

LAW OFFICES OF  
**EVANS, FROELICH, BETH & CHAMLEY**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
44 MAIN STREET, THIRD FLOOR  
CHAMPAIGN, ILLINOIS 61820

KENNETH N. BETH  
JOSEPH P. CHAMLEY  
—  
DAVID B. WESNER

TELEPHONE 217-359-6494  
FAX NO. 217-359-6468

September 28, 2021

*VIA EMAIL DELIVERY ONLY*  
*Christopher.Boggs@ilag.gov*

Christopher Boggs  
Assistant Attorney General  
Public Access Bureau

**RE:** Request for Review – 2021 PAC C-0343

Dear Assistant Attorney General Boggs:

I have been engaged by the City of Urbana to assist in providing legal services to and on behalf of the City. Your letter of September 23, 2021 directed to Mayor Marlin concerning the above-referenced Request for Review has been provided to me for response.

The Request for Review was filed by Christopher Hansen and includes allegations that the City of Urbana failed to post meeting minutes on its website for the meeting dates set forth in the request, being: May 17, 2021; May 24, 2021; June 7, 2021, three meetings; June 14, 2021; June 21, 2021, two meetings; June 28, 2021; July 6, 2021; July 12, 2021; August 2, 2021; August 9, 2021; and, August 16, 2021. You have asked for a response to those allegations. You have also asked to confirm the extent to which a full-time City staff member maintains the City's website. This letter will provide the City's response to the Request for Review and will include information regarding the City's website and staff maintenance of such website.

The City of Urbana does have a website, which is [www.urbanainllinois.us](http://www.urbanainllinois.us). The website contains content for various departments as well as the City Council. The link to previous meetings, which would include the meeting agendas, packet information and minutes, is located on the City Council portion of the website. The name of the link is "View all recent meetings". By clicking on that link, a person would be taken to a page that contains prior meetings, starting with the most recent. Each of those meetings has its own section containing the material pertinent to that meeting, including the agenda, documents and material for items listed on the agenda, and the minutes of the meeting.

With regard to your request to confirm the extent to which a full-time City staff member maintains the website, the answer is not a simple one. The City does not have a single dedicated staff member who is responsible for the maintenance of the website and the material placed on it.

The City's Information Technology staff maintains security controls for the website, creating and deactivating user accounts. However, each Department is responsible for maintaining their portion of the website, including posting appropriate items and material. As such, the City Clerk would be responsible for maintaining the City Clerk's portion of the website, including the posting of any material. The City Clerk is an independent elected official within the City. The City Clerk is responsible for the management of the office and all of the duties encompassed within that office. The City Clerk may have full time staff members. The City Clerk would be responsible for assigning any duties to any staff members of that office. Any duties not so assigned would be the responsibility of the elected City Clerk.

Prior to the time period involved with the Request for Review, the City Clerk's office had two staff members to assist in accomplishing the duties of that office. The duty of maintaining the City Clerk's portion of the City website was assigned to those staff members, including the posting of material. Section 2.06(b) pertaining to the posting of minutes requires the posting of minutes only if the website is maintained by full time staff of the City. Prior to the time period involved in the Request for Review, the minutes of meetings were being posted to the website. The initial occurrence of the alleged failure to timely post meeting minutes was May, 2021. At the time of the request, the minutes of meetings identified in the request had not been posted. During the time period at issue, the City Clerk had the two staff members in her office leave their employment with the City. The loss of staff resulted in the elected City Clerk having to perform all of the duties of that office. Section 2.06(b) of the Open Meetings Act concerning the posting of meeting minutes on a website pertains to a website that is maintained by "full time staff of the public body". The elected City Clerk is not considered a full time staff member of the public body. As such, Section 2.06(b) would not be applicable and the City could not be considered in violation of that provision during the period in which the City Clerk had no full time staff members who were assigned the duty of maintaining the City Clerk's portion of the website.

Since that time, the City has hired a staff member for the City Clerk's office. The City Clerk has been in the process of training the staff member and assigning her duties. As a single staff person taking on the responsibilities assigned to her, she is working through catching up and accomplishing all of the tasks assigned to her, including items that had gone undone at the time of her hiring. The City Clerk has assigned her the duty of maintaining the City Clerk's portion of the City website, which would necessitate the posting of meeting minutes. Among all of her other tasks, she is working on getting the minutes identified in the Request for Review posted on the website as quickly as she can.

Based upon all of the above, the City acknowledges its obligations under Section 2.06(b) of the Open Meetings Act concerning the posting of meeting minutes when it has full time staff members of the City within the City Clerk's office who are assigned the task of maintaining the City Clerk's portion of the City website. The City was not intentionally failing or avoiding its obligations. The lack of full time staff of the City in the City Clerk's office during the period in question who were assigned the duty of maintaining the City Clerk's portion of the City website resulted in the elected City Clerk being fully and completely responsible for all of the duties of that office. As such, during the time period in question, Section 2.06(b) provisions regarding posting of meeting minutes to the City website were not applicable. The City has hired a staff person in the City Clerk's office. That staff person has been assigned the task of maintaining the

City Clerk's portion of the City website and the posting of material, which would necessitate the posting of meeting minutes. She will be working diligently on that task. As long as the City maintains a full time staff person in the elected City Clerk's office who is assigned the task of maintaining the City Clerk's portion of the City website, the City will meet its obligations under Section 2.06(b) of the Open Meetings Act with regard to the posting of meeting minutes to the City website.

Thank you for your consideration. If you have any questions or need anything further on this, please feel free to contact me.

Yours very truly,

EVANS, FROEHLICH, BETH & CHAMLEY

BY: 

David B. Wesner  
dwesner@efbclaw.com

Cc: Diane Wolfe Marlin, Mayor