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**LEGAL ALERT****Court Denies Temporary Injunction Order and Finds City of Joliet did not Violate the Open Meetings Act**

A group of citizens filed an Emergency Motion for a Temporary Restraining Order seeking a court order to prohibit the City of Joliet (“City”) from meeting, holding a public hearing and voting on a controversial pre-annexation agreement. The plaintiffs argued that the meeting was not “necessary” and therefore not allowed under the Governor’s Executive Order. Second, the plaintiffs argued the meeting violated the Open Meetings Act by failing to provide the public with a meaningful opportunity to participate, as individuals without access to cable television, telephone and internet would not be able to participate.

The Will County Circuit Court held that while the City does not have the unfettered discretion to determine what is necessary, it is entitled to reasonable deference as the Court cannot tell the City what is and is not important to the City. The Court determined that the plaintiffs did not meet their burden of proving the meeting was not a necessity. Second, the Court found that under the Open Meetings Act, the City only had to provide the public a reasonable opportunity to participate in the meeting. The City had announced the meeting five (5) days in advance and permitted public comment by telephone and email. Additionally, the City live streamed the meeting on public access television, on the City’s website and on the City’s social media pages. The Court found that the relatively small segment of the public of the population who would not have an opportunity to participate was not enough to violate the Open Meetings Act.

However, while the Court found that the City did not violate the Open Meetings Act, the Court did make a point to admonish the City’s actions. It stated in its opinion “The Court was not born yesterday. Having this meeting in the way the City has decided is shady and does a disservice to the public. But that does not make it illegal.” This opinion gives additional guidance and examples to help guide public bodies as they decide how to hold public meetings during the statewide Stay at Home Order.

This newsletter is not to be construed as legal advice or a legal opinion under any circumstance. The contents are solely intended for general informative purposes, and the readers of this newsletter are strongly urged to contact their attorney with regard to any concepts discussed herein.

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