



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 10, 2019

Mr. Keith McDonald
Chair, Operations and Administrative Committee
Winnebago County Board
404 Elm Street
Rockford, Illinois 61101

Mr. Jaime Salgado
Chair, Finance Committee
Winnebago County Board
404 Elm Street
Rockford, Illinois 61101

RE: OMA Request for Review – 2019 PAC 57961

Dear Mr. McDonald and Mr. Salgado:

The Public Access Bureau has received a Request for Review in which Mr. Josh Morgan alleges that the Operations and Administrative Committee and the Finance Committee (Committees) of the Winnebago County Board (Board) violated the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2016)) in connection with its May 2, 2019, joint meeting. A copy of the Request for Review is enclosed.

In his Request for Review, Mr. Morgan, on behalf of WREX-TV, alleges that the Committees may have discussed a 911 agreement with municipalities during the closed session of its May 2, 2019, joint meeting, and that closed session discussions on that matter would have exceeded the permissible scope of the exemptions listed in section 2(c) of OMA (5 ILCS 120/2(c) (West 2017 Supp.), as amended by Public Act 100-646, effective July 31, 2018).

We have determined that further action is warranted. In order to further evaluate this matter, we request that the Committees or its representative provide a written response to the allegations in the Request for Review. As required under section 3.5(b) of the Open Meetings Act (5 ILCS 120/3.5(b) (West 2016)), please explain whether the Committees discussed a 911 agreement during the May 2, 2019, closed session. If so, please identify the closed session

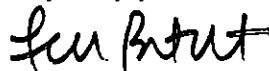
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exception listed in section 2(c) that authorized that discussion, and explain whether the Committees cited that exception when they voted to enter closed session on that date. Please also provide for our confidential review a copy of the verbatim recording of the May 2, 2019, closed session meeting, along with the agenda, open, and closed session meeting minutes from that meeting.

This information must be submitted to our office within seven (7) business days after receipt of this letter. 5 ILCS 120/3.5(b) (West 2016). As we review this matter, we will notify you if we require additional records or information. Please note that under OMA, "[t]he Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review. The requester may, but is not required to, respond in writing[.]" 5 ILCS 120/3.5(c) (West 2016). **If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office's confidential review and a redacted version suitable for this office to forward to the requester.**

If you prefer, you may send the written response and any additional materials by e-mail to lbartelt@atg.state.il.us or publicaccess@atg.state.il.us. Please contact me at (312) 814-6437 if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



LEAH BARTELT
Assistant Attorney General
Public Access Bureau

Enclosure

cc: *Via electronic mail*
Mr. Josh Morgan
Station Manager, WREX-TV
jmorgan@wrex.com

57961
Carnes, Jodi

From: Josh Morgan <jmorgan@wrex.com>
Sent: Friday, May 03, 2019 4:55 PM
To: Public Access
Cc: Andi TenBarge
Subject: Questionable Closed Session at Winnebago County Committee Meeting

Hello,

My name is Josh Morgan and I am the Station Manager and News Director at WREX-TV in Rockford. We are seeking review of a recent closed session at a Winnebago County combined committee meeting on Thursday, May 2, 2019.

The combined meeting of the Finance Committee and Operations & Administrative Committee went into closed session, per the agenda. The exception of "pending litigation" was provided by Winnebago County State's Attorney Marilyn Hite Ross.

Our question pertains to what pending litigation is being referenced to take the meeting into closed session. Our sources tell us the litigation being referenced does not have an impact on the topic that was believed to have been discussed in closed session.

As for what was discussed in that session, our sources tell us it was regarding a "911 Agreement with Municipalities." That topic was listed on the agenda, but was listed after closed session and was not discussed until after the closed session had concluded. When it got to that topic, the State's Attorney then said it was her opinion that this topic should be discussed in closed session. No further action by the board was taken, other than opening it up to public comment.

Again, we believe that item was actually the item discussed in closed session. Furthermore, we believe that the "pending litigation" being referenced by the State's Attorney to allow the meeting to go into closed session is not relevant or pertinent to the matter that was discussed behind closed doors.

Winnebago County Board Chairman Frank Haney agrees with our position and told us that he believes the State's Attorney interpretation of "pending litigation" was too broad and should not have been allowed to be applied in this situation. Thus concluding, the meeting should not have been allowed to go into closed session.

We are asking you to review this case, and to review whether or not the pending litigation being referenced by the State's Attorney was a relevant exception to allow the topic of the 911 agreement to be discussed. After your review, we are seeking access to the full recording taken place during closed session.

We have obtained the official recordings of the meeting from the administration, however, they are too large to attach to this email. We can provide them by different means, if necessary.

For the record, we attempted to speak with State's Attorney Hite Ross today to clarify the action taken last night, and our request for interview was denied. We can show proof of that denial as well, if necessary.

If you have any questions or would like to discuss further, please let me know.

Thank you,

Josh Morgan
Station Manager | WREX-TV

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