



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

May 29, 2020

*Via U.S. mail and electronic mail*  
The Honorable David Newberg  
Chairman  
DeWitt County Board  
DeWitt County Building  
201 West Washington Street  
Clinton, Illinois 61727  
dnewberg@dewittcountyill.com

RE: OMA Requests for Review – 2020 PAC 63101; 2020 PAC 63110; 2020  
PAC 63123; 2020 PAC 63133; 2020 PAC 63097  
Requesters: Ms. Olivia Klemm, Ms. Betsy Shifflet, Ms. Andrea Rhoades, Ms.  
Melissa Crutcher, and Mr. Aaron Kammeyer  
Date of Meeting: May 21, 2020

Dear Chairman Newberg:

The Public Access Bureau has received five Requests for Review under section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2018)) from Ms. Olivia Klemm, Ms. Betsy Shifflet, Ms. Andrea Rhoades, Ms. Melissa Crutcher, and Mr. Aaron Kammeyer alleging that the DeWitt County Board of Trustees (Board) violated OMA at its May 21, 2020, meeting. In total, these individuals generally allege that the Board failed to provide proper access to the May 21, 2020, meeting via a virtual platform and/or the opportunity for proper public comment as outlined in the requirements for OMA. These Requests for Review are attached for your review.

This office has determined that further action is warranted. In order to evaluate these matters, this office requests the Board or its legal representative to respond in writing to the allegations in the Requests for Review. In your response, please address the allegations concerning failure to access to the May 21, 2020, meeting via a virtual platform, including the inability to connect to the meeting and/or audio disruptions during the meeting. Please also provide copies of the agendas, minutes (draft form, if necessary), and recordings of the open and closed session portions of the May 21, 2020, meeting, if available. In addition, please address

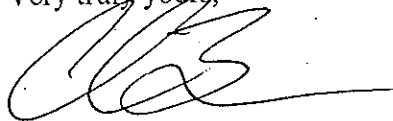
The Honorable David Newberg  
May 29, 2020  
Page 2

the allegations concerning restrictions to public comment in connection with the May 21, 2020, meeting. Finally, please provide a copy of any Board rules or policies governing public comment that were in effect at the time of the meeting.

As required by section 3.5(b) of OMA (5 ILCS 120/3.5(b) (West 2018)), please provide this information to our office within 7 business days after receipt of this letter. As we review this matter, we will notify you if we require additional records or information. Please note that under OMA, this office is required to forward a copy of any response from a public body to the requester and provide the requester an opportunity to reply. 5 ILCS 120/3.5 (West 2018). 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.

Please contact me at [cboggs@atg.state.il.us](mailto:cboggs@atg.state.il.us) or (217) 785-7438 if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



CHRISTOPHER R. BOGGS  
Supervising Attorney  
Public Access Bureau

Attachment

cc: *Via electronic mail*  
Ms. Olivia Klemm  
[oaklemm@gmail.com](mailto:oaklemm@gmail.com)

*Via electronic mail*  
Ms. Andrea Rhoades  
[noturnbinesdewitt@gmail.com](mailto:noturnbinesdewitt@gmail.com)

*Via electronic mail*  
Mr. Aaron Kammeyer  
[isu0006@gmail.com](mailto:isu0006@gmail.com)

*Via electronic mail*  
Ms. Betsy Shifflet  
[betsy2456@hotmail.com](mailto:betsy2456@hotmail.com)

*Via electronic mail*  
Ms. Melissa Crutcher  
[crutcher062911@gmail.com](mailto:crutcher062911@gmail.com)

03/01

Dunham, Lorraine

RECEIVED  
ATTORNEY GENERAL

From: Public Access  
Sent: Friday, May 22, 2020 1:02 PM  
To: Public Access  
Subject: FW: Request for Review: May 21 DeWitt County Co. Board Meeting

MAY 22 2020

FOIA/OMA

63101 - Initial Docs

From: Olivia Klemm [mailto:oaklemm@gmail.com]  
Sent: Friday, May 22, 2020 12:15 AM  
To: Public Access <PAAccess@atg.state.il.us>  
Subject: Request for Review: May 21 DeWitt County Co. Board Meeting

Ms. Pratt:

I am writing to express several concerns that I have in regards to how a regular DeWitt County Board meeting took place on May 21, 2020, beginning at 6:00 PM. I would be pleased if your office would take the necessary actions to review these concerns.

Due to the COVID-19 safety measures in place, the above-mentioned meeting was a virtual meeting, held via the Zoom platform. I desired to address the board, and therefore I called to have my name placed on the agenda. I called at 3:43 PM on Tuesday, May 19, 2020, meeting the 48 hour criteria set forth to be placed on the meeting agenda. I discovered at that time that the County Clerk, Dana Smith, had already submitted the agenda to be submitted for publication on the county website. She assured me that I could still speak, since I called in plenty of time. She also notified the board chairman to inform him of this. I appreciated both of these actions. However, I believe a revised agenda should have been posted on the website, listing my name on the agenda. This did not take place. Here is the link for the agenda: <https://www.dewittcountyil.com/minutes/2020/board/05-21-20Agenda.pdf>

I was not the only one who called in and asked to be placed on the agenda for the May 21 board meeting; several others had done the same. When the meeting began, Chairman Newberg declared that a total of 30 minutes would be provided for all speakers who were on the agenda to present. He very clearly and incorrectly treated persons on the AGENDA according to rules for PUBLIC COMMENT. Here is the link for the Rules on Meeting Procedure for DeWitt County: [https://codelibrary.amlegal.com/codes/dewittcounty/latest/dewittct\\_il/0-0-213](https://codelibrary.amlegal.com/codes/dewittcounty/latest/dewittct_il/0-0-213) One can see here that there are rules for public comment, but not for persons placed on the agenda. I have attended a large number of regular county board meetings, led by Chairman Newberg, where persons on the agenda were given far more allotted time than speakers were given tonight. When 30 minutes is divided by 20 speakers, each presenter is hardly able to introduce his or her self, let alone communicate their message. Chairman Newberg often interrupted the speaker and very clearly intimidated those on the agenda to present. He began this portion of the meeting by stating that if presenters didn't present quickly, that not everyone may be allowed to present, thereby intimidating and threatening persons. I was one such presenter who was interrupted by Mr. Newberg (thereby consuming some of my already limited speaking time).

I am very familiar with the Zoom platform and have shared my screen for other presentations. I was prepared to do so tonight. I had charts, graphs, images and documents to share with the county board. If we were meeting in person, I would have been able to either provide handouts or present with a projector. The Zoom host (Zoning Administrator and County Administrator, Dee Dee Rentmeister) was unable to figure out how to

permit this. Again, some of my limited allotted time to speak was consumed by figuring out that I could not present my prepared documents.

Each of these elements of the May 21, 2020 County Board meeting leaves cause for concern.

In my research, I have also come across Section 30.06 A of the DeWitt County Rules ([https://codelibrary.amlegal.com/codes/dewittcounty/latest/dewittct\\_il/0-0-0-6009#JD\\_30.06](https://codelibrary.amlegal.com/codes/dewittcounty/latest/dewittct_il/0-0-0-6009#JD_30.06)) which states, "Audio files of DeWitt County Board meetings shall be posted on the DeWitt County website in a commonly accepted format within five business days after each Board meeting. No audio files have been published on the county website since 1/23/20 (<https://www.dewittcountyil.com/minutes.htm>).

I have been in attendance or participated in a large number of DeWitt County Board meetings which have proven problematic for a number of reasons. Typically a lack of following rules and procedures, and instead incorrectly using power and intimidation factors, have resulted in chaos, confusion and a lack of trust from the community. This pattern has been taking place for some time, and I do not see improvement happening without accountability measures in place. I don't know if anything can be done to expedite my request, but please know that several key issues being discussed in our community at this time make it pertinent that these issues be addressed urgently.

I care deeply about the members of this county and realize that decisions made by leaders will not ever be able to please everyone. However, I believe public meetings should be held in an ethical manner, provide transparency to the public and invite community participation. When I witness direct violations as I observed tonight, I simply want to do my part to report such actions and request that they be investigated by the proper authorities. Thank you for providing this system of accountability for citizens and leaders!

If I can be in partnership by assisting further, please let me know!

Sincerely,  
Olivia Klemm  
224-232-9873  
999 Route 10 W. Apt. 2  
Clinton, IL 61727

Dunham, Lorraine

63110

From: Public Access  
Sent: Friday, May 22, 2020 3:00 PM  
To: Public Access  
Subject: FW: Request for Review-Dewitt County

63110 - Initial Docs

-----Original Message-----

From: Betsy Shifflet (mailto:betsy2456@hotmail.com)  
Sent: Friday, May 22, 2020 2:43 PM  
To: Public Access <PAccess@atg.state.il.us>  
Subject: Request for Review-Dewitt County

Sarah Pratt  
Public Access Counselor

Betsy Shifflet  
14323 Halsey Rd., Waynesville, Illinois 61778 betsy2456@hotmail.com  
217-855-3038  
Preferred Method of Contact: E-mail  
Name of Public Body: Dewitt County Board Date of Alleged Violation of Open Meetings Act (OMA) by Public Body:  
5/21/2020

Summary of facts of allegations that public body violated OMA:

At the regular monthly Dewitt County Board meeting held on May 21, 2020 at 6:00 PM which was held virtually for the first time under Covid-19 rules, I was listed on the agenda to speak about my concerns regarding potential violations of the Open Meetings Act during the Covid-19 crisis. We are facing a very critical vote scheduled for June 2nd at a Special Board meeting that has the potential of severely impacting residents for the next 30 years. I had concerns about this controversial vote being conducted virtually at this time even though this special meeting is clearly not essential or necessary business needed to ensure the continuing operation of county services or provide for or support the health, safety and welfare of the public. The regular board meeting was being conducted with the Zoom platform and there were many issues with the implementation of this format.

Part of my presentation using Zoom was to share a document (Guidance to Public Bodies on the Open Meetings Act during the Covid-19 Pandemic) with all of the Board members and States Attorney. I attempted to facilitate sharing the document from my device but a pop-up message indicated that I could not share the document and the host of the Zoom meeting (County Administrator Dee Dee Rentmeister) would have to allow it. I requested her to allow me to share this document with the board members as it was crucial to helping the members understand what I was preparing to speak about. Ms. Rentmeister attempted several times to allow me to share my document but was never able to facilitate sharing the document in her role as host of the meeting. Board Chairman Dave Newberg cut short the attempts to share the document and I proceeded on without benefit of a visual aid that board members could read and refer to during my presentation. Pre-Covid-19 I would have produced paper copies to be passed out for board members inspection and reference. If the topic under discussion had been regular monthly business I would not be so concerned about this violation, but my information directly pertained to possible action being taken by the board later in the meeting to postpone or table this crucial vote that will have lasting impacts to Dewitt County residents.

Other issues from this virtual board meeting included:

1) Patchy audio and video resulting in great difficulty following the discussion and actions of board members.

2) Not all board members had video turned on so unable to confirm if or who was in the meeting particularly as roll call was taken for each vote.

3) Board Chairman Dave Newberg ordered host County Administrator Rentmeister to immediately turn off video and audio at the end of the board meeting when discussion became contentious. That left 5 board members plus 2 staff members physically present together in the County Board room to carry on further discussion with no one from the public in attendance to monitor the validity of this discussion.

I would ask that your office please review these actions for accountability. I feel that the relaxed Open Meetings Act rules during this time of crisis were definitely taken advantage of and rather than taking every possible action to make sure all County business was transacted with complete and full transparency the opposite actually happened.

Thank you for your consideration of this matter, Betsy Shifflet

Sent from my iPad

Dunham, Lorraine

63123  
RECEIVED  
ATTORNEY GENERAL

From: Public Access  
Sent: Tuesday, May 26, 2020 10:43 AM  
To: Public Access  
Subject: FW: OMA violation review DeWitt County Board Meeting Held 5/21

MAY 26 2020

FOIA/OMA

63123 - Initial Docs

From: DeWitt County Residents Against Wind Turbines [mailto:noturbinesdewitt@gmail.com]  
Sent: Saturday, May 23, 2020 9:09 AM  
To: Public Access <PAccess@atg.state.il.us>  
Subject: OMA violation review DeWitt County Board Meeting Held 5/21

Ms Pratt,

I would like to request a review of the recent DeWitt County Board Meeting held 5.21 at 6 pm in regards to not following proper OMA procedures. This meeting was held virtually via ZOOM and in doing so suffered many issues that made it impossible to uphold the transparency required for these proceedings.

I had difficulty throughout the entire meeting following the discussion among the board members, those speaking on the agenda, and most importantly the motions and decisions being put forth. Multiple votes cast by members of the board were unintelligible, with two motions where I couldn't hear two board members cast a vote at all, and yet the board carried on. Many voiced their concerns with the terrible audio that plagued the entire meeting, only to be dismissed by the Board Chair.

I also have concerns with arrangements made for those board members who continued to be present physically in the courthouse during the meeting. There was often sharing of devices between board members and the administrator which meant that at one time you could never visibly see all board members. In fact, it seemed like one board member wasn't there at all until later in the meeting when we saw a glimpse of what looked to be her head. This causes me great concern in the ability to keep the integrity of these meetings in tact. If we, as the public, are unable to hold board members accountable visibly, we can not be sure what types of side conversations may be taking place that could impact the outcome of their decisions, especially when muting themselves is so easily done virtually.

There is an important special meeting scheduled for June 2 that will be held in the same manner via ZOOM as this board meeting was. We anticipate upwards of hundreds of people calling in to this meeting because of the impact the outcome of the vote taken will have to the County and the attendance at an identical vote taken a year ago. I do not believe this vote should be done virtually based on what I have encountered during the board meeting mentioned here and a previous finance committee meeting that was also conducted virtually. This vote is not essential to conduct County business and should be rescheduled when in-person meeting arrangements can be made. Our County can't conduct regular business in a transparent way any longer, so adding an additional vote, one that will impact the County for 30 years, seems unwise and ripe for examination.

Thank you for taking the time to review this request. I am happy to answer any questions you may have.

Andrea Rhoades  
2553 Bungtown Rd  
Kenney, IL 61749  
217-871-3038

Dunham, Lorraine

63133  
~~RECEIVED~~  
ATTORNEY GENERAL

From: Public Access  
Sent: Tuesday, May 26, 2020 11:26 AM  
To: Public Access  
Subject: FW: DeWitt County Board Meeting 5/21/2020  
Attachments: 20200521\_190458.jpg

MAY 26 2020

FOIA/OMA

63133 - Initial Docs

From: Melissa Crutcher [mailto:crutcher062911@gmail.com]  
Sent: Monday, May 25, 2020 7:13 PM  
To: Public Access <PAAccess@atg.state.il.us>  
Subject: DeWitt County Board Meeting 5/21/2020

Ms. Pratt,

I would like to request a review of the recent DeWitt County Board Meeting held on 5/21/2020 at 6 pm in regards to not following proper OMA procedures. This meeting was held virtually via ZOOM and in doing so suffered many issues that made it impossible to uphold the transparency required for these proceedings.

I had difficulty throughout the entire meeting hearing the discussion among the board members, those speaking on the agenda, and most importantly the motions and decisions being put forth. It was chaotic with background noises. Multiple votes cast by members of the board were hard to hear or even hear at all, with two motions where I couldn't hear two board members cast a vote at all, and yet the board carried on. Many voiced their concerns with the terrible audio that continued the entire meeting, only to be dismissed multiple times by the Board Chair.

About 1/2 through the meeting Zoom stopped working for me and I lost connection. I know our internet was working fine as my spouse was in the meeting in another room and he still had connection. I have attached a screenshot of the meeting and you can see in the upper left side (NOT RESPONDING). I then had to call back into the meeting and wait in the virtual waiting room until someone let me into the meeting. I missed about 17 min of the meeting.

There is an important special meeting scheduled for 6/2/2020 that will be held in the same manner via ZOOM as this board meeting was. We anticipate upwards of hundreds of people calling in to this meeting because of the impact the outcome of the vote taken will have to the County. The ZOOM meeting on 5/21 had at the most 80 people on it. This meeting is not essential business and can wait for us to enter stages 4-5 so we can hold this meeting open to the entire county like we have in the past with 200+ in physical attendance.

Thank you,  
Melissa Crutcher  
15100 State Highway 54  
Clinton IL 61727  
309-287-8590



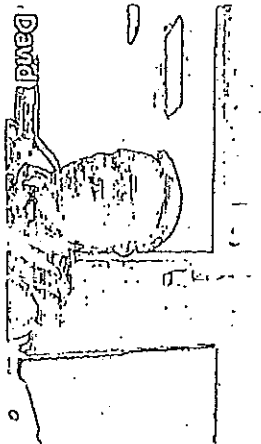
Zoom Meeting (Not Responding)

3 Recording



3

Melissa Grutcher



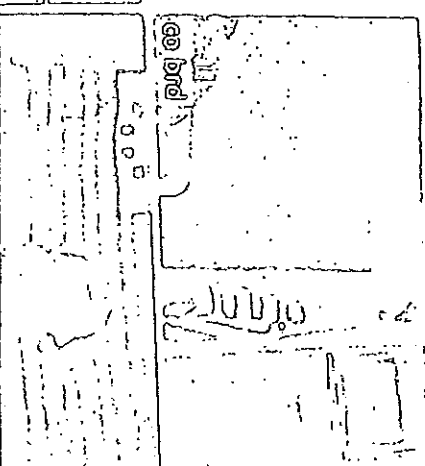
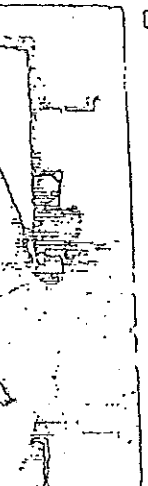
Terry Husted

John Klemm

Betsy Shiffner

Jill's iPad

Jack



63097

RECEIVED  
ATTORNEY GENERAL

Dunham, Lorraine

MAY 21 2020

From: Public Access  
Sent: Friday, May 22, 2020 11:56 AM  
To: Public Access  
Subject: FW: DeWitt County OMA Violations Report - County Board Meeting 5/21/2020

FOIA/OMA

63097 - Initial Docs

From: Aaron Kammeyer [mailto:isu0006@gmail.com]  
Sent: Thursday, May 21, 2020 9:01 PM  
To: Public Access <PAAccess@atg.state.il.us>  
Subject: DeWitt County OMA Violations Report - County Board Meeting 5/21/2020

I am writing the Illinois Office of Attorney General Public Access Officer to submit a series of Open Meeting Act violations that occurred during a regular scheduled DeWitt County Board meeting on 5/21/2020 at 6pm via Zoom Virtual meeting. I will outline the infractions below along with County ordinances as it pertains to the conduction of a county board meeting.

1. During the beginning of the meeting for Roll Call and other early instructions by the Board Chairman, voice audio was impossible to hear, lots of static and interference
  - o Constant noise and static in the background
  - o Board members could not be heard
  - o Members of the public could not get connected, but business moved forward
2. During the timeframe in which members of the public that submitted to be on the agenda, Board Chairman restricted the 19 individuals time to just 30 mins for all members on the Agenda. During their statements, if he felt they were talking too long (even under the 5 minute ordinance, limit the board chair continued to interrupt the speaker, talk over them, and at times were censured from continue to speak.
3. Throughout the meeting when votes were taken, Board Members not physically present in the county board room, could not be heard. There were constant static on the line, and when it was time for people to speak they had difficulty getting online. When roll call was called for votes, some members were not audible at all, yet they were counted as yes voters
4. There was no call for Public Comments for the audience wishing to speak to the board allowed, even when asked repeatedly the Board Chair ignored them and moved on to the meeting. The chairman was questioned again before adjourning and the chairman again ignored and adjourned the meeting. Keep in mind all the speakers before had properly requested time on the Agenda and were listed as items on the official Board agenda.
5. There were 5 physical board members present in the the single board room, which constitutes a majority of quorum for a 12 member board. As soon as the gavel strike, Chairman Newberg attempted to cover the mic and said " make sure we get the audio turned off" and then the meeting stopped. This led many to believe further discussions about the meeting were to continue but were not allowed for public viewing.

DeWitt County Ordinances  
Order of Business 30.16

5/21/2020 Meeting Agenda - Includes Members of the public that submitted their names to be included on the Board Agenda prior to agenda being posted for public notice

**Section 30.17 Public Comments to the Board**

*(C) The person speaking before the Board or committee is limited to five minutes. This time may be extended at the discretion of the Chair.*