



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 17, 2026

Via electronic mail

Mr. Ronald Baker
[REDACTED]

Via electronic mail

Ms. Kim Musgrave
Executive Director
Wayne County Housing Authority
wayneha@midwest.net

RE: OMA Request for Review – 2026 PAC 93425

Dear Mr. Baker and Ms. Musgrave:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)). For the reasons that follow, the Public Access Bureau concludes that the Wayne County Housing Authority Board of Commissioners (Board) violated the requirements of OMA in connection with its March 18, 2026, meeting.

BACKGROUND

On April 2, 2026, this office received Mr. Ronald Baker's above-referenced Request for Review alleging that the Board violated section 2.02(c)¹ of OMA by taking final action on three items that were not included on the March 18, 2026, meeting agenda, noting that the agenda simply referenced "New business." Mr. Baker also alleged that the Board violated section 2(e) of OMA² by taking final action to approve fiscal year 2027 salaries without sufficiently informing the public of the nature of the matter being considered. Mr. Baker

¹5 ILCS 120/2.02(c) (West 2024).

²5 ILCS 120/2(e) (West 2025 Supp.).

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asserted that a member of the Board made only a "motion to set the salaries" without discussing any terms of the salaries.

On April 30, 2026, this office forwarded a copy of the Request for Review to the Board and asked it to respond in writing to the allegations. On May 29, 2026, the Board provided its response. On June 5, 2026, this office forwarded a copy of the Board's response to Mr. Baker. On June 7, 2026, he replied.

DETERMINATION

It is "the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2024). "The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business, and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (1989).

Section 2.02(c) of OMA 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." Section 2(e) of OMA provides: "No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted." In *Board of Education of Springfield School District No. 186 v. Attorney General*, 2017 IL 120343, the Illinois Supreme Court considered the scope of the public recital requirement in section 2(e) and held that "a public recital must take place at the open meeting before the matter is voted upon; the recital must announce the nature of the matter under consideration, with sufficient detail to identify the particular transaction or issue, but need not provide an explanation of its terms or its significance." *Springfield School District*, 2017 IL 120343, ¶ 64. The Court advised that "while the 'nature of the matter' may be recited in nonspecific terms (the approval of a loan, a contract, a purchase, a policy, or a resolution), 'other information' is necessary to inform the public of the specific item of business (the purpose of the loan, the subject of the contract, the type of property being purchased, the title of the policy, or the purpose of the resolution)." *Springfield School District*, 2017 IL 120343, ¶ 50.

In its response to this office, the Board acknowledged that it took final action during its March 18, 2026, meeting on three items that it had mistakenly omitted from its public agenda for the meeting. The Board stated that it included those items on its April 15, 2026, meeting agenda and voted to ratify those actions. The Board's response also confirmed that it voted to approve fiscal year 2027 salaries during the March 18, 2026, meeting. The agenda for

the meeting listed "Res 26-8 Set Salaries for FYE 9/30/27."³ Although the minutes for that meeting also reflect a list of names, pay rates, and salaries,⁴ the Board's response did not contradict Mr. Baker's assertion that Board did not recite those terms or provide other information to inform the public of the particular business being conducted. However, the Board stated that it ratified its vote on salaries with an additional recitation during its May 20, 2026, meeting. Mr. Baker's reply acknowledged the Board's ratification of the disputed votes, but he nonetheless asked this office to issue a determination on the alleged violations that occurred during the March 18, 2026, meeting.

It is undisputed that the Board took final action on three items without including their general subject matter on its March 18, 2026, meeting agenda. Those actions violated section 2.02(c) of OMA. It is also undisputed that the Board voted to approve salaries for various employees and positions during its March 18, 2026, meeting while only informing the public that it was voting on a resolution to set salaries for the fiscal year. A "motion to set the salaries" does not indicate any specific employees or classes of employees that would be affected by the vote, nor does it provide any additional details of the terms of the resolution. Because that final action did not include sufficient detail to identify the particular transactions covered by the resolution, the Public Access Bureau concludes that the Board violated section 2(e) of OMA.

Because the Board documented for this office that it re-voted on the actions at issue after providing sufficient notice of their subject matters on a meeting agenda and providing a public recital that sufficiently identified the nature of the transactions, no further remedial action is required. This office reminds the Board to ensure in the future that it provides the public with the general subject matter of any final actions on its agendas and provides public recitals with sufficient detail to identify the nature of its final actions.

³Agenda for the Regular Meeting, Housing Authority of the County of Wayne, Agenda Item 12 (March 18, 2026).

⁴Minutes of the Regular Meeting, Housing Authority of the County of Wayne (March 18, 2026), at [3-4].

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The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov. This letter serves to close this file.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Silver', with a long horizontal flourish extending to the right.

BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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