



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

October 1, 2020

Via electronic mail
Ms. Kristal Larson
kristal@virvent.com

RE: OMA Request for Review – 2020 PAC 64802

Dear Ms. Larson:

Pursuant to section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2018)), the Public Access Bureau has received your Request for Review alleging a possible violation of OMA by the Avon Township Supervisor. Because this Request for Review concerns the Township Code requirements for annual township meetings (60 ILCS 1/30-5 *et seq.* (West 2018), as amended by Public Act 101-632, effective June 5, 2020), the Public Access Bureau lacks the authority to review this matter.

Section 3.5(a) of OMA 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 established in the Office of the Attorney General[.] * * * The request for review * * * must include a summary of the facts supporting the allegation." (Emphasis added.) The Public Access Counselor's authority to resolve disputes is limited to alleged violations of OMA and the Freedom of Information Act (5 ILCS 140/1 *et seq.* (West 2018)) by public bodies. *See* 15 ILCS 205/7(c)(3) (West 2018). Accordingly, this office is not authorized to review alleged violations of the annual township meeting requirements set forth in the Township Code, such as the 15-day notice provision (60 ILCS 1/30-10 (West 2018), as amended by Public Act 101-632, effective June 5, 2020).

Your September 11, 2020, submission to this office concerned the scheduling of the annual township meeting, which had not yet been held; you provided e-mail correspondence among various Township parties and legal counsel reflecting confusion and conflict as to how and when the annual township meeting would occur. These communications primarily concerned the unique requirements for annual township meetings set forth in the Township Code, rather than OMA. On September 24, 2020, you followed up by alleging that the Township Supervisor had held an illegal meeting that evening and that you were disenfranchised as an

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elector. On September 25, 2020, you sent a further e-mail containing four Facebook links, including videos of the meeting and a letter from the Lake County State's Attorney's Office to the Township Supervisor; the letter briefly mentions OMA but the crux of the letter concerns the procedural requirements of the Township Code.

A township annual meeting, comprised of registered voters in the Township as electors,¹ is distinct from a meeting of the Township's Board of Trustees (Board). Because your Request for Review does not provide facts indicating that the Township Supervisor or Board as a whole violated OMA in connection with the annual township meeting, this office has determined that no further action is warranted in this matter.

Accordingly, this file is closed. Please contact me at jjones@atg.state.il.us if you have questions.

Very truly yours,



JOSHUA M. JONES
Deputy Bureau Chief
Public Access Bureau

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cc: *Via electronic mail*
The Honorable Terry Wilke
Supervisor
Avon Township
433 East Washington Street
Round Lake Park, Illinois 60073
terry@avonil.us

¹60 ILCS 1/30-20(a) (West 2018).