHAMPAIGN**

Legal Department • 102 N Neil St • Champaign IL 61820 • (217) 403-8765 • fax (217) 403-8755 [legaldepartment@champaignil.gov](mailto:legaldepartment@champaignil.gov)

Frederick C. Stavins, City Attorney  
Jennifer L. Bannon, Assistant City Attorney  
Kathryn Cataldo, Assistant City Attorney  
Thomas S. Yu, Assistant City Attorney

October 2, 2020

**Via Email Only**

Mr. Christopher R. Boggs  
Supervising Attorney  
Public Access Bureau  
[cboggs@atg.state.il.us](mailto:cboggs@atg.state.il.us)

Re: Open Meetings Act Requests for Review – 2020 PAC 64615; 64711  
Requester: Mr. Christopher Hansen  
Date of Requests: September 18, 2020  
Date of Receipt: September 23, 2020

Dear Mr. Boggs:

This letter is in response to the two Requests for Review filed by Mr. Christopher Hansen (“the Requester”) referenced above.

Specifically, Mr. Hansen claims:

- That the Champaign Community Coalition is a public body subject to the requirements of the Open Meetings Act (“OMA”); and
- That the Champaign Community Coalition failed to comply with OMA in connection with its meetings (or meetings of its committees or subcommittees) on the following dates:
  - July 8, 2020
  - July 16, 2020
  - July 20, 2020
  - July 23, 2020
  - July 30, 2020
  - August 11, 2020
  - August 12, 2020
  - August 17, 2020
  - September 9, 2020

## I. Background

The Champaign County Community Coalition ("the Coalition") is a diverse group of people from across Champaign County whose mission is to connect organizations and stakeholders with the goal of empowering and protecting youth, promoting effective police-community relations, and facilitating community safety-oriented interventions to youth and families. The Coalition was formed in the wake of an accidental officer-involved shooting of a 15-year-old unarmed boy in the City of Champaign ("the City") in 2009. In response to this tragedy, the City held a facilitated community forum to allow youth, residents, police, and community organizations an opportunity to identify and discuss concerns related to police-community relations and the safety and welfare of the community's youth. More than 300 people participated in the initial forum and small group discussions. Using feedback gathered during this open forum, the local community determined that the problems facing Champaign County youth, and relationships between police and the community, would be best addressed by a coordinated and broad community approach involving various local organizations, business partnerships, non-profits, government partners, and residents.

The Coalition was formed with a simple goal: to work together to share resources and build upon existing programs already in place to serve the community. The consensus was that banding together, or "walking as one," to use one of the Coalition's mottos, would be exponentially more effective than each organization or community member working in a silo.

Anyone is welcome to be part of the Coalition, which is currently comprised of behavioral health organizations, local business leaders, child welfare organizations, government representatives, educational institutions, faith-based organizations, juvenile justice organizations, law enforcement agencies, grassroots groups, non-profit organizations, park districts, social services organizations, residents, health institutions, and youth and families. The Coalition is facilitated by staff of the City of Champaign, including Tracy Parsons, the Community Relations Manager in the Office of Equity, Community, and Human Rights ("ECHO"). It has an Executive Committee that provides the Coalition with direction, determines priorities based on community input and feedback, provides oversight on activities, and coordinates community conversations. While there are some elected officials on the Executive Committee, most are not. Many are staff members of public bodies; some have no affiliation to a public body. The following are a list of Executive Committee members and their respective roles in the community:

<b>Name</b>	<b>Organization</b>	<b>Title</b>
Dorothy Ann David (Chairperson)	City of Champaign	City Manager (staff)
Tracy Parsons (Facilitator)	City of Champaign	Community Relations Manager (staff)
Alice Cary	University of Illinois at Urbana-Champaign ("UIUC")	UIUC Police Chief (staff)
Anthony Cobb	City of Champaign	Champaign Police Chief (staff)
Bryant Seraphin	City of Urbana	Urbana Police Chief (staff)
Carol Mitten	City of Urbana	Urbana City Administrator

		(staff)
Dalitso Sulamoyo	Regional Planning Commission	CEO
Darlene Kloeppel	Champaign County	County Executive (elected)
David Northern	Housing Authority of Champaign County	Executive Director
Dustin Heuerman	Champaign County	Sheriff (elected)
Jameel Jones	Champaign Park District	Director of Recreation (staff)
Dr. Jennifer Ivory-Tatum	Urbana School District	Superintendent (staff)
Joan Walls	City of Champaign	Deputy City Manager (staff)
Joe DeLuce	Champaign Park District	Executive Director (staff)
Julia Rietz	Champaign County	State's Attorney (elected)
Julie Pryde	Champaign Urbana Public Health District	CUPHD Administrator (staff)
Lynn Canfield	Champaign County Mental Health Board	Executive Director
Orlando Thomas	Champaign Unit 4 School District	Director of Achievement and Student Services
Robert Flider	UIUC	Director of Community and Government Relations
Sue Grey	United Way of Champaign County	CEO
Dr. Susan Zola	Champaign Unit 4 School District	Superintendent (staff)
Dr. Thomas Ramage	Parkland Community College	President (staff)
Tim Bartlett	Urbana Park District	Executive Director (staff)
Dr. Wanda Ward	UIUC	Executive Associate Chancellor for Administration and University Relations (staff)

Entities that wish to have a representative on the Executive Committee pay annual dues. There is no formal application or nomination process; any individual or entity who wishes to be a part of Coalition leadership is eligible. The list of entities that currently pay Coalition dues, and in what amount, is attached as Exhibit A. Dues support Coalition activities, programs, operations, trainings and community engagement events. Some examples of expenditures are meeting space rental, virtual meeting expenses (Zoom), website development/maintenance, the Goal Getters youth program, and trauma-based trainings.

Various teams and subcommittees have been formed out of the Coalition to work toward the organization's core values and initiatives. The Coalition's major priorities are established by the Coalition each year. The 2020 priorities are police and community relations, community engagement, youth development, mutual advocacy, and community violence. Examples of subcommittees are the Race Relations Subcommittee, the CU Fresh Start Multidisciplinary Team (targeted at decreasing community gun violence), and the



Community Violence Response Task Force. A list of the committees and subcommittees, their membership, and the roles of their members, is attached as Exhibit B. A large percentage of subcommittee members are community volunteers.

The full Coalition meets monthly on the second Wednesday of each month at 3:30 pm. Meetings are currently being held electronically due to the COVID-19 pandemic. Meetings are open to the public, and are broadcast on Facebook Live, the City of Champaign's cable access television channel, and are accessible by Zoom. The Coalition agendas include instructions for the public to watch and comment in real-time on the Facebook Live stream and on Zoom. There is an open chat function on both the Zoom and Facebook Live platforms by which an individual may comment at any time during the meeting. When meetings of the Coalition were held in person prior to the COVID-19 pandemic, meetings were sometimes started with a "pass the mic" session, where each individual who has come to the meeting has a chance to speak. Agendas, meeting documents, as well as video from previous meetings, are all located on the Coalition's website. Agendas are also emailed to Coalition members and partners in advance and are emailed to a media distribution list. For more information, visit this link: <https://www.champaigncommunitycoalition.org/meeting-events/>. Agendas for subcommittee meetings are created and sent to the committee members in advance of the meeting. Subcommittee meetings were previously held at the public library and are currently held on Zoom. They are open to the public as well.

A summary of the meetings that were held on the dates the Requester named is as follows. Agendas for these meetings are attached as Exhibit C:

Date	Coalition, or Subcommittee
July 8, 2020	Community Coalition Monthly Meeting CU Fresh Start Participant Review Monthly Meeting
July 16, 2020	CU Fresh Start Community Pillar Monthly Meeting
July 20, 2020	Race Relations Subcommittee Monthly Meeting
July 23, 2020	No meetings
July 30, 2020	No meetings
August 11, 2020	CU Fresh Start Check-in Staff Meeting – Cancelled
August 12, 2020	Community Coalition Monthly Meeting CU Fresh Start Participant Review Monthly Meeting
August 17, 2020	Race Relations Subcommittee Monthly Meeting
September 9, 2020	Community Coalition Monthly Meeting CU Fresh Start Participant Review Monthly Meeting

Minutes are taken during Coalition meetings and are posted on the Coalition's website. An example of meeting minutes that specifically mention public comments received via Zoom chat is attached as Exhibit D. The Coalition website also features Coalition press releases. As one example, a press release from June 9, 2020, in the immediate aftermath of the death of George Floyd, urges the community to get involved in the Coalition, states that "the public is encouraged to join the [Coalition] meeting," and specifically notes that "[p]ublic comments and questions may be submitted to the moderator using Zoom's chat feature or Facebook comment." See Exhibit E.

## II. Champaign Community Coalition is Not a Public Body.

The Open Meetings Act defines public bodies in relevant part as "all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing." The Coalition is not a public body; rather, it is a network of community representatives that brings together a wide variety of entities, some of which are governmental, others of which are not, to share resources and work toward common goals.

Coalition members are not elected or appointed, nor are Executive Committee members. No Coalition members or Executive Committee members receive compensation for their tenure; although City of Champaign staff are involved in facilitating Coalition meetings and preparing agendas as part of their job duties, they are compensated by the City of Champaign for their work, not by the Coalition. The Coalition is not created pursuant to a statute or ordinance, and it has no bylaws. It makes no legislative decisions, nor does it have influence over the legislative decisions of public bodies. It exercises no deliberative or investigatory functions. While some members of the Coalition are staff of public bodies, and some are elected officials, the Coalition is not beholden to or accountable to any one public body. The City of Champaign serves as a "lead agency" and its staff provide logistical support and moderate meetings; however, the Coalition is not a subsidiary of the City of Champaign or part of its organizational structure. All of these factors have been considered in determining whether an entity is a "public body" for purposes of OMA. See, e.g., *University Professionals v. Stukel*, 801 N.E.2d 1054.

The fact that several of the Executive Committee members are high-level executive staff of public bodies also does not mean the Coalition is a public body. The court in *University Professionals v. Stukel* wrote that it agreed with the defendants that the fact that the Council in that case was comprised of "'high' or 'elite' public officials who had 'round the clock' responsibilities" had no bearing on whether it was a public or advisory body under the Act.

The fact that the Coalition is assisted by and attended by employees of the City of Champaign also has no bearing on its own. ("[A]ssuming that a majority of a quorum of a public body is not included among the participants, a meeting or conference of department heads or other employees is not covered by the Act." (*University Professionals v. Stukel*, citing *Cooper v. Carlson*, 28 Ill. App. 3d 569, 572 (2d Dist. 1975); *G.M. Harston*

*Construction Co., Inc. v. City of Chicago*, 209 F. Supp. 2d 902, 906 (N.D. Ill. 2002)). The Act does not apply to meetings of an informal advisory committee appointed by, or made up of, public officials, but not appointed by or accountable to a public body. *Id.* The Coalition is even less formal than an advisory committee; its primary function is to share resources and collaborate.

As an aside, the City of Champaign is cognizant that if a majority of a quorum of its governing body, the Champaign City Council, attends a civic function such as a Coalition meeting, Open Meetings Act requirements apply. As such, the City of Champaign posts a "Community Civic Event Notice" in advance for each Coalition meeting giving notice that members of the Champaign City Council may be in attendance. Copies of those notices are attached as Exhibit F. Minutes are submitted to the City Clerk following any meeting with a majority of a quorum of the Council present in accordance with OMA and as provided for in the City's Municipal Code (CMC Sec. 2-52.2). The Requester has not alleged that the Champaign City Council or other bodies have violated the Act, only that the Coalition is a public body itself. However, it is important to note that public bodies whose elected officials may attend Coalition functions are cognizant of OMA requirements when they participate.

### **III. Even if Champaign Community Coalition were a Public Body, Its Meetings Would Comply with the Open Meetings Act.**

The Coalition is not a public body. However, even if it were, its meetings comply with the Open Meetings Act. As detailed above, all Coalition meetings are open to the public. The public can view meetings in three different ways (Facebook Live, Zoom, and the City of Champaign's cable access channel). Coalition meeting agendas are published online and sent to local media in advance. Videos of meetings are posted online as well as past agendas and meeting documents. The Coalition maintains minutes of its meetings. The public can comment at meetings using Zoom and Facebook Live. Anyone is welcome to be a part of the Coalition or to join a subcommittee. The Coalition is not a public body; however, by design, the Community Coalition is intended to be open to public participation and involvement.

### **IV. Conclusion**

For the above reasons, the PAC should find that Champaign Community Coalition is not a public body and does not violate the provisions of the Open Meetings Act. Please let me know if you need any further information.

Sincerely,

*Jennifer Gover Bannon*

Jennifer L. Gover Bannon  
Assistant City Attorney

JGB/sjg  
Enclosures

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RE: OMA Requests for Review — 2020 PAC 64615; 64711

Dear Mr. Boggs,

I am writing in response to Ms. Bannon's letter dated October 7<sup>th</sup>, 2020. I did ask Ms. Bannon for a copy of the attachments which she provided with her letter, but that request has been ignored. I suppose if I sent a FOIA request for those documents, Ms. Bannon would argue that the Champaign County Community Coalition (CCCC) is not subject to FOIA.

Because the CCCC does not properly make public records available, it is difficult to research their activities. Some internet searches do reveal that they are supported by public funding:

<https://foxillinois.com/news/local/funding-approved-for-c-u-fresh-start>

By Ms. Bannon's admission, the CCCC is supported by and receives resources from the City of Champaign. Clearly, the CCCC meetings during business hours indicate that the public officials in attendance are doing so during their publicly paid work hours.

The CCCC also seems to serve as an advisory body to numerous other public bodies in Champaign County.

Reviewing the stated history of the CCCC, which has recently been removed from their website (<https://web.archive.org/web/20160716011212/https://www.champaigncommunitycoalition.org/about/history/>), it does seem that the CCCC was born as a public body entirely out of the City of Champaign Government, by City staff and elected officials.

I must assume that Ms. Bannon's attachment labeled "Exhibit A" contains a list of entities paying coalition dues, which includes many public bodies.

The OMA law provides clear definitions for "meetings" and "public bodies":

**(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)**

**Sec. 1.02. For the purposes of this Act:**

**"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.**

**Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.**

**"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported**

**in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof.”**

Clearly, the CCCC is a public body as defined by the Open Meetings Act. Clearly, the regular meetings of the CCCC are subject to the OMA.

Ms. Bannon has indicated that the public can participate in physical meetings during a “pass the mic” session. I have personally attended such meetings and this “pass the mic” session was pitched as a way for the various public officials in attendance to introduce themselves and their position. It was clearly not intended for any person from the public to address the committee about issues of concern.

Ms. Bannon has indicated that, during Zoom meetings, members of the public may use the chat feature on Zoom or Facebook. This may be the case, but such a function does not satisfy the requirements of Section 2.06(g) of the OMA. The chat features are clearly not well-seen by the committee members and the public (see my attached images showing my attempts to communicate via Zoom chat). Having chat messages in two different platforms (Zoom and Facebook) also assures that any public input via the chat feature is not easily seen by all attendees. Anyone attending by phone or by cable TV would not be aware of any chat messages, and public input by chat is never noted in meeting minutes (with only one exception). Any chat messages sent only to the panelists would not be visible to anyone else from the public.

I have searched through many of the “Meeting Notes” and the only example I can find in multiple years that mentions public input is from June 10 2020. This must be what Ms. Bannon has made reference to as “Exhibit D”. I have compared the June 10 minutes available on the CCCC website to my own recording of the Zoom session, and the CCCC minutes severely ignore or misrepresent the bulk of the critical chat comments. This is a good demonstration for why Zoom chat is not satisfactory for the purposes of Section 2.06(g) of the OMA.

Clearly, Section 2.06(g) intends that members of the public will be able to directly address public officials by speaking in such a way that all of the public officials, as well as the attending public, can hear. Since public bodies are also required to keep a verbatim recording of meetings, it would also seem obvious that public input needs to be recorded as well. I do not believe the CCCC has recorded any public input, even in the chat feature. It certainly doesn’t seem to be available to the public.

Ms. Bannon has correctly predicted my concern that quorums of other public bodies likely do occur at CCCC meetings and meetings of its subcommittees. What Ms. Bannon has not contemplated is that, because the CCCC does not think it needs to comply with the rules for public bodies, there exists little means for me to check that concern. For example, there has historically not been means for public access to CCCC subcommittee meetings and I am not aware of any recordings made or any way for the public to access those recordings. Verbatim recordings of those subcommittee meetings are now required.

Again, I thank you for your careful review of this matter. Regards,

Christopher Hansen, October 16, 2020

