



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

October 19, 2023

Via electronic mail

Ms. Michelle Mourousias
MourousiasM@netscape.net

Via electronic mail

The Honorable Eileen Phipps
President
Village of Wayne
5N430 Railroad Street
Wayne, Illinois 60184
e.phipps@villageofwayne.org

RE: OMA Request for Review – 2023 PAC 76668

Dear Ms. Mourousias and Ms. Phipps:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2022)).

BACKGROUND

On May 11, 2023, the Public Access Bureau received a Request for Review from Ms. Michelle Mourousias alleging that the Village of Wayne's (Village) Board of Trustees (Board) violated OMA by not timely approving the minutes of its March 7, 2023, meeting. She stated that the Board approved those minutes at its April 20, 2023, meeting, which she asserted was not within the time frame set forth in OMA.

On May 31, 2023, this office forwarded a copy of the Request for Review to the Board and asked it to respond in writing to the allegation that the Board did not timely approve the minutes of its March 7, 2023, meeting. This office also asked the Board to provide a copy of its March 7, 2023, meeting minutes, as well as the agenda and minutes of the meeting in which those minutes were approved. On June 7, 2023, this office received the requested materials. On

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June 13, 2023, this office forwarded a copy of the Board's response to Ms. Mourousias; she replied on June 14, 2023.

DETERMINATION

It is "the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2022). "The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (5th Dist. 1989).

Section 2.06(b) of OMA 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. 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.)

Under the plain language of this provision, the Board is required to approve its meeting minutes within 30 days after the meeting or at its second subsequent regular meeting.

In its response to this office, the Board acknowledged that "there might be a technical deviation from the time specified in §2.06(b)," with regard to its approval of the March 7, 2023, meeting minutes, but it asserted it was a one-time event.¹ The Board stated it held meetings on March 21, 2023, and April 4, 2023. The Board explained that its part-time Village Clerk was delayed in preparing and circulating a draft of the March 7, 2023, meeting minutes due to a medical situation and thus those minutes could not be put on the agenda for approval until the Board's April 20, 2023, meeting. In reply to that answer, Ms. Mourousias asserted that the Village had sufficient notice of the Village Clerk's medical situation and that there were three other administrative personnel who could have covered the Village Clerk's duties.

¹Letter from Peter K. Wilson, Jr., Mickey, Wilson, Weiler, Renzi, Lenert & Julien, P.C., to Teresa Lim, Supervising Attorney, Public Access Bureau (June 7, 2023).

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In this matter, 30 days after the March 7, 2023, meeting was April 6, 2023, and the Board's second subsequent regular meeting was held on April 4, 2023. It is undisputed that the Board did not approve the minutes of its March 7, 2023, meeting until its April 20, 2023, meeting. Therefore, the Board violated section 2.06(b) of OMA by not timely approving the minutes of its March 7, 2023, meeting.

This office reminds the Board that it should be mindful of its obligation to approve all meeting minutes in a timely manner. If the Board anticipates that its Village Clerk may be unable to prepare minutes for a meeting, it may wish to have other Village staff or officials assist in the preparation to ensure that the minutes are timely approved.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter shall serve to close this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,



TERESA LIM
Supervising Attorney
Public Access Bureau

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cc: *Via electronic mail*

Mr. Peter K. Wilson, Jr.

Attorney for Village of Wayne

Mickey, Wilson, Weiler, Renzi, Lenert & Julien, P.C.

140 South Municipal Drive

Sugar Grove, Illinois 60554

pkw@mickeywilson.com