



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5483

Introduced 2/5/2010, by Rep. Renée Kosel

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2.06

from Ch. 102, par. 42.06

Amends the Open Meetings Act. Requires a public body to make proposed minutes of an open meeting available for public inspection within 8 business days after the meeting to which the minutes relate and make approved minutes of an open meeting available for public inspection within 5 business days after approval (now, make available within 7 business days after approval).

LRB096 16279 JAM 31537 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 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. Minutes.

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

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

13 (2) the members of the public body recorded as either
14 present or absent and whether the members were physically
15 present or present by means of video or audio conference;
16 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 proposed minutes of meetings open to the public
20 shall be available for public inspection within 8 business 7
21 days after the meeting to which the minutes relate. The
22 approved minutes of a meeting open to the public shall be
23 available for public inspection within 5 business days after ~~of~~

1 the approval of such minutes by the public body. Beginning July
2 1, 2006, at the time it complies with the other requirements of
3 this subsection, a public body that has a website that the
4 full-time staff of the public body maintains shall post the
5 proposed minutes of a regular meeting of its governing body
6 open to the public on the public body's website within 8
7 business ~~7~~ days after the meeting to which the minutes relate
8 and shall post the approved minutes of a regular meeting of its
9 governing body open to the public on the public body's website
10 within 5 business days after ~~of~~ the approval of the minutes by
11 the public body. Beginning July 1, 2006, any minutes of
12 meetings open to the public posted on the public body's website
13 shall remain posted on the website for at least 60 days after
14 their initial posting.

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

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

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

25 (d) Each public body shall periodically, but no less than
26 semi-annually, meet to review minutes of all closed meetings.

1 At such meetings a determination shall be made, and reported in
2 an open session that (1) the need for confidentiality still
3 exists as to all or part of those minutes or (2) that the
4 minutes or portions thereof no longer require confidential
5 treatment and are available for public inspection. The failure
6 of a public body to strictly comply with the semi-annual review
7 of closed session written minutes, whether before or after the
8 effective date of this amendatory Act of the 94th General
9 Assembly, shall not cause the written minutes or related
10 verbatim record to become public or available for inspection in
11 any judicial proceeding, other than a proceeding involving an
12 alleged violation of this Act, if the public body, within 60
13 days of discovering its failure to strictly comply with the
14 technical requirements of this subsection, reviews the closed
15 session minutes and determines and thereafter reports in open
16 session that either (1) the need for confidentiality still
17 exists as to all or part of the minutes or verbatim record, or
18 (2) that the minutes or recordings or portions thereof no
19 longer require confidential treatment and are available for
20 public inspection.

21 (e) Unless the public body has made a determination that
22 the verbatim recording no longer requires confidential
23 treatment or otherwise consents to disclosure, the verbatim
24 record of a meeting closed to the public shall not be open for
25 public inspection or subject to discovery in any administrative
26 or judicial proceeding other than one brought to enforce this

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

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

21 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05; 94-28,
22 eff. 1-1-06; 94-542, eff. 8-10-05; 94-1058, eff. 1-1-07.)