



FEB 2022

OPEN MEETINGS ACT TRAINING

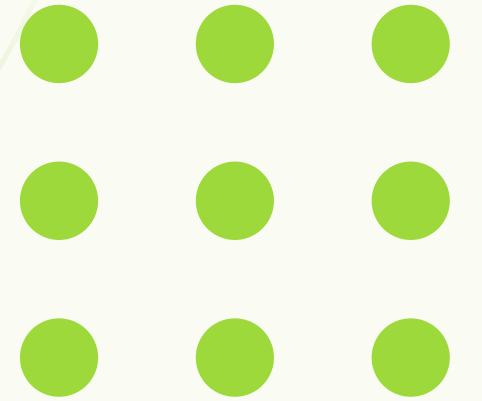
Association of Illinois Soil and Water Conservation Districts

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What is the Open Meetings Act?

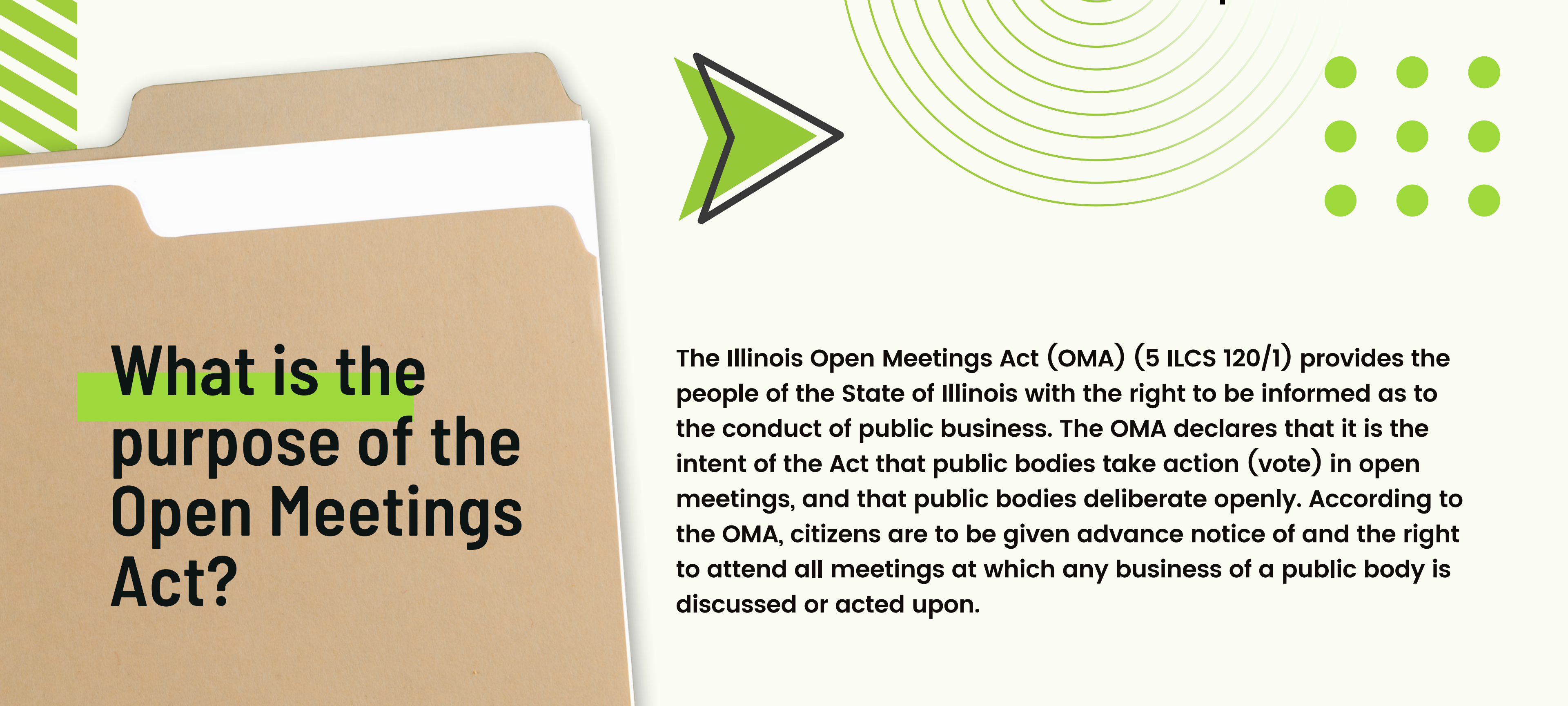


The Open Meetings Act is a state law that requires that meetings of public bodies be open to the public except in certain specific, limited situations where the law authorizes the public body to close a meeting. OMA also provides that the public must be given advance notice of the time, place and subject matter of meetings of public bodies. 5 ILCS 120/.



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What is the purpose of the Open Meetings Act?

The Illinois Open Meetings Act (OMA) (5 ILCS 120/1) provides the people of the State of Illinois with the right to be informed as to the conduct of public business. The OMA declares that it is the intent of the Act that public bodies take action (vote) in open meetings, and that public bodies deliberate openly. According to the OMA, citizens are to be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon.



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What is a meeting, technically speaking...



The OMA defines a “meeting” as “any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.” 5 ILCS 120/1.02.



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What entities are subject to the Act?



The OMA defines a “public body” to include “all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue or which expend tax revenue, except the General Assembly and committees or commissions thereof...” 5 ILCS 120/1.02.



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Proper Notice: Annual Schedule



A public body must prepare a schedule of regular meetings at the beginning of each calendar or fiscal year. The schedule must state the regular dates, times and places of the meetings. 5 ILCS 120/2.02(a).



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Proper Notice: Regular Meetings

An agenda for each regular meeting must be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting.

A public body that has a website that the full-time staff of the public body maintains must also post on its website the agenda of any regular meetings. Any agenda posted on the website must remain posted until the regular meeting is concluded. 5 ILCS 120/2.01(a). The agenda preparation requirement does not preclude the consideration of items not specifically set forth in the agenda, but a public entity may not vote on a matter not on the agenda. 5 ILCS 120/2.01(a).



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Proper Notice: Regular Meetings



Important...

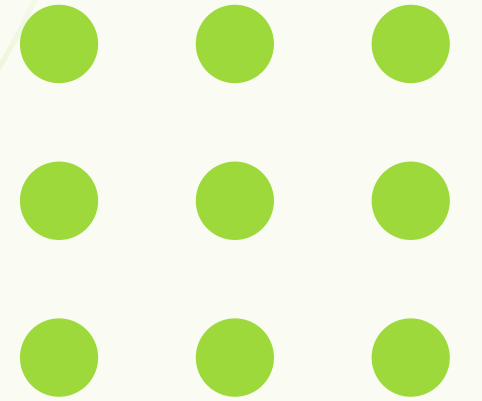
The agenda preparation requirement does not preclude the consideration of items not specifically set forth in the agenda, but a public entity may not vote on a matter not on the agenda. 5 ILCS 120/2.01(a).



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Proper Notice: Special Meetings



The notice of any special meeting except those held in the event of a bona fide emergency must be given at least 48 hours before the meeting and should also include an agenda.

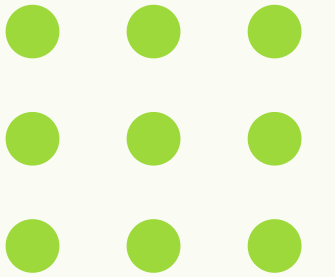
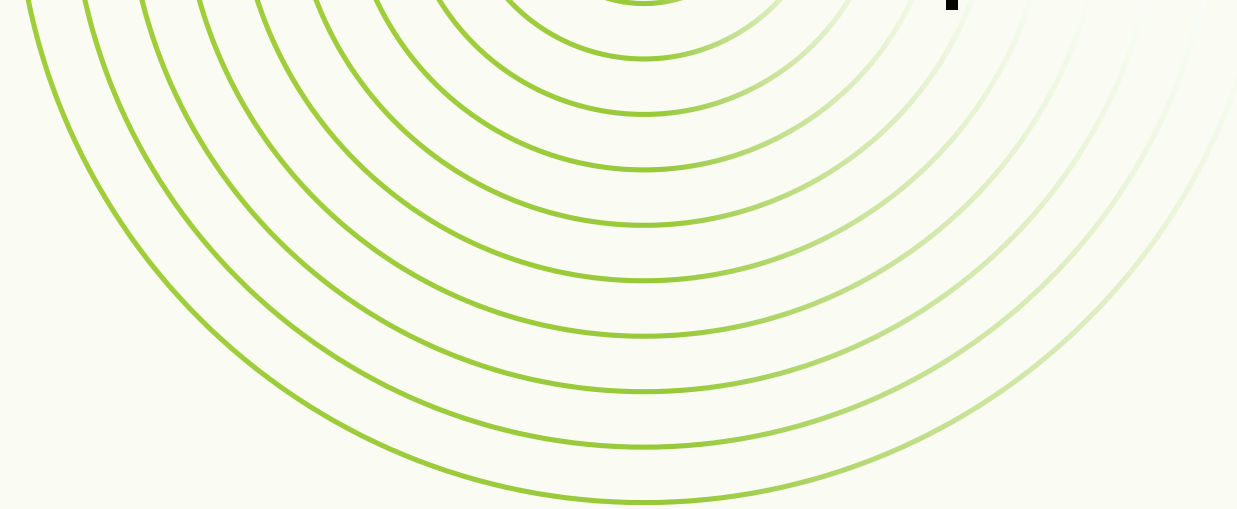
The validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions on the agenda. 5 ILCS 120/2.01 (a).



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Proper Notice: Where to post!



Notice of the meeting should be posted at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that is maintained by its full-time staff must post the notice on its website.

Notice posted on the website must remain posted until the meeting is concluded. Also notice of the annual schedule must remain on the public body's website until a new public notice of the schedule of regular meetings is approved. Any news medium that has requested copies should also be provided with copies of any regular, special, reconvened, rescheduled or emergency meetings. Failure to post notice on the public body's website does not invalidate a meeting or any action taken at the meeting. 5 ILCS 120/2.02(b).



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Minutes and Record Keeping



Public bodies must keep written minutes of all of their open and closed meetings, and must also keep a verbatim record of all closed meetings in either audio or video format.

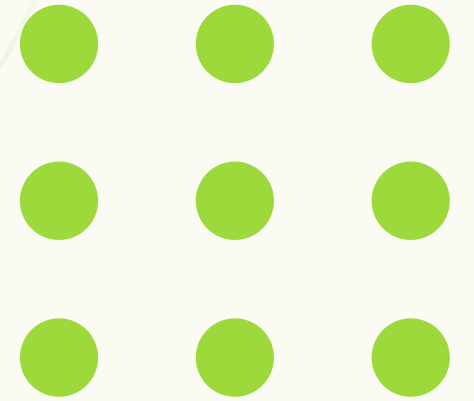
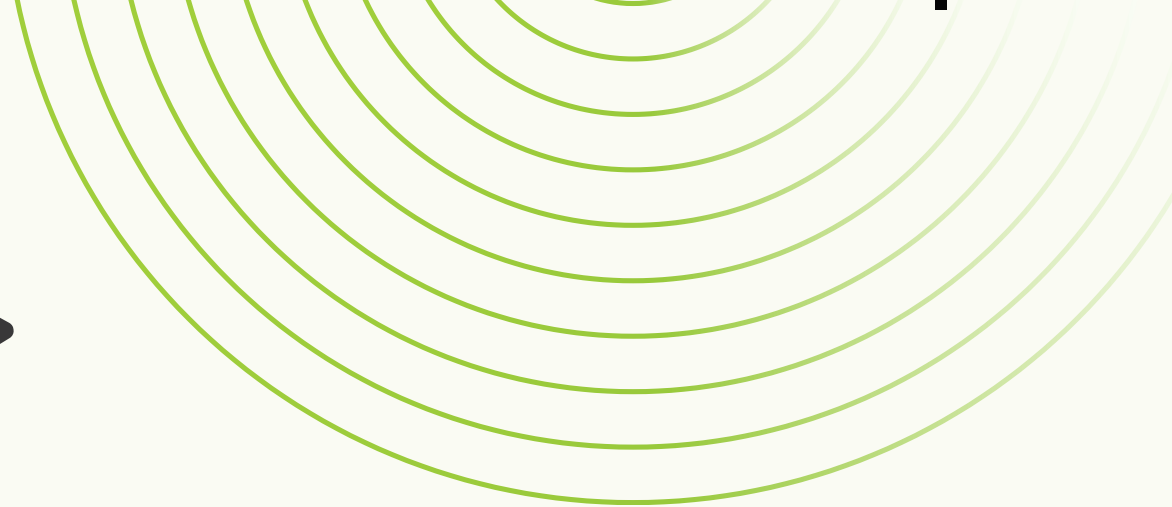
Minutes must include the date, time and place of the meeting, the members of the public body that were present or absent, and whether the members were physically present or present by means of video or audio conference. The minutes must also include a summary of discussion on all matters proposed, deliberated, or decided, and a record of the votes taken. 5 ILCS 120/2.06(a).



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Approval of Minutes



The public body must approve the minutes of its open meeting within 30 days after that meeting or at its second subsequent regular meeting, whichever is later.

Within 10 days after approval, the minutes must be available for public inspection. A public body that has a website that is maintained by its full-time staff must post on its website the minutes of a regular open meeting of its governing body within 10 days of approval. Minutes must remain posted there for at least 60 days after their initial posting. 5 ILCS 120/2.06(b).



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Allowable Reasons to Hold Closed Meetings

The OMA permits a board to go into closed session only for very specific reasons, which are delineated in the statute at Section 2(c). 5 ILCS 120/2(c). The following is listing of the permitted reasons for holding closed meetings as set forth in Section 2(c).

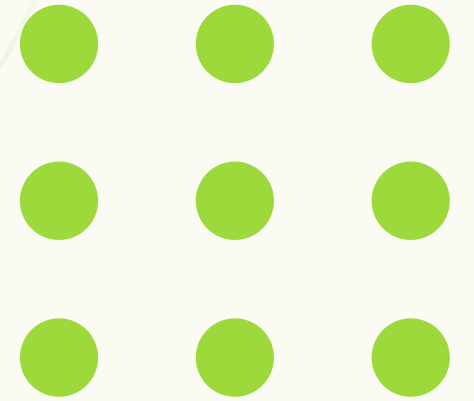
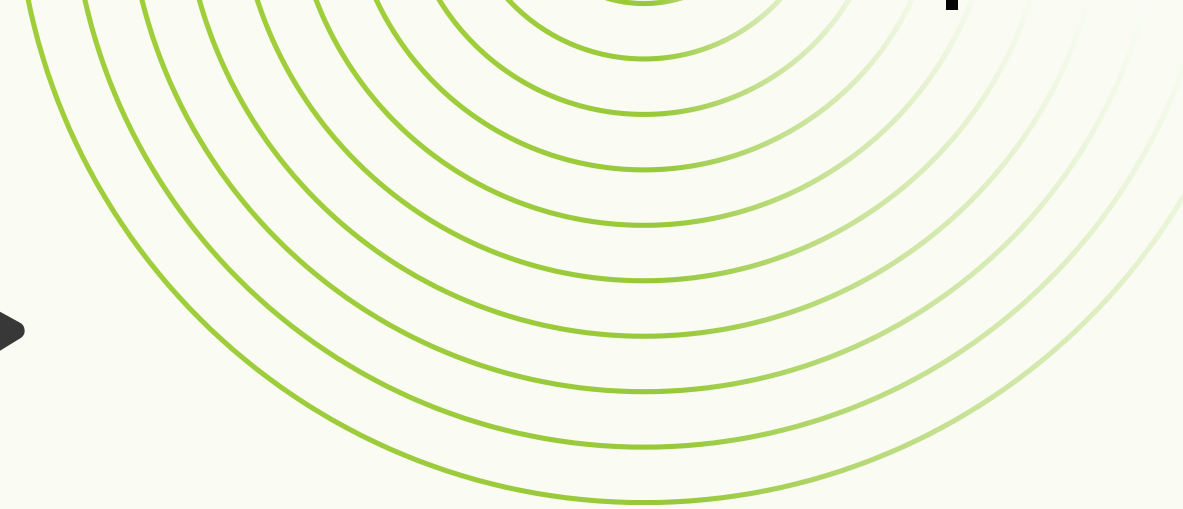
Employment matters, selecting a person to fill a public office vacancy, real estate matters, professional ethics, and more are but a few exceptions listed in the Act. It is advised to seek additional legal guidance before holding a closed meeting.



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How to Close a Public Meeting



A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present taken during open session of a meeting for which proper notice to the public has been given.

The board may vote once to close a series of meetings or a portion or portions which are proposed to be closed, provided each meeting in the series involves the same matters and is to be held no more than 3 months from the vote. The vote to close a meeting should include a specific citation to the specific exemption in the OMA that authorizes a closed session. The citation to the Page 31 exemption should be publicly stated, and should be entered into the minutes of the meeting. Only topics specified in the vote to close the meeting should be discussed. During any properly noticed open meeting, a public body may, without additional notice, hold a closed meeting. 5 ILCS 120/2a.



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Closed Meetings and Final Action

Final action (voting) must occur in open session. No final action may be taken at a closed meeting. Final action must be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted. 5 ILCS 120/2 (e).



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The Public's Right to Record

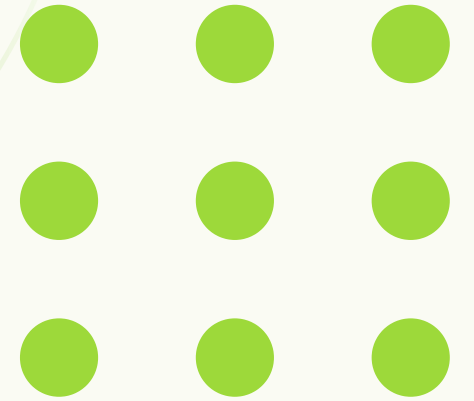
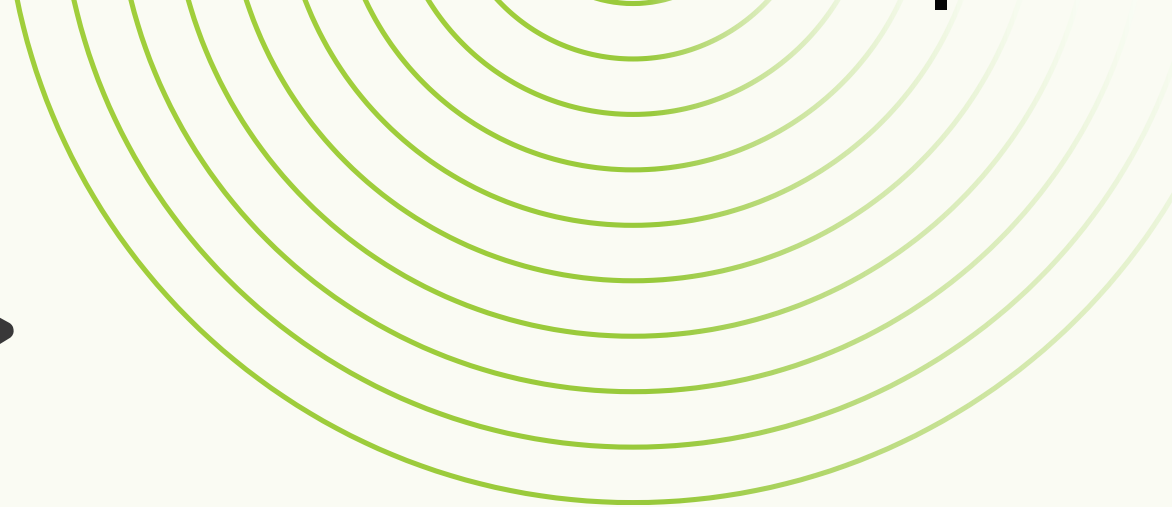
Any person may record the proceedings of an open meeting by tape, film or other means except that if a witness at an open meeting refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if a motion picture is taken of him while testifying, the public body must prohibit such recording during the testimony of the witness. The public body is to prescribe reasonable rules to govern the right to make recordings. 5 ILCS 120/2.05.



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Training Requirements



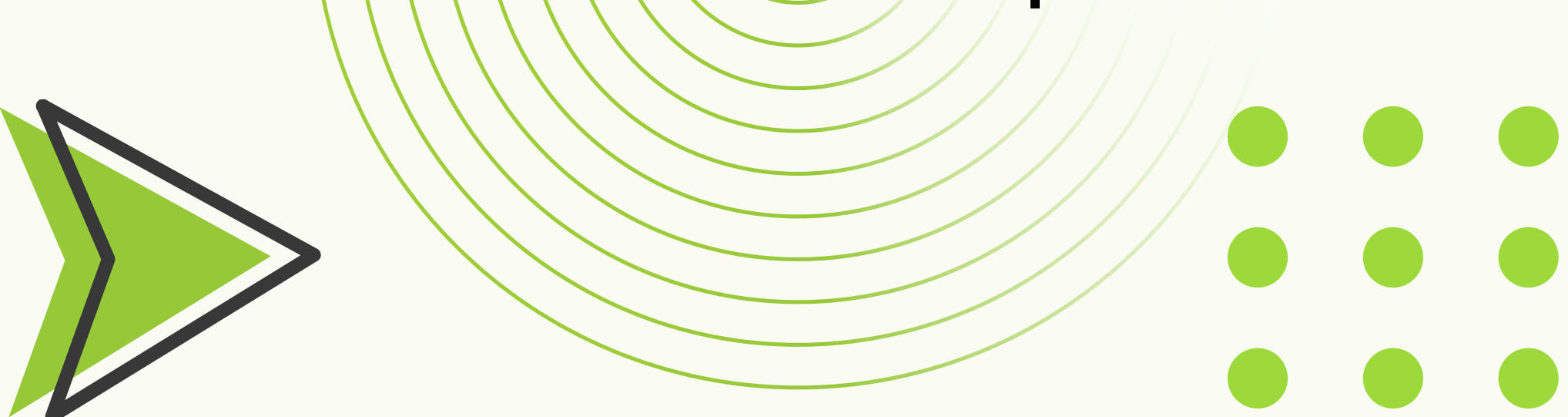
Each elected or appointed member of a public body must successfully complete the electronic training curriculum developed and administered by the Public Access Counselor within 90 days of taking the oath of office or otherwise assuming the responsibilities as a member of the public body, if the member is not required to take an oath of office. Each member successfully completing the training curriculum must file a copy of the certificate of completion with the public body.



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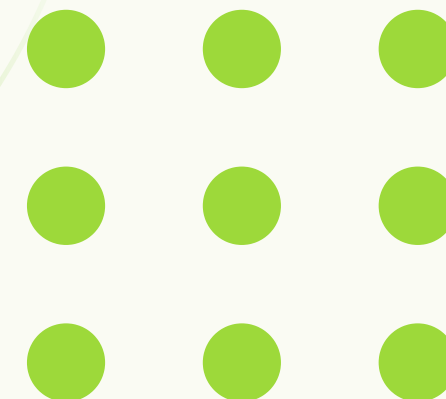
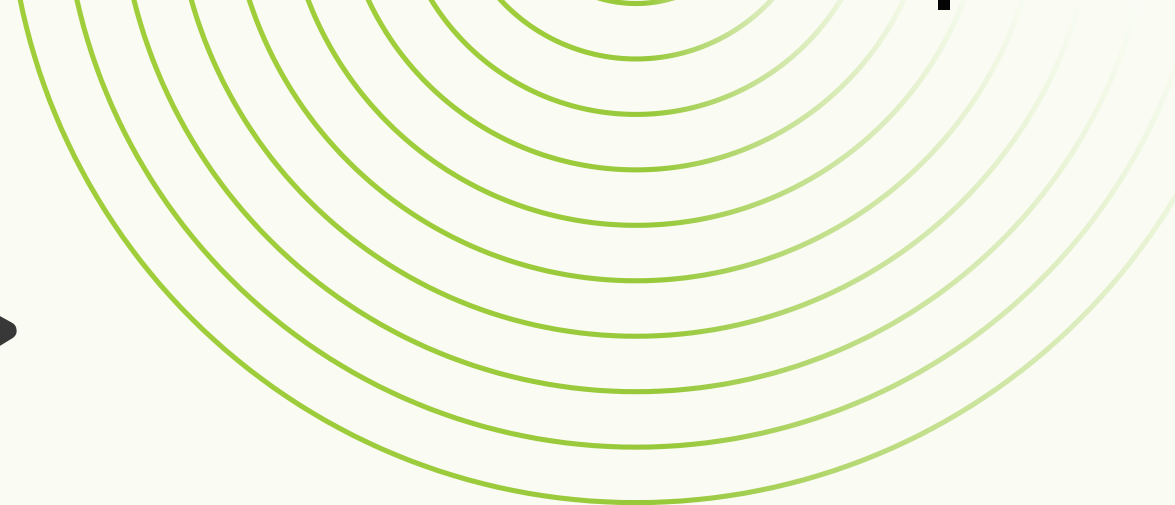
Members of certain specified public bodies (elected school board member, commissioner of a drainage district, director of a soil and water conservation district, elected or appointed member of a park district, elected or appointed member of a public body of a municipality, elected or appointed member of a board of trustees of a fire protection district) may complete this training by other means specified in the statute. 5 ILCS 120/1.05(b)- (g).



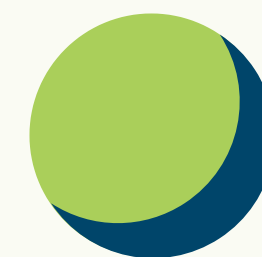
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**Good
Job!**



**Done!
You did it!**



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