OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

July 14, 2025

*Via electronic mail*
[redacted]

*Via electronic mail*
Mr. Garret Wheeler
Wheeler and Dearth Law Firm, Ltd.
305 East North Street
Morris, Illinois 60450
gwheeler23@hotmail.com

RE: OMA Request for Review – 2025 PAC 85881

Dear [redacted] and Mr. Wheeler:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)).

On March 21, 2025, [redacted] submitted a Request for Review alleging that the City of Morris (City) City Council (Council) violated OMA by failing to post its meeting minutes on its website. He also alleged that the City improperly required him to submit a Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2024)) request to obtain copies of meeting minutes.

On April 1, 2025, this office forwarded a copy of [redacted] Request for Review to the Council and asked it to provide a written response to the allegations, clarifying who maintains its website and whether the individual(s) who maintain the website are full-time staff members. This office also asked the Council to explain whether it maintains a minutes book or otherwise has meeting minutes available for inspection at its office.

On April 9, 2025, the Council responded. The same day, this office forwarded a copy of the Council's response to [redacted]; he replied on April 10, 2025.

## DETERMINATION

Section 2.06(b) of OMA[1] provides, in relevant part:

> The minutes of meetings open to the public **shall be available for public inspection** within 10 days after the approval of such minutes by the public body. * * * **[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. (Emphasis added.)

### Posting of Meeting Minutes

In its response, the Council explained that it does not have any full-time staff members that maintain its website. The response stated that "the City employs an outside company, Cloud 9, on a limited basis to provide some services related to the website[,]"[2] including uploading documents to post on its website. In his reply, [redacted] argued that the Council should post its meeting minutes on its website because it has the capability to do so, and he provided screenshots of the City's website showing that minutes were posted for several meetings in 2024. He also stated that towns with smaller populations than the City posted minutes to their websites.

Under the plain language of section 2.06(b), a public body is only required to post meeting minutes on its website if the public body has full-time staff with responsibility for maintaining the website. According to the Council's response, the City uses a third-party company, not its own full-time staff, to maintain its website. Therefore, OMA does not require the Council to post its meeting minutes online, even though it has the ability to do so through its third-party vendor. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 71408, issued April 12, 2024 ("OMA does not require public bodies to post meeting minutes on websites maintained by third parties[.]"). Nonetheless, although OMA does not require the Council to post its minutes, it may wish to do in the interest of transparency.

---

[1]5 ILCS 120/2.06(b) (West 2024).

[2]E-mail from Garret Wheeler, Wheeler and Dearth Law Firm, Ltd., to [Michael Knight, Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General] (April 9, 2025).

**Making Minutes Available for Public Inspection**

In response to the allegation that the Council violated OMA by requiring [redacted] to request copies of meeting minutes through FOIA, the Council stated that "the City Clerk's office maintains copies of the meeting minutes in their file at City Hall and those minutes are available for inspection."[3]

Section 3.5(a) of OMA[4] provides that "[a] person who believes that a **violation of this Act** by a public body has occurred may file a request for review with the Public Access Counselor[,]" which "must include a summary of the **facts supporting the allegation**." (Emphasis added.) As quoted above, section 2.06(b) of OMA requires public bodies to make meeting minutes available for public *inspection*; it does not require public bodies to furnish *copies* of minutes upon request or otherwise address requests to obtain *copies* of the minutes. Requests for copies of records are governed by the Freedom of Information Act[5] which, unlike OMA, contains fee provisions for copies of records. *See* 5 ILCS 140/6 (West 2024). Because [redacted] Request for Review asserts that he requested copies of minutes and does not allege that the minutes were not available for inspection within 10 days of approval, this office does not have a basis to conclude that the Council violated section 2.06(b). If [redacted] still wishes to inspect the minutes and has not yet done so, the Council should ensure that he has the opportunity to do so.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This file is closed. If you have any questions, please contact me at michael.knight@ilag.gov.

Very truly yours,

[redacted]

MICHAEL J. KNIGHT
Assistant Attorney General
Public Access Bureau

85881 o 206b proper mun

[3]E-mail from Garret Wheeler, Wheeler and Dearth Law Firm, Ltd., to [Michael Knight, Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General] (April 9, 2025).

[4]5 ILCS 120/3.5(a) (West 2024).

[5]5 ILCS 140/1 *et seq*. (West 2024).