



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 5, 2024

Via electronic mail

The Honorable Diane Wolfe Marlin
Mayor
City of Urbana
400 South Vine Street
Urbana, Illinois 61801
dymarlin@urbanaininois.us

RE: OMA Request for Review – 2023 PAC 79504

Dear Ms. Marlin:

The Public Access Bureau has received a Request for Review in which Mr. Christopher Hansen alleges that the City of Urbana City Council (Council) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2022)) in connection with several meetings.

In his Request for Review, Mr. Hansen alleges that the Council violated section 2.06(b) of OMA (5 ILCS 120/2.06(b) (West 2022))¹ by failing to timely approve and post minutes of its meetings on July 31, 2023, August 14, 2023, August 21, 2023, August 28, 2023, September 5, 2023, September 11, 2023, September 18, 2023, September 25, 2023, October 16, 2023, October 23, 2023, November 6, 2023, November 13, 2023, November 20, 2023, and November 27, 2023. This office has determined that further action is warranted.

¹Section 2.06(b) provides, in relevant part:

A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. * * * [A] public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body.

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In order to evaluate this matter, we ask the Council or its legal representative to respond in writing to the allegations in Mr. Hansen's Request for Review. The Council's response should clarify whether the minutes of each of its meetings specified in Mr. Hansen's Request for Review were approved and whether they were approved by the later of 30 days or the Council's second subsequent regular meeting. Please also clarify if the Council has a website maintained by full-time staff and, if so, whether minutes of each specified meeting were posted to that website within 10 days after approval of the minutes.

As required by section 3.5(b) of OMA (5 ILCS 120/3.5(b) (West 2022)), please provide this information to our office within 7 business days after receipt of this letter. As we review this matter, we will notify you if we require additional records or information. Please note that under OMA, this office is required to forward a copy of any response to the requester and to provide the requester with an opportunity to reply. 5 ILCS 120/3.5(c) (West 2022). The Act also permits the Council to provide a redacted version of its response for release to the requester. Accordingly, **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.

Please contact me at (773) 590-7878 or benjamin.silver@ilag.gov if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



BENJAMIN J. SILVER
Assistant Attorney General
Public Access Bureau

Attachment

cc: *Via electronic mail*
Mr. Christopher Hansen
christopher.hansen@checkcu.org

From: [Christopher Hansen](#)
To: [Public Access](#)
Subject: [EXTERNAL] OMA Request for Review - Urbana Meeting Minutes
Date: Tuesday, December 26, 2023 10:46:22 PM

Dear Public Access Counselor Bartelt,

I am writing to request a review of the Urbana City Council, the Urbana City Council Committee of the Whole (which has an identical composition), and the Cunningham Township Board (which has a nearly identical composition), in regards to a repeated failure to timely approve meeting minutes.

The Council violated the OMA by failing to timely approve and post the minutes of their 7/31/2023 meeting (not approved until 12/18/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 8/14/2023 meeting (not approved until 12/18/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 8/21/2023 meeting (not approved until 11/6/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 8/28/2023 meeting (not approved until 12/18/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 9/5/2023 meeting (not approved until 11/6/2023).

The Township Board violated the OMA by failing to timely approve and post the minutes of their 9/11/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

The Township Board and the City Council violated the OMA by failing to timely approve and post the minutes of their 9/11/2023 Joint meeting (not approved until 12/18/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 9/11/2023 meeting (not approved until 11/6/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 9/18/2023 meeting (not approved until 11/20/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 9/25/2023 meeting (not approved until 12/18/2023).

The Council violated the OMA by failing to timely approve and post the minutes of their 10/16/2023 meeting (not approved until 12/4/2023).

The Council (public hearing) violated the OMA by failing to timely approve and post the minutes of their 10/16/2023 meeting (not approved until 12/4/2023).

The Township Board violated the OMA by failing to timely approve and post the minutes of their 10/16/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

The Council violated the OMA by failing to timely approve and post the minutes of their 10/23/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

The Council violated the OMA by failing to timely approve and post the minutes of their 11/6/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

The Council (special meeting) violated the OMA by failing to timely approve and post the minutes of their 11/6/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

The Council violated the OMA by failing to timely approve and post the minutes of their 11/13/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

The Council violated the OMA by failing to timely approve and post the minutes of their

11/20/2023 meeting (as of the issuance of this request, the minutes are not publicly available).
The Council violated the OMA by failing to timely approve and post the minutes of their
11/27/2023 meeting (as of the issuance of this request, the minutes are not publicly available).

Note: I understand that the respondent(s) will likely argue that the Urbana City Council and the Urbana City Council Committee of the Whole are separate public bodies and are therefore accorded additional time due to the method of counting subsequent meetings. However, these bodies are identically composed in every way and function for the purpose. I do not believe the OMA permits them to consider themselves multiple public bodies for the purposes of counting meetings in regards to Section 2.06(b).

In any case, very few (or possibly none) of the violations I've cited would be affected by a more forgiving method of counting subsequent meetings.

The failure to approve and publicly post meeting minutes in accordance with the Open Meetings Act causes members of public bodies to lose memory of those meetings (and therefore they cannot responsibly approve the minutes).

It also severely limits the ability of the public to review the actions of their government.

Undoubtedly, the respondent(s) will argue that meeting videos are available to the public, however many of those meetings push 2, 3, 4 hours in length, so reviewing the actions of the public body by reviewing the meeting videos can be very time consuming and frustrating. More to the point, the posting of meeting videos does not excuse them from Section 2.06(b) of the OMA.

I would also like to point out that I have tried repeatedly in the past to acquire Section 2.06(b) compliance from the Urbana City Council. Please see 2021 PAC C-0343 and 2023 PAC 75756 (neither of which have received a determination yet).

The PAC may wish to combine this new request for review with the pending ones, since they involve similar issues and the same public bodies.

Thank you for your consideration in this matter.
Christopher Hansen