



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1323

Introduced 2/4/2015, by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.02	from Ch. 102, par. 42.02
5 ILCS 120/2.06	from Ch. 102, par. 42.06

Amends the Open Meetings Act. Removes requirements that a public body's website must be maintained by the public body's full-time staff in order to post public notice of meetings and minutes under the Act.

LRB099 06870 MLM 26949 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

18 (b) Public notice shall be given by posting a copy of the
19 notice at the principal office of the body holding the meeting
20 or, if no such office exists, at the building in which the
21 meeting is to be held. In addition, a public body that has a
22 website ~~that the full-time staff of the public body maintains~~
23 shall post notice on its website of all meetings of the
24 governing body of the public body. Any notice of an annual
25 schedule of meetings shall remain on the website until a new
26 public notice of the schedule of regular meetings is approved.

1 Any notice of a regular meeting that is posted on a public
2 body's website shall remain posted on the website until the
3 regular meeting is concluded. The body shall supply copies of
4 the notice of its regular meetings, and of the notice of any
5 special, emergency, rescheduled or reconvened meeting, to any
6 news medium that has filed an annual request for such notice.
7 Any such news medium shall also be given the same notice of all
8 special, emergency, rescheduled or reconvened meetings in the
9 same manner as is given to members of the body provided such
10 news medium has given the public body an address or telephone
11 number within the territorial jurisdiction of the public body
12 at which such notice may be given. The failure of a public body
13 to post on its website notice of any meeting or the agenda of
14 any meeting shall not invalidate any meeting or any actions
15 taken at a meeting.

16 (c) Any agenda required under this Section shall set forth
17 the general subject matter of any resolution or ordinance that
18 will be the subject of final action at the meeting. The public
19 body conducting a public meeting shall ensure that at least one
20 copy of any requested notice and agenda for the meeting is
21 continuously available for public review during the entire
22 48-hour period preceding the meeting. Posting of the notice and
23 agenda on a website that is maintained by the public body
24 satisfies the requirement for continuous posting under this
25 subsection (c). If a notice or agenda is not continuously
26 available for the full 48-hour period due to actions outside of

1 the control of the public body, then that lack of availability
2 does not invalidate any meeting or action taken at a meeting.

3 (Source: P.A. 97-827, eff. 1-1-13.)

4 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

5 Sec. 2.06. Minutes; right to speak.

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

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

11 (2) the members of the public body recorded as either
12 present or absent and whether the members were physically
13 present or present by means of video or audio conference;
14 and

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

17 (b) A public body shall approve the minutes of its open
18 meeting within 30 days after that meeting or at the public
19 body's second subsequent regular meeting, whichever is later.
20 The minutes of meetings open to the public shall be available
21 for public inspection within 10 days after the approval of such
22 minutes by the public body. Beginning July 1, 2006, at the time
23 it complies with the other requirements of this subsection, a
24 public body that has a website ~~that the full-time staff of the~~
25 ~~public body maintains~~ shall post the minutes of a regular

1 meeting of its governing body open to the public on the public
2 body's website within 10 days after the approval of the minutes
3 by the public body. Beginning July 1, 2006, any minutes of
4 meetings open to the public posted on the public body's website
5 shall remain posted on the website for at least 60 days after
6 their initial posting.

7 (c) The verbatim record may be destroyed without
8 notification to or the approval of a records commission or the
9 State Archivist under the Local Records Act or the State
10 Records Act no less than 18 months after the completion of the
11 meeting recorded but only after:

12 (1) the public body approves the destruction of a
13 particular recording; and

14 (2) the public body approves minutes of the closed
15 meeting that meet the written minutes requirements of
16 subsection (a) of this Section.

17 (d) Each public body shall periodically, but no less than
18 semi-annually, meet to review minutes of all closed meetings.
19 At such meetings a determination shall be made, and reported in
20 an open session that (1) the need for confidentiality still
21 exists as to all or part of those minutes or (2) that the
22 minutes or portions thereof no longer require confidential
23 treatment and are available for public inspection. The failure
24 of a public body to strictly comply with the semi-annual review
25 of closed session written minutes, whether before or after the
26 effective date of this amendatory Act of the 94th General

1 Assembly, shall not cause the written minutes or related
2 verbatim record to become public or available for inspection in
3 any judicial proceeding, other than a proceeding involving an
4 alleged violation of this Act, if the public body, within 60
5 days of discovering its failure to strictly comply with the
6 technical requirements of this subsection, reviews the closed
7 session minutes and determines and thereafter reports in open
8 session that either (1) the need for confidentiality still
9 exists as to all or part of the minutes or verbatim record, or
10 (2) that the minutes or recordings or portions thereof no
11 longer require confidential treatment and are available for
12 public inspection.

13 (e) Unless the public body has made a determination that
14 the verbatim recording no longer requires confidential
15 treatment or otherwise consents to disclosure, the verbatim
16 record of a meeting closed to the public shall not be open for
17 public inspection or subject to discovery in any administrative
18 or judicial proceeding other than one brought to enforce this
19 Act. In the case of a civil action brought to enforce this Act,
20 the court, if the judge believes such an examination is
21 necessary, must conduct such in camera examination of the
22 verbatim record as it finds appropriate in order to determine
23 whether there has been a violation of this Act. In the case of
24 a criminal proceeding, the court may conduct an examination in
25 order to determine what portions, if any, must be made
26 available to the parties for use as evidence in the

1 prosecution. Any such initial inspection must be held in
2 camera. If the court determines that a complaint or suit
3 brought for noncompliance under this Act is valid it may, for
4 the purposes of discovery, redact from the minutes of the
5 meeting closed to the public any information deemed to qualify
6 under the attorney-client privilege. The provisions of this
7 subsection do not supersede the privacy or confidentiality
8 provisions of State or federal law.

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

13 (g) Any person shall be permitted an opportunity to address
14 public officials under the rules established and recorded by
15 the public body.

16 (Source: P.A. 96-1473, eff. 1-1-11.)