

ATTORNEY GENERAL OPINIONS
ISSUED THROUGH THE
OFFICE OF THE PUBLIC ACCESS COUNSELOR
INDEX OF OPEN MEETINGS ACT BINDING OPINIONS
FROM 2010 TO PRESENT



OPINIONS COVERED BY THIS INDEX

2010 - 10-001 through 10-004	2015 - 15-001 through 15-015	2020 - 20-001 through 20-010
2011 - 11-001 through 11-007	2016 - 16-001 through 16-015	2021 - 21-001 through 21-012
2012 - 12-001 through 12-015	2017 - 17-001 through 17-015	2022 - 22-001 through 22-013
2013 - 13-001 through 13-018	2018 - 18-001 through 18-018	2023 - 23-001 through 23-017
2014 - 14-001 through 14-016	2019 - 19-001 through 19-013	2024 - 24-001 through 24-010

This document is a comprehensive index of binding opinions issued by the Attorney General through the Office of the Public Access Counselor from 2010 through the present. Please note that an opinion may have been superseded by statute or case law. You should, therefore, review each opinion upon which you would rely in consultation with an attorney familiar with Illinois law.

The opinions cited in this index are available in PDF format on [this website](#). If you do not find an opinion on an issue with which you are concerned, feel free to contact the Public Access Bureau of the Office of the Attorney General (877-299-3642) to inquire regarding the existence of additional records.

INDEX TO SUBJECT HEADINGS

<u>Subject Heading</u>	<u>Page</u>
AGENDA	1
ATTENDANCE BY MEANS OTHER THAN PHYSICAL PRESENCE.....	1
CLOSED SESSION DISCUSSION.....	1
CLOSED SESSION PROCEDURE	2
CONVENIENT AND OPEN MEETING PLACE	3
DEFINITIONS	3
FINAL ACTION	3
ILLINOIS MUNICIPAL RETIREMENT FUND	4
MINUTES	4
NOTICE OF MEETING	4
OPEN MEETINGS	5
PUBLIC COMMENT.....	5
PUBLIC RECITAL	5
RECORDING OPEN MEETINGS	5
SCHEDULE OF MEETINGS.....	6
VERBATIM RECORDINGS OF CLOSED SESSIONS.....	6

ATTORNEY GENERAL OPINIONS
Issued Through the
OFFICE OF THE PUBLIC ACCESS COUNSELOR
INDEX OF BINDING OMA OPINIONS
FROM 2010 TO PRESENT

current through Opinion No. 24-010
updated September 12, 2024

SUBJECT MATTER	OPINION NUMBER (YEAR)
-----------------------	------------------------------

AGENDA:

Taking Final Action on Matters Not Included in Agenda	13-002 (2013)
Amending Agenda During 48-Hour Posting Period.....	14-003 (2014)
Taking Final Action on Matter Not on Meeting Agenda.....	15-005 (2015)
Taking Final Action on Matter Not on Meeting Agenda.....	16-015 (2016)
Taking Final Action on Matter Not Sufficiently Identified on Meeting Agenda	19-012 (2019)
Taking Final Action on Matter Not on Meeting Agenda.....	22-006 (2022) ¹
Taking Final Action on Matter Not Sufficiently Identified on Meeting Agenda	22-008 (2022)
Requirement to Provide General Subject Matter of Personnel Transactions on Meeting Agenda	23-004 (2023)
Taking Final Action on Matter Not on Meeting Agenda.....	24-007 (2024)

ATTENDANCE BY MEANS OTHER THAN PHYSICAL PRESENCE:

Requirement for the Public to Contemporaneously Hear All Discussion, Testimony, and Roll Call Votes in a Meeting Held Remotely Pursuant to a Public Health Emergency	20-007 (2020)
Proper Remote Meeting During a Public Health Emergency	21-011 (2021)
Improper Remote Meeting During a Public Health Emergency.....	22-003 (2022)
Improper Remote Meetings During a Public Health Emergency.....	22-007 (2022)
Attendance by Means Other Than Physical Presence Because of Employment Purposes	24-007 (2024)

CLOSED SESSION DISCUSSION:

Improper Discussion in Closed Session of Budgetary Matters	12-011 (2012)
Improper Discussion of Proposed Ordinance in Closed Session; Requirement to Recite and Record Basis for Finding that Litigation is Probable or Imminent.....	12-013 (2012)

¹Binding Opinion 22-006 was affirmed on administrative review by the Circuit Court of Cook County. *Board of Education of Community Consolidated School District 93, DuPage County v. Office of the Attorney General of the State of Illinois, et al.*, 22-CH-05558 (Circuit Court of Cook County), Memorandum and Opinion (November 14, 2022).

Improper Discussion of Financial Matters
and Disposal of Property in a Closed Meeting.....15-003 (2015)

Improper Discussion of Proposed Police Services
Contract in Closed Session15-005 (2015)

Improper Discussion of a Hiring Freeze in a Closed Meeting15-007 (2015)

Discussion of Legal Matters Under the Exception
for Pending, Probable, or Imminent Litigation.....16-007 (2016)

Improper Discussion of Salary Increases for City
Employees in a Closed Meeting16-013 (2016)

Discussion of Legal Matters Under the Exception
for Pending, Probable, or Imminent Litigation.....²17-004 (2017)²

Discussion of the Conduct of a Public Body Member
in Closed Session.....17-013 (2017)

Improper Discussion of Budget and Layoffs
in Closed Session.....18-012 (2018)

Discussion of the Duties and Salaries of Elected Officials
in Closed Session.....18-015 (2018)

Discussion of the Process for Evaluating an Employee
in Closed Session.....20-004 (2020)

Improper Discussion of Matters Under the Exception
for Pending, Probable, or Imminent Litigation.....21-003 (2021)

Public Body Violated OMA by Requiring Public Comment
to be Provided to Board in Closed Session21-009 (2021)

Discussion of the Appointment, Employment, Compensation,
or Performance of Specific Employees in Closed Session22-010 (2022)

Improper Discussion of Bids for a Student Transportation
Contract in Closed Session22-010 (2022)

Improper Closed Session Discussion of New School Under the
Exception for Purchasing or Leasing Real Property22-012 (2022)

Improper Closed Session Discussion of Various Topics Under the
Exception for Setting the Price For Sale or Lease of Real Property23-005 (2023)

Improper Closed Session Discussion of Removing Book From Curriculum.....23-016 (2023)

CLOSED SESSION PROCEDURE:

Requirement to Recite and Record Basis for Finding
that Litigation is Probable or Imminent;
Requirement To Record Closed Sessions12-013 (2012)

²Binding opinion 17-004 was overturned on administrative review on July 15, 2019. On appeal, the Appellate Court, Fourth District, issued an order on April 26, 2021, that reversed the circuit court's judgment and affirmed the Attorney General's Binding Opinion. See *City of Bloomington v. Raoul*, 2021 IL App (4th) 190539, 184 N.E.3d 366 (2021).

Duty to Record Closed Meetings13-007 (2013)³

Requirement to Record and Enter Into Closed Meeting Minutes Basis for Finding that Litigation is Probable or Imminent13-008 (2013)

Failure to Cite Closed Session Exception15-005 (2015)

Failure to Cite an Applicable Exception Before Closing a Meeting to the Public15-007 (2015)

Requirement to Recite and Record Basis for Finding that Litigation is Probable or Imminent21-003 (2021)

Duty to Make Verbatim Recording of Closed Session of Committee Meetings.....21-006 (2021)

Failure to Cite an Applicable Exemption Before Closing a Meetings to the Public22-010 (2022)

Taking Final Action in Closed Session.....23-014 (2023)

CONVENIENT AND OPEN MEETING PLACE:

Meeting at Private Residence is Not Convenient and Open to the Public12-008 (2012)

A Public Body’s Special Meeting Held Approximately 26 Miles from its Ordinary Meeting Location is Not “Convenient and Open” to the Public.....13-014 (2013)

Duty to Make Meetings Convenient and Open to the Public.....24-010 (2024)

DEFINITIONS:

"Convenient"12-008 (2012)

"Convenient"13-014 (2013)

"Open"12-008 (2012)

"Open"13-014 (2013)

"Committee of the Whole"20-001 (2020)

"Meeting"23-003 (2023)

FINAL ACTION:

Taking Final Action at Closed Session Prohibited12-013 (2012)

Taking Final Action at Closed Session Prohibited13-003 (2013)

Secret Ballots Prohibited13-006 (2013)

³Overtured in other parts by the Supreme Court of Illinois in *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, 77 N.E.3d 625 (2017).

Taking "Final" Action at Closed Session Prohibited13-007 (2013)⁴

Requirement to Publicly Recite Nature of Matter Being Considered
and Other Information to Adequately Inform the Public of
the Business Being Conducted Before Taking Final Action13-010 (2013)

Duty to Inform the Public of the Nature of the Business Under
Consideration Prior to Taking Final Action13-016 (2013)

Failure to Sufficiently Inform the Public of the Business
Being Conducted before Taking Final Action.....14-001 (2014)⁵

Taking Final Action on Matter Not on Meeting Agenda15-005 (2015)

Taking Final Action on Matter Not on Meeting Agenda16-015 (2016)

Public Recital of the Nature of the Matter Under Consideration
Prior to Taking Final Action.....19-004 (2019)

Taking Final Action on Matter Not on Meeting Agenda.....22-006 (2022)⁶

Taking Final Action in Closed Session.....23-014 (2023)

Taking Final Action in Closed Session.....24-003 (2024)

ILLINOIS MUNICIPAL RETIREMENT FUND:

N/A

MINUTES:

Summary of Discussion Required in Minutes13-007 (2013)⁷

Requirement to Record and Enter Into Closed
Meeting Minutes Basis for Finding that Litigation
is Probable or Imminent.....13-008 (2013)

Duty to Approve Meeting Minutes Within Time
Period Specified by OMA20-001 (2020)

NOTICE OF MEETING:

Notice of Remote Meeting During a Public Health Emergency22-003 (2022)

Notice of Remote Meetings During a Public Health Emergency22-007 (2022)

⁴Overtured in part by the Supreme Court of Illinois in *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, 77 N.E.3d 625 (2017).

⁵Overtured by the Supreme Court of Illinois in *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, 77 N.E.3d 625 (2017).

⁶Binding Opinion 22-006 was affirmed on administrative review by the Circuit Court of Cook County. *Board of Education of Community Consolidated School District 93, DuPage County v. Office of the Attorney General of the State of Illinois, et al.*, 22-CH-05558 (Circuit Court of Cook County), Memorandum and Opinion (November 14, 2022).

⁷Overtured in other parts by the Supreme Court of Illinois in *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, 77 N.E.3d 625 (2017).

OPEN MEETINGS:

Taking Final Action at Closed Session Prohibited12-013 (2012)

Taking Final Action at Closed Session Prohibited13-003 (2013)

Secret Ballots Prohibited.....13-006 (2013)

Taking Final Action at Closed Session Prohibited;
Summary of Discussion Required in Minutes13-007 (2013)

Requirement to Publicly Recite Nature of Matter Being Considered
and Other Information to Adequately Inform the Public of
the Business Being Conducted Before Taking Final Action.....13-010 (2013)

Improper Private Meeting.....23-003 (2023)

PUBLIC COMMENT:

Information Required of Speakers Wishing to Provide
Public Comment14-009 (2014)

Rules for Public Comment14-012 (2014)

"Established" and Recorded Rules for Public Comment.....19-002 (2019)

Right to Address Public Officials at a Public Meeting19-009 (2019)

Duty to Provide Opportunity for Public Comment in Open Session21-009 (2021)

Restriction on Public Comment is Limited to Established and
Recorded Rules Governing Public Comment23-013 (2023)

PUBLIC RECITAL:

Requirement to Publicly Recite Nature of Matter Being Considered
and Other Information to Adequately Inform the Public of
the Business Being Conducted Before Taking Final Action.....13-010 (2013)

Duty to Inform the Public of the Nature of the Business Under
Consideration Prior to Taking Final Action13-016 (2013)

Failure to Sufficiently Inform the Public of the Business Being
Conducted before Taking Final Action.....14-001 (2014)⁸

Public Recital of the Nature of the Matter Under Consideration
Prior to Taking Final Action.....19-004 (2019)

RECORDING OF OPEN MEETINGS:

Right to Record an Open Meeting12-010 (2012)

Right to Record an Open Meeting16-014 (2016)

⁸Overturned by the Supreme Court of Illinois in *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, 77 N.E.3d 625 (2017).

SCHEDULE OF MEETINGS:

N/A

VERBATIM RECORDINGS OF CLOSED SESSIONS:

Requirement to Record Closed Sessions12-013 (2012)
Duty to Record Closed Meetings13-007 (2013)⁹

⁹Overtured in other parts by the Supreme Court of Illinois in *Board of Education of Springfield School District No. 186 v. Attorney General of Illinois*, 2017 IL 120343, 77 N.E.3d 625 (2017).