



ROBERT B. BERLIN
STATE'S ATTORNEY
DU PAGE COUNTY, ILLINOIS

September 27, 2012

Deborah Birutis
Village President
Village Board of Winfield
27 West 465 Jewell Road
Winfield, IL 60190

Re: Special Board Meeting – August 23, 2012

Dear Ms. Birutis:

I have reviewed your response to the alleged violation of the Illinois Open Meetings Act which was held on August 23, 2012. In addition, I have reviewed the recorded executive session. It was alleged that the Board improperly considered certain matters during that meeting.

As you are aware, the Special Board Meeting Agenda noted that there would be a recess to executive session for the purpose of discussing employment matters. However, the discussion centered on pending litigation and went as far as directing settlement of the lawsuit. While some latitude is given to discuss matters that are germane to the primary topic which was to be considered in the closed session, it seems that the discussion in this case went beyond that scope.

There is now little purpose to be served in litigating the propriety of the executive session, although we could ask a court to enjoin future violations. We believe that an injunction is unnecessary given the fact that you have already discussed this matter with counsel immediately following the meeting. However, we will review your future meetings, including notices, agendas and minutes, for a period of six months, and be available to consult with your attorney if any Open Meetings questions arise. Finally, I would also remind you of the annual training requirements of the Act for all employees, officers or members of the public body.

Sincerely,

Lisa A. Smith
Assistant State's Attorney

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BY: _____

cc: Nancy J. Wolfe, First Assistant State's Attorney