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No. S-729

**CITIES AND VILLAGES:
Public Meetings**

Honorable David DeDoncker
State's Attorney
Rock Island County
Courthouse
Rock Island, Illinois 61201

Dear Mr. DeDoncker:

I have your letter in which you ask the following question concerning "AN ACT in relation to public meetings"

(Ill. Rev. Stat. 1973, ch. 102, pars. 41 et seq.):

"Once a question or issue is presented to a public body, such as a county board or city council, would a gathering, attended by the membership of the public body as a whole, or the membership of a committee or subcommittee of such public body, at which gathering the issue or question presented to the public body were discussed or information pertaining thereto disseminated, constitute a 'meeting' as that term is used

in Ch. 102, Sec. 42, Ill. Rev. Stat. (1971), subject to the notice requirements of 'AN ACT in relation to meetings', Ch. 102, Sec. 41 et seq., Ill. Rev. Stat. (1971), even if the gathering took place on private property, at the invitation of a citizen or group of citizens or a private corporation?'"

You have stated the situation out of which this question arises as follows:

"Recently, the mayor and the city council of a municipality located in this county, as a group, met with the representatives of a not-for-profit corporation, which had been formed for the purpose of promoting 'downtown redevelopment'. The gathering was held at a local hotel, upon an invitation extended by the corporation. The corporation paid the rental for the hotel facilities. I do not know whether the invitation was extended to the mayor and each councilman individually or by means of a communication forwarded to the group as a whole. I am convinced that no 'official action' was taken at this gathering, and that there was no intent to violate the provisions of Ch. 102, Sec. 41 et seq., Ill. Rev. Stat. (1971). It is obvious, however, that none of the notices required by the above-referenced statute were given, and that the news media and the public in general were not aware of this gathering until after it had taken place. It is also a well-known fact that the subject of 'downtown redevelopment' and the extent to which this particular city should become involved in this project is a matter which has been discussed on numerous occasions at city council meetings, and that

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this entire area could easily be classified as a matter of business actually 'pending' before the city council."

I believe it is clear from Opinion No. S-726, March 22, 1974, a copy of which is enclosed, that the meeting which you described was specifically designed for the purpose of discussing city or public business and although no formal action was taken, it was a deliberation coming within the meaning of that term as used in section 1 and, therefore, a meeting as used within section 2. However, as also discussed in the enclosed opinion, all gatherings where members of public bodies are present are not necessarily meetings within the terms of the Act.

Very truly yours,

A T T O R N E Y G E N E R A L