



Mid-Valley Special Education Cooperative

Dr. Carla Cumblad, Executive Director
1304 Ronzheimer Avenue
St. Charles, IL 60174
Phone: 331-228-4873
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MEMO TO: Executive Advisory Board

FROM: Sue Caddy
Director of Business & Human Resources

DATE: April 3, 2013

RE: **Letter from the Attorney General**

Attached for your information and review is a copy of a letter that we received from the Attorney General's office. The letter is in response to a request for review submitted to the Public Access Counselor by Mrs. Lopuszanski, claiming that Mid Valley violated the Open Meetings Act (OMA) during the board meeting on January 9, 2013. Additionally, she claimed that OMA was violated because I did not respond to questions emailed to me about items on the board agenda.

As you will read in the response from the Assistant Attorney General, Mid Valley clearly was not in violation of OMA and no further action is warranted.



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 4, 2013

Ms. Patti Lopuszanski
532 Carriage Way
South Elgin, Illinois 60177

RE: OMA Request for Review – 2013 PAC 22953

Dear Ms. Lopuszanski:

The Public Access Counselor has received the Request for Review you submitted pursuant to section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2011 Supp.)), alleging violations of OMA by the Mid-Valley Special Education Cooperative Advisory Board (Board) during its January 9, 2013, meeting.

Your Request for Review alleges that the Board violated OMA when (1) the Board announced at the January 9, 2013, meeting that public comment would be limited to two minutes per speaker and would be stopped after 30 minutes; (2) the Board refused to include copies of your FOIA requests in the Board agenda materials for the January 9, 2013, meeting; and (3) the Board refused to answer the questions you submitted to them via e-mail on January 4, 2013.¹ As explained below, even assuming the accuracy of these allegations, none of these actions would constitute a violation of OMA.

Section 2.06(g) of OMA (5 ILCS 120/ 2.06(g) (West 2011 Supp.)) provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." Your Request for Review does not allege that you or other members of the public were denied the opportunity to speak at the meeting, and in fact indicates that public comment was allowed. Contrary to your suggestion that OMA requires public bodies to allow three (3) minutes for each citizen who wishes to address the public body, OMA does not provide any specific time requirement for public comment. Rather, it is within the public body's discretion to adopt reasonable rules governing public comment.

¹ Request for Review from Patti Lopuszanski to Sarah Pratt, Acting Public Access Counselor, Public Access Bureau (January 14, 2013).

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Similarly, OMA does not address the content of a public body's meeting agenda or materials provided for an open meeting. Thus, the Board's failure to include copies of your FOIA requests to the Board in the agenda materials for the January 9, 2013, meeting does not violate OMA. The Board may have its own procedural rules governing this area.

Your Request for Review asserts that the Board violated OMA when it refused to answer questions about the agenda materials. In support of your claim, you enclosed an e-mail exchange between you and Susan Caddy, Director of Business and Human Resources of the Mid-Valley Special Education Cooperative, from January 2013.² Again, OMA contains no requirement that public bodies respond to specific questions, either those posed orally at a meeting or those submitted in writing, as you did. OMA requires only that persons may be allowed an opportunity to address public officials.

Because your Request for Review fails to allege a violation of OMA, we have determined that no further action is warranted in this matter. If you have any questions, please contact me at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



LINDSAY LAVINE
Assistant Attorney General
Public Access Bureau

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cc: Ms. Susan Caddy
Director of Business & Human Resources
Mid-Valley Special Education Cooperative
1304 Ronzheimer Avenue
St. Charles, Illinois 60174

²Request for Review from Patti Lopuszanski to Sarah Pratt, Acting Public Access Counselor, Public Access Bureau (January 14, 2013).