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# Attorney General's office says OPPL board violated Open Meetings Act at January meeting

Bill Jones

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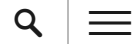
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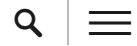
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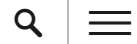
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Bill Jones, Editor

3:45 pm CDT May 19, 2014

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The Orland Park Public Library's Board of Trustees violated the Open Meetings Act at its Jan. 20 public meeting, according a determination recently issued by the Office of the Attorney General for the State of Illinois.

The determination was issued Friday, May 2, in a letter addressed to the library's attorney — Dennis G. Walsh of Klein, Thorpe and Jenkins Ltd. — as well as Megan Fox, who on Jan. 21 submitted a Request for Review alleging the board violated its own rules concerning public comment “by prohibiting her and other individuals from commenting on computer use policies and alleged sexual misconduct at the library” as well as holding “public comment at the end of the meeting rather than at the beginning,” and Kevin DuJan, who on Jan. 27 also alleged the board restricted “him and others from commenting” on “related matters” at the same meeting.

The non-binding determination agreed with both parties — who listed a shared P.O. Box in Orland Park as their mailing address — in a consolidated response from the Attorney General's Public Access Bureau Assistant Bureau Chief Steve Silverman.

Silverman wrote that the board “violated OMA during its Jan. 20 meeting by imposing restrictions on public comment which were not authorized by the board's established and recorded rules.”

The letter specifies the board violated section 2.06(g) of OMA at the meeting by “arbitrarily precluding public comment on the library's computer use policies.”

The office cautioned the board to avoid restricting comment in ways not included in its established and recorded rules.

The office also stated because the board's action in moving public comment from the beginning to the meeting to later in the meeting was “apparently inconsistent with the

rules that the board has adopted to govern public comment," it thereby violated the same section of OMA.

The letter states that the Public Access Counselor determined that the resolution of the matter does not require "the issuance of a binding option" and that the letter serves "to close these matters."

"We are grateful to the Office of the Attorney General for its guidance in this situation, and we are resolved to follow the board's guidelines for public participation at all future meetings," read a prepared statement sent by Bridget Bittman, the library's public information officer, which also noted the policies were revised Feb. 12 and are available on the library's website, [www.orlandparklibrary.org](http://www.orlandparklibrary.org).

Kevin Dujan informed *The Prairie* via one of Megan Fox's email addresses that on Wednesday, May 14, Fox filed a complaint with the Orland Park Police Department to bring about a Class-C misdemeanor charge against Board President Nancy W. Healy, as well as the board at large, for the violations.

Sgt. Scott Malmborg confirmed Friday, May 16, that his department had received a complaint and noted it was "under investigation."

Silverman's letter noted his office forwarded copies of the Requests for Review on Jan. 31 and Feb. 3 to the OPPL board, and the board submitted a single response addressing both requests on March 3. Both Dujan and Fox replied to that response on March 19.

Silverman's letter noted that the library's rules did not restrict commentary on library policies or business that have been the subject of previous meetings. It further notes that Healy twice interrupted Dujan when he attempted to address the library's computer use and Internet access policies.

Silverman noted that based on review of recordings, there was no indication "that refusing to allow comments on these topics was necessary to maintain order and decorum at the meeting."

In regard to moving public comment, Silverman said that while, "as a general principle, a public body may amend its agenda to change the order in which matters are address," the OPPL board's rules "expressly provided that a public comment period was to be

held at the beginning of each monthly meeting." Silverman wrote that there was no apparent need to move public comment to consider other matters first.

Attorney General Communications Director Natalie Bauer noted Friday, May 16, that there are 14 open complaints about Open Meeting Act violations and eight Freedom of Information Act denials related to the Orland Park Public Library that are pending.

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## Comments

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May 24, 2014 - 11:10pm

Why is there no mention in this article that the Attorney General also has ruled that the Library's February 12th special meeting was illegal. This was a meeting that the OPPL board held in violation of the law on a state holiday, when the Open Meetings Act clearly said that no meeting like this could be held on a holiday. The board did this to ram through many controversial measures on a day they believed they could deny public comment. They were wrong on that too, since all open meetings must allow public comment. The Orland Park Prairie has given the Library Board a lot of slack and seems reluctant to report fully on the Board's wrongdoing. Why is that?

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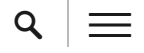
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