OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 20, 2017

Via electronic mail
Mr. John Kraft
[redacted]
john@illinoisleaks.com

Via electronic mail
The Honorable Randy Brooks
President, Board of Trustees
Atlanta Public Library
100 Race Street
Atlanta, Illinois 61723
apldinformation@gmail.com

RE: OMA Request for Review – 2017 PAC 49174

Dear Mr. Kraft and Mr. Brooks:

This determination letter is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2016)). For the reasons that follow, the Public Access Bureau concludes that the Atlanta Public Library District Board of Trustees (Board) did not violate OMA's public recital requirement in connection with its vote to approve the Treasurer's Report at its August 10, 2017, meeting.

On August 11, 2017, Mr. John Kraft, on behalf of the Edgar County Watchdogs, submitted a Request for Review to the Public Access Bureau alleging that during its August 10, 2017, meeting, the Board violated section 2(e) of OMA (5 ILCS 120/2(e) (West 2016)) by taking final action without sufficiently informing the public what it was voting on. Mr. Kraft provided a link to a video recording of the meeting and pointed to the 18 minute mark,[1] at which time the Board passed a motion to approve the Treasurer's Report. Mr. Kraft stated:

[1]Edgar County Watchdogs, *Atlanta IL Public Library District 8 10 2017*, YouTube, 18:00 (Aug. 11, 2017), https://www.youtube.com/watch?v=8xbLC7m49BM.

> The reason it was important for the public to know which bills were paid and which checks were written is because one of the library board trustees has a direct conflict of interest in receipt of $1000 per month from the library for a lease on real estate he personally owns. The public was wrongly deprived of that information at this meeting. (Emphasis omitted.)[2]

On August 18, 2017, this office forwarded a copy of the Request for Review to the Board and asked it to provide this office with copies of the agenda and open session minutes of the meeting, together with a written response to Mr. Kraft's allegations. On August 31, 2017, the Board provided this office with a copy of the open session minutes and a written response asserting that it did not deprive the public of any information. On September 7, 2017, this office sent a copy of the Board's response to Mr. Kraft; he did not reply.

DETERMINATION

OMA is intended "to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly." 5 ILCS 120/1 (West 2016).

Section 2(e) of OMA provides that "[n]o final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted." In *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, ¶64, 77 N.E.3d 625, 636 (2017), the Illinois Supreme Court held that "under section 2(e) of the Open Meetings Act, a public recital must take place at the open meeting before the matter is voted upon; the recital must announce the nature of the matter under consideration, with sufficient detail to identify the particular transaction or issue, but need not provide an explanation of its terms or its significance."

In its response to this office, the Board stated that at the August 10, 2017, meeting:

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[2]E-mail from John Kraft to AG PAC (August 11, 2017).

> [T]he action taken was not to pay bills as Mr. Kraft assumes, but rather to receive the Treasurer's monthly report that specifies which bills were paid during the previous month. That report is eleven pages long, and we do not believe we were required to read it aloud in its entirety, especially since a printed copy was available to anyone who asked for it.[3]

The Board also asserted that a copy of the Treasurer's Report was made available to the public during the meeting and that in the future the Board will post the entire Trustee packet with each meeting agenda posted on its website. Further, the Board stated:

> [T]he specific item to which Mr. Kraft refers---the $1,000 in rent the Library pays for use of space in another building—is covered by a lease under which the Library has been making payments for nearly a year. Those payments are noted on the check register that is part of the Treasurer's report and thus is attached to the minutes of every monthly meeting[.][4]

This office has reviewed the video recording of the August 10, 2017, meeting, as well as the minutes and Treasurer's Report provided by the Board. During the meeting, after the Board President, Randy Brooks, referenced the Treasurer's Report, Mr. Kraft said: "If you're paying the bills, can we get a list of the bills that you're paying, and in particular if you're paying rent, can we get the dollar amount and who you're writing it to."[5] Board President Brooks asked whether there was a motion to accept the Treasurer's Report, and a motion was made. Mr. Kirk Allen, who also represents the Edgar County Watchdogs, then asked if the vote on Treasurer's Report is how the Board pays bills, or approves the payment of bills. The Board appeared unclear about how to respond, with Board members stating both "yes" and "no" after a delay.[6] Despite objections by Mr. Kraft and Mr. Allen, the Board voted to approve the Treasurer's Report without providing additional information to the public.

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[3]Letter from Randy Brooks, President, Atlanta Public Library District, to Marie Hollister, Assistant Attorney General, Public Access Bureau (August 31, 2017), at 1.

[4]Letter from Randy Brooks, President, Atlanta Public Library District, to Marie Hollister, Assistant Attorney General, Public Access Bureau (August 31, 2017), at 1.

[5]Edgar County Watchdogs, Atlanta IL Public Library District 8 10 2017, YouTube, 18:10 (Aug. 11, 2017), https://www.youtube.com/watch?v=8xbLC7m49BM.

[6]Edgar County Watchdogs, Atlanta IL Public Library District 8 10 2017, YouTube, 18:40 (Aug. 11, 2017), https://www.youtube.com/watch?v=8xbLC7m49BM.

The Treasurer's Report that the Board voted to approve at its August 10, 2017, meeting reflects account balances and various deposits and payments along with the dates of those transactions during July 2017. As indicated in the Board's response, the Board's vote to approve the Treasurer's Report was not a vote to pay bills, but to accept a report of bills already paid and other transactions. Thus the Board's motion to approve the Treasurer's Report adequately informed the public of the nature of the matter being considered and the business being conducted within the meaning of section 2(e) of OMA. The Board was not required to explain the specific content of the Treasurer's Report or its significance. Accordingly, this office concludes that the Board did not violate section 2(e) of OMA during its August 10, 2017, meeting.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. Please contact me at (312) 793-0865 or the Chicago address listed on the first page of this letter if you have questions. This correspondence serves to close this matter.

Very truly yours,

[redacted]

MARIE HOLLISTER
Assistant Attorney General
Public Access Bureau

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