



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 24, 2008

Mr. David J. Kurlinkus
Village Attorney
Village of Roscoe
13333 White School Rd.
Roscoe, IL 61073

*RE: Open Meetings Act Complaint
2008 OMA 51*

Dear Mr. Kurlinkus:

I am writing with regard to a complaint that the Office of Illinois Attorney General Lisa Madigan received related to the Village of Roscoe and its compliance with the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* As you know, the above-referenced complaint alleges that the Village President and three Trustees discussed public business outside the requirements of the Open Meetings Act at a Chamber of Commerce dinner held on January 31, 2008. In addition, the complaint alleges that members of the board routinely meet in places other than the Village's normal meeting space for the purpose of discussing public business.

The Village was notified of these allegations, and a response was requested. I have received the Village's May 7, 2008 response, including supplemental information. After careful consideration of all of the information submitted, the Office of the Illinois Attorney General concludes that there is no evidence that the Village violated the Open Meetings Act as alleged.

The Village has acknowledged that discussion of public business among a majority of a quorum of Board members constitutes a meeting of a public body subject to the requirements of the Act. The president, code enforcement officer and trustees involved in the alleged January 31 meeting have provided sworn affidavits indicating that they did not discuss together any public business during the course of the evening. Rather, the President individually and outside the presence of the trustees present, discussed a public issue with William Coogan. Additionally, Mr. Coogan separately and briefly spoke with Trustee Richardson. This account of the events of the evening has been confirmed in sworn statements provided by Mr. Coogan and Officer Weston, as well as by the President and trustees involved.

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Further, the Village has denied that private meetings of Board members are conducted in violation of the Open Meetings Act. The Act does not prohibit members of the Board from gathering in a strictly social setting. Rather, it only prohibits a majority of a quorum of the Board from gathering "with the intent to discuss public business." While a social gathering may cross the line into an improper meeting if discussion of public business begins, because the Board has indicated that no public business is discussed at its social gatherings and no contrary evidence of the topic of conversation at these gatherings has been presented, it is the view of this office that there is no evidence of a violation of the Open Meetings Act based on members of the Board gathering outside of Village Hall.

While it appears, based on the evidence presented, that the Village did not violate the Act, this office wishes to stress the value of awareness of the Act's requirements. Based on the statements contained in the Village's response, we understand that members of the Board have recently received Open Meetings Act training and that all are conscious of the Act's requirements. Please also remember that this Office is happy to work with the Village to provide additional Open Meetings Act training if the Board feels it is necessary. Thank you for addressing this matter promptly. This correspondence shall serve to close this file.

Respectfully,



Amanda M. Lundeen

Assistant Public Access Counselor

Assistant Attorney General

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