



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 29, 2025

Via electronic mail



Via electronic mail

Ms. Kim Musgrave
Executive Director
Wayne County Housing Authority
303 North First Street
Fairfield, Illinois 62837
wayneha@midwest.net

RE: OMA Request for Review – 2025 PAC 87549

Dear Mr. Baker and Ms. Musgrave:

This determination letter is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA).¹

On June 18, 2025, this office received Mr. Ronald Baker's Request for Review alleging that the Wayne County Public Housing Authority of Board of Trustees violated OMA at its June 18, 2025 meeting when it made a series of procedural changes that diverged from its written by-laws. Mr. Baker furnished this office with a copy of an audio recording that he made of a portion of the meeting and the Board's bylaws. Specifically, Mr. Baker alleges the Board moved public comment to after the approval of the meeting minutes in violation of its by-laws, which provide the following order of business at Board meetings:

a. Call to order

¹5 ILCS 120/3.5(e) (West 2024).

- b. Rollcall
- c. Public comment
- d. Approval of the Minutes, Matters Arising from the Minutes
- e. Financial Report/Payment of Bills
- f. Unfinished Business
- g. New Business
- h. Executive Director's Report
- i. Executive session, Matters Arising from the Executive session
- j. Future Discussions
- k. Adjournment^[2]

He further alleges that the approval of meeting minutes before public comment was done with the intention of removing him from the meeting and that the Board allowed comments favoring a speaker critical of him while prohibiting comments critical of the executive director.

This office sent a copy of the Requests for Review to the Board on June 30, 2025, and requested it provide a written response, its rules for public comment and any audio of the meeting. On July 9, 2025 the Board provided a written response. This office forwarded a copy to Mr. Baker on July 24, 2025; he replied on August 11, 2025.

DETERMINATION

Section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2024)) provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." The intention of section 2.06(g) is to guarantee members of the public the right to address public officials under the rules established by the public body. Although a public body generally must abide by its established and recorded rules when restricting public comment, it does not violate OMA when it allows comments that exceed the opportunities for public comment set forth in those rules. *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 64514, issued September 1, 2020, at 2 (concluding that a public body did not violate OMA when it read a public comment that was longer than permitted by the public body's rules). However, the Public Access Bureau has previously determined that a public body

²Housing Authority of Wayne County Bylaws art. V, § 8(a-k) (December 15, 2021)

violated section 2.06(g) when it moved public comment to the end of a meeting in contravention of its established and recorded rules that required public comment at the beginning of meetings. Ill. Att'y Gen. PAC Req. Rev. Ltr. 27713, issued May 2, 2024, at 4.

The Board's response did not include a copy of its rules for public comment nor its own recording of the meeting. It did, however, acknowledge that the Board asked for public comment and allowed an individual to speak who was critical of Mr. Baker. In his response, Mr. Baker alleges that the Board's "selective enforcement of decorum and public comment rules, endorsement of ad hominem attacks, and failure to maintain meeting order and fairness violate the OMA's statutes and intended protections for open government and resident input."³

The recording of the meeting provided by Mr. Baker begins with a discussion of the approval of meeting minutes and what appears to be expenditures for cellular phones. A trustee can be heard to say "does anyone else want to talk about this."⁴ At this point, the individual critical of Mr. Baker is permitted to speak while Mr. Baker presses for decorum. Shortly after, Mr. Baker is removed from the meeting and the recording ends. In his reply to this office, Mr. Baker provided a declaration by Ms. Cinnamon Willett which indicated that she intended to speak at the meeting but became fearful after seeing how Mr. Baker was treated; she stated that she left the meeting due to an atmosphere that she characterized as hostile and intimidating.

Because permitting opportunities for public comment in addition to the designated public comment period does not violate OMA, this office is unable to conclude that the Board violated section 2.06(g) by allowing a member of the public to criticize Mr. Baker. Further, it is not apparent that the Board would have prohibited Ms. Willett from speaking if she had attempted to address the Board later in the meeting. The information provided to this office, however, indicates that the Board did violate section 2.06(g) by not holding public comment in accordance with the order of business established by its bylaws. Accordingly, the Board should ensure that it follows the procedure set forth in its bylaws and provide an opportunity for public comment after rollcall and before the approval so members of the public can anticipate the part of the meeting in which they will be permitted to address the Board. If it has not already done so, the Board should also draft and adopt written rules for public comment that go beyond designating a time for public comment in the order of business. Such rules should promote order and decorum and tend to accommodate rather than unreasonably restrict the statutory right to

³Letter from Ronald Baker, Resident Commissioner, Wayne County Housing Authority to Public Access Bureau, Office of the Attorney General of Illinois (August 11, 2025).

⁴Commissioners of the Housing Authority of the County of Wayne, Illinois Meeting, June 18, 2025, Audio Recording (on file with Public Access Bureau).

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address the Board. *See* Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 6.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions, please contact me at Matthew.Rogina@ilag.gov.

Very truly yours,

Matthew Rogina
MATTHEW C. ROGINA
Senior Attorney General
Public Access Bureau

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