



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 10, 2014

The Honorable Michelle A. Harris
Alderman, 8th Ward, Chicago City Council
Chairman, Committee on Committee, Rules and Ethics
City Hall Office
121 North LaSalle Street,
Room 200
Chicago, Illinois 60602

RE: OMA Request for Review – 2014 PAC 31706

Dear Alderman Harris:

Pursuant to section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2012)), the Public Access Bureau has received a Request for Review in which Alderman Robert Fioretti and Alderman Scott Waguespack of the Chicago City Council (City Council) allege that the Committee on Committees, Rules and Ethics (Committee), violated the requirements of OMA. Enclosed is a copy of the Request for Review.

In their Request for Review, Alderman Fioretti and Alderman Waguespack allege that during its October 7, 2014, meeting, the Committee improperly took final action by passing out of Committee and referring to the City Council a substitute resolution (SR2014-636) authorizing two referenda that were neither listed on the meeting agenda nor related to or germane to any item on the meeting agenda. We construe the Request for Review as alleging a violation of section 2.02 of OMA (5 ILCS 120/2.02 (West 2012)). Specifically, section 2.02(a) of OMA (5 ILCS 120/2.02(a) (West 2012)) provides that an "agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting." Section 2.02(c) of OMA (5 ILCS 120/2.02(c) (West 2012)) further provides that "[a]ny agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting."

We have determined that further inquiry is warranted as to this matter. Please provide this office with copies of the October 7, 2014, meeting agenda, meeting minutes (draft form, if necessary), and SR2014-636 together with a written response to the allegations in the Request for Review. In your response, please clarify whether the Committee took final action on

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SR2014-636 during the meeting and, if so, identify the relevant agenda item on the October 7, 2014, meeting agenda. Please also respond to the assertion that the agenda did not provide sufficient advance notice to the public because it did not set forth the general subject matter of two of the three referenda authorized by SR2014-636.

As required by section 3.5(b) of the Open Meetings Act (5 ILCS 120/3.5(b) (West 2012)), please provide this information to our office within 7 working days after receipt of this letter. As we conduct our review of this matter, we will notify you if we need to review additional records or information. You have the option under the Act to provide a written response to these allegations in addition to the requested materials. That response may take the form of a letter, brief or memorandum. Please note that under the Act, we are required to forward a copy of any response from a public body to the requester and provide the requester an opportunity to reply. 5 ILCS 120/3.5(c) (West 2012). The Act also permits a public body to provide a redacted version of any response for release to the requester. If you believe that other documents or information would be helpful to us as we review the issues, you may submit additional records or affidavits.

If you have any questions or would like to discuss this matter, please contact me at (312) 814-6756. Thank you.

Very truly yours,



STEVE SILVERMAN
Assistant Bureau Chief
Public Access Bureau

Enclosure

cc: The Honorable Robert Fioretti (will receive letter only)
Alderman, 2nd Ward
City Hall Office
121 North LaSalle Street
Room 300
Chicago, Illinois 60602

The Honorable Scott Waguespack (will receive letter only)
Alderman, 32nd Ward
City Hall Office
121 North LaSalle Street
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Chicago, Illinois 60602