



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 3, 2024

Via electronic mail

The Honorable Dustin Allred
Chair, Plan Commission
City of Urbana
400 South Vine Street
Urbana, Illinois 61801
PlanCommission@urbanaininois.us
dallred-BC@urbanaininois.us

RE: OMA Request for Review: 2023 PAC 79420

Dear Mr. Allred:

The Public Access Bureau has received the enclosed Request for Review in which Mr. Christopher Hansen alleges the City of Urbana Plan Commission (Commission) violated the Open Meetings Act (OMA)¹ at its December 7, 2023, meeting. In his Request for Review, Mr. Hansen alleges that the Commission violated OMA by:

[H]olding a portion of their meeting in a location that was * * * not open to the public[,] * * * holding a closed meeting without having an approved exception[,] * * * holding a closed meeting without citing an approved exception * * * [and] by failing to make a verbatim recording of their closed session meeting."²

This office construes the contentions as alleging violations of sections 2.01(a), 2.06(a), and 2a of OMA; this office has determined that further action is warranted.³

¹5 ILCS 120/1 *et seq.* (West 2022).

²E-mail from Christopher Hansen to Public Access [Bureau, Office of the Attorney General] (December 19, 2023).

³5 ILCS 120/2.01(a), 2.06(a), 2a (West 2022).

To further evaluate this matter, we request that the Commission or its representative provide a written response to these allegations. In your response, please specifically address whether a majority of a quorum of the Commission gathered in an area out of view of the public on December 7, 2023. If so, please explain in detail what was discussed at that time, provide any notes, minutes, or recordings of the gathering, if available, and address whether any final action was taken. Please also provide a copy of the agenda and minutes (in draft form if necessary), of the Commission's December 7, 2023, meeting.

As required by section 3.5(b) of the Open Meetings Act,⁴ please provide this information to our office within 7 business days after receipt of this letter. As we conduct our review of this matter, we will notify you if we need to review additional records or information. You have the option under the Act to provide a written response to these allegations in addition to the requested materials. That response may take the form of a letter, brief or memorandum. Please note that under the Act, we are required to forward a copy of any response from a public body to the requester and provide the requester an opportunity to reply.⁵ The Act also permits a public body to provide a copy of a response with confidential information redacted for release to the requester. **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 (217) 782-9054 or victoria.frazier@ilag.gov if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

Victoria Frazier

VICTORIA FRAZIER
Assistant Attorney General
Public Access Bureau

Attachment

⁴ ILCS 120/3.5(b) (West 2022).

⁵ ILCS 120/3.5(c) (West 2022).

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

From: [Christopher Hansen](#)
To: [Public Access](#)
Subject: [EXTERNAL] OMA Request for Review on 2023/12/7 Meeting of the Urbana Plan Commission
Date: Tuesday, December 19, 2023 9:52:43 AM

Dear Public Access Counselor Bartelt,

I am writing to request a review of the December 7th, 2023 meeting of the Urbana Plan Commission.

On that date, the Commission discussed a Planned Unit Development that was of substantial interest to the community (the matter garnered dozens of letters from residents and hours of spoken public input across multiple meetings).

The complete meeting video is available here, and the timestamps I've cited below correspond to this video:

<https://youtu.be/tbojsPxu4R8?si=KXQiG62bRKemMxeK>

At 37:20, one Commission member begins making a lengthy motion.

At 40:00 the Chair suggests that the Commission "take a recess" to "consult the City Attorney" in regards to the motion that had been made.

At 41:40 a motion is made to take a recess, and the Commission members all vote yes.

At 42:50 City staff, the Commission, and the Mayor begin to exit the Council Chambers to hold a meeting in the 2nd floor conference room. While they are exiting, Commission members engage in dialogue with one another which is not audible to the public.

The Commission proceeds to hold a closed and unplanned meeting in the 2nd floor conference room for approximately 12 minutes. No portion of the meeting could be viewed or heard by the public.

At 55:15, the Commission returns to the Council Chambers and votes to "exit recess".

I allege as follows:

The Urbana Plan Commission violated the Open Meetings Act by holding a portion of their meeting in a location that was intentionally outside of public view and therefore was not open to the public in accordance with Section 2(a).

The Urbana Plan Commission violated the Open Meetings Act by holding a closed meeting without having an approved exception.

The Urbana Plan Commission violated the Open Meetings Act by holding a closed meeting without citing an approved exception.

The Urbana Plan Commission violated the Open Meetings Act by failing to make a verbatim recording of their closed session meeting.

I ask that the PAC find that the Urbana Plan Commission has violated the Open Meetings Act, and direct them to nullify any final action(s) that were taken at the same meeting which were in any way related to the unlawful closed session.

Thank you for your consideration in this matter.

Christopher Hansen