



Sen. John J. Cullerton

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LRB094 07769 JAM 44217 a

1 AMENDMENT TO SENATE BILL 226

2 AMENDMENT NO. _____. Amend Senate Bill 226 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Open Meetings Act is amended by changing
5 Sections 2.02 and 2.06 as follows:

6 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

7 Sec. 2.02. Public notice of all meetings, whether open or
8 closed to the public, shall be given as follows:

9 (a) Every public body shall give public notice of the
10 schedule of regular meetings at the beginning of each calendar
11 or fiscal year and shall state the regular dates, times, and
12 places of such meetings. An agenda for each regular meeting
13 shall be posted at the principal office of the public body and
14 at the location where the meeting is to be held at least 48
15 hours in advance of the holding of the meeting. A public body
16 that has a website that the full-time staff of the public body
17 maintains shall also post on its website the agenda of any
18 regular meetings of the governing body of that public body. Any
19 agenda of a regular meeting that is posted on a public body's
20 website shall remain posted on the website until the regular
21 meeting is concluded. The requirement of a regular meeting
22 agenda shall not preclude the consideration of items not
23 specifically set forth in the agenda. Public notice of any
24 special meeting except a meeting held in the event of a bona

1 fide emergency, or of any rescheduled regular meeting, or of
2 any reconvened meeting, shall be given at least 48 hours before
3 such meeting, which notice shall also include the agenda for
4 the special, rescheduled, or reconvened meeting, but the
5 validity of any action taken by the public body which is
6 germane to a subject on the agenda shall not be affected by
7 other errors or omissions in the agenda. The requirement of
8 public notice of reconvened meetings does not apply to any case
9 where the meeting was open to the public and (1) it is to be
10 reconvened within 24 hours, or (2) an announcement of the time
11 and place of the reconvened meeting was made at the original
12 meeting and there is no change in the agenda. Notice of an
13 emergency meeting shall be given as soon as practicable, but in
14 any event prior to the holding of such meeting, to any news
15 medium which has filed an annual request for notice under
16 subsection (b) of this Section.

17 (b) Public notice shall be given by posting a copy of the
18 notice at the principal office of the body holding the meeting
19 or, if no such office exists, at the building in which the
20 meeting is to be held. In addition, a public body that has a
21 website that the full-time staff of the public body maintains
22 shall post notice on its website of all meetings of the
23 governing body of the public body. Any notice of an annual
24 schedule of meetings shall remain on the website until a new
25 public notice of the schedule of regular meetings is approved.
26 Any notice of a regular meeting that is posted on a public
27 body's website shall remain posted on the website until the
28 regular meeting is concluded. The body shall supply copies of
29 the notice of its regular meetings, and of the notice of any
30 special, emergency, rescheduled or reconvened meeting, to any
31 news medium that has filed an annual request for such notice.
32 Any such news medium shall also be given the same notice of all
33 special, emergency, rescheduled or reconvened meetings in the
34 same manner as is given to members of the body provided such

1 news medium has given the public body an address or telephone
2 number within the territorial jurisdiction of the public body
3 at which such notice may be given. The failure of a public body
4 to post on its website notice of any meeting or the agenda of
5 any meeting shall not invalidate any meeting or any actions
6 taken at a meeting.

7 (Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

8 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

9 Sec. 2.06. (a) All public bodies shall keep written minutes
10 of all their meetings, whether open or closed, and a verbatim
11 record of all their closed meetings in the form of an audio or
12 video recording. Minutes shall include, but need not be limited
13 to:

14 (1) the date, time and place of the meeting;

15 (2) the members of the public body recorded as either
16 present or absent; and

17 (3) a summary of discussion on all matters proposed,
18 deliberated, or decided, and a record of any votes taken.

19 (b) The minutes of meetings open to the public shall be
20 available for public inspection within 7 days of the approval
21 of such minutes by the public body. Beginning July 1, 2006, at
22 the time it complies with the other requirements of this
23 subsection, a public body that has a website that the full-time
24 staff of the public body maintains shall post the minutes of a
25 regular meeting of its governing body open to the public on the
26 public body's website within 7 days of the approval of the
27 minutes by the public body. Beginning July 1, 2006, any minutes
28 of meetings open to the public posted on the public body's
29 website shall remain posted on the website for at least 60 days
30 after their initial posting.

31 (c) The verbatim record may be destroyed without
32 notification to or the approval of a records commission or the
33 State Archivist under the Local Records Act or the State

1 Records Act no less than 18 months after the completion of the
2 meeting recorded but only after:

3 (1) the public body approves the destruction of a
4 particular recording; and

5 (2) the public body approves minutes of the closed
6 meeting that meet the written minutes requirements of
7 subsection (a) of this Section.

8 (d) Each public body shall periodically, but no less than
9 semi-annually, meet to review minutes of all closed meetings.
10 At such meetings a determination shall be made, and reported in
11 an open session that (1) the need for confidentiality still
12 exists as to all or part of those minutes or (2) that the
13 minutes or portions thereof no longer require confidential
14 treatment and are available for public inspection.

15 (e) Unless the public body has made a determination that
16 the verbatim recording no longer requires confidential
17 treatment or otherwise consents to disclosure, the verbatim
18 record of a meeting closed to the public shall not be open for
19 public inspection or subject to discovery in any administrative
20 or judicial proceeding other than one brought to enforce this
21 Act. In the case of a civil action brought to enforce this Act,
22 the court, if the judge believes such an examination is
23 necessary, must conduct such in camera examination of the
24 verbatim record as it finds appropriate in order to determine
25 whether there has been a violation of this Act. In the case of
26 a criminal proceeding, the court may conduct an examination in
27 order to determine what portions, if any, must be made
28 available to the parties for use as evidence in the
29 prosecution. Any such initial inspection must be held in
30 camera. If the court determines that a complaint or suit
31 brought for noncompliance under this Act is valid it may, for
32 the purposes of discovery, redact from the minutes of the
33 meeting closed to the public any information deemed to qualify
34 under the attorney-client privilege. The provisions of this

1 subsection do not supersede the privacy or confidentiality
2 provisions of State or federal law.

3 (f) Minutes of meetings closed to the public shall be
4 available only after the public body determines that it is no
5 longer necessary to protect the public interest or the privacy
6 of an individual by keeping them confidential.

7 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)".