



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0226

Introduced 2/2/2005, by Sen. John J. Cullerton

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. Requires that public bodies with websites maintained by their own staff must post on their websites the following information, for the specified periods, with respect to their meetings: (i) the agenda of a regular meeting, until the meeting is conducted; (ii) the annual schedule of regular meetings, until public notice of another schedule is approved; (iii) notice of a regular meeting, until the meeting is conducted; and (iv) minutes of an open meeting, for at least 60 days after posting. Changes the deadline for any type of public notice of the agenda of a regular meeting from 48 to 72 hours before the meeting.

LRB094 07769 JAM 37947 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, on
14 the public body's website if the public body has a website that
15 the staff of the public body maintains, and at the location
16 where the meeting is to be held at least 72 ~~48~~ hours in advance
17 of the holding of the meeting. Any agenda of a regular meeting
18 that is posted on a public body's website shall remain posted
19 on the website until the regular meeting is concluded. The
20 requirement of a regular meeting agenda shall not preclude the
21 consideration of items not specifically set forth in the
22 agenda. Public notice of any special meeting except a meeting
23 held in the event of a bona fide emergency, or of any
24 rescheduled regular meeting, or of any reconvened meeting,
25 shall be given at least 48 hours before such meeting, which
26 notice shall also include the agenda for the special,
27 rescheduled, or reconvened meeting, but the validity of any
28 action taken by the public body which is germane to a subject
29 on the agenda shall not be affected by other errors or
30 omissions in the agenda. The requirement of public notice of
31 reconvened meetings does not apply to any case where the
32 meeting was open to the public and (1) it is to be reconvened

1 within 24 hours, or (2) an announcement of the time and place
2 of the reconvened meeting was made at the original meeting and
3 there is no change in the agenda. Notice of an emergency
4 meeting shall be given as soon as practicable, but in any event
5 prior to the holding of such meeting, to any news medium which
6 has filed an annual request for notice under subsection (b) of
7 this Section.

8 (b) Public notice shall be given (i) by posting a notice on
9 the public body's website if the public body has a website that
10 the staff of the public body maintains and (ii) by posting a
11 copy of the notice at the principal office of the body holding
12 the meeting or, if no such office exists, at the building in
13 which the meeting is to be held. Any notice of an annual
14 schedule of meetings shall remain on the website until a new
15 public notice of the schedule of regular meetings is approved.
16 Any notice of a regular meeting that is posted on a public
17 body's website shall remain posted on the website until the
18 regular meeting is concluded. The body shall supply copies of
19 the notice of its regular meetings, and of the notice of any
20 special, emergency, rescheduled or reconvened meeting, to any
21 news medium that has filed an annual request for such notice.
22 Any such news medium shall also be given the same notice of all
23 special, emergency, rescheduled or reconvened meetings in the
24 same manner as is given to members of the body provided such
25 news medium has given the public body an address or telephone
26 number within the territorial jurisdiction of the public body
27 at which such notice may be given.

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

29 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

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

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

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

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

5 (b) The minutes of meetings open to the public shall be
6 available for public inspection within 7 days of the approval
7 of such minutes by the public body. At the time it complies
8 with the other requirements of this subsection, a public body
9 that has a website that the staff of the public body maintains
10 shall post the minutes of meetings open to the public on the
11 public body's website within 7 days of the approval of such
12 minutes by the public body. Any minutes of meetings open to the
13 public posted on the public body's website shall remain posted
14 on the website for at least 60 days after their initial
15 posting.

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

21 (1) the public body approves the destruction of a
22 particular recording; and

23 (2) the public body approves minutes of the closed
24 meeting that meet the written minutes requirements of
25 subsection (a) of this Section.

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

33 (e) Unless the public body has made a determination that
34 the verbatim recording no longer requires confidential
35 treatment or otherwise consents to disclosure, the verbatim
36 record of a meeting closed to the public shall not be open for

1 public inspection or subject to discovery in any administrative
2 or judicial proceeding other than one brought to enforce this
3 Act. In the case of a civil action brought to enforce this Act,
4 the court, if the judge believes such an examination is
5 necessary, must conduct such in camera examination of the
6 verbatim record as it finds appropriate in order to determine
7 whether there has been a violation of this Act. In the case of
8 a criminal proceeding, the court may conduct an examination in
9 order to determine what portions, if any, must be made
10 available to the parties for use as evidence in the
11 prosecution. Any such initial inspection must be held in
12 camera. If the court determines that a complaint or suit
13 brought for noncompliance under this Act is valid it may, for
14 the purposes of discovery, redact from the minutes of the
15 meeting closed to the public any information deemed to qualify
16 under the attorney-client privilege. The provisions of this
17 subsection do not supersede the privacy or confidentiality
18 provisions of State or federal law.

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

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