

1 AN ACT concerning open meetings.

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 2.06 and 3 as follows:

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

7 Sec. 2.06. (a) All public bodies shall keep written
8 minutes of all their meetings, whether open or closed. Such
9 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
12 either present or absent; and

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

16 (b) The minutes of meetings open to the public shall be
17 available for public inspection within 7 days of the approval
18 of such minutes by the public body. Minutes of meetings
19 closed to the public shall be available only after the public
20 body determines that it is no longer necessary to protect the
21 public interest or the privacy of an individual by keeping
22 them confidential.

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

31 (d) All public bodies shall keep a verbatim record of

1 any meeting subject to this Act that is closed to the public.
2 The record shall be kept in the form of an audio or video
3 recording and maintained by the head of the public body or a
4 person designated by the body.

5 (e) If the attorney representing the public body is in
6 attendance for the purpose of a meeting closed to the public
7 and determines that all or a portion of the closed meeting
8 discussion constitutes a privileged attorney-client
9 communication, then no record shall be required of that
10 portion of the discussion that constitutes a privileged
11 attorney-client communication. The audio or video record of
12 the closed meeting shall reflect that no further record of
13 the closed meeting discussion was kept, citing privileged
14 attorney-client communication. Any written record of the
15 closed meeting as required in subsection (g) of this Section
16 shall contain a signed statement from the attorney attesting
17 that the portion of the closed meeting not recorded
18 constituted a privileged attorney-client communication.

19 (f) The minutes of meetings closed to the public shall
20 not be open for public inspection or subject to discovery in
21 any administrative or judicial proceeding, except upon
22 consent of the public body or direction of the court. The
23 court may, however, pursuant to Section 3, examine in camera
24 any portion of the minutes of a meeting closed to the public
25 when a civil action is brought in the circuit court for the
26 judicial circuit in which the alleged noncompliance has
27 occurred. The provisions contained in this Section concerning
28 the availability of minutes of a closed meeting do not
29 supersede the privacy or confidentiality provisions of State
30 or federal law.

31 (g) The audio or video minutes of meetings closed to the
32 public shall be retained for a minimum of 180 days. Before
33 destroying the audio or video recording, the public body
34 shall approve destruction of the record by a majority vote of

1 a quorum present. No audio or video record shall be destroyed
2 during the pendency of an investigation or proceeding to
3 which the record is relevant. Before destroying the audio or
4 video recording of a closed meeting, the public body shall
5 direct the clerk to prepare a written summary of the audio or
6 video closed meeting minutes which shall be maintained
7 pursuant to subsection (c) of this Section.

8 (Source: P.A. 88-621, eff. 1-1-95.)

9 (5 ILCS 120/3) (from Ch. 102, par. 43)

10 Sec. 3. (a) Where the provisions of this Act are not
11 complied with, or where there is probable cause to believe
12 that the provisions of this Act will not be complied with,
13 any person, including the State's Attorney of the county in
14 which such noncompliance may occur, may bring a civil action
15 in the circuit court for the judicial circuit in which the
16 alleged noncompliance has occurred or is about to occur, or
17 in which the affected public body has its principal office,
18 prior to or within 180 60 days of the meeting alleged to be
19 in violation of this Act or, if facts concerning the meeting
20 are not discovered within the 180-day 60-day period, within
21 180 60 days of the discovery of a violation by the State's
22 Attorney.

23 (b) In deciding such a case the court may examine in
24 camera any portion of the minutes of a meeting at which a
25 violation of the Act is alleged to have occurred, and may
26 take such additional evidence as it deems necessary.

27 (c) The court, having due regard for orderly
28 administration and the public interest, as well as for the
29 interests of the parties, may grant such relief as it deems
30 appropriate, including granting a relief by mandamus
31 requiring that a meeting be open to the public, granting an
32 injunction against future violations of this Act, ordering
33 the public body to make available to the public such portion

1 of the minutes of a meeting as is not authorized to be kept
2 confidential under this Act, or declaring null and void any
3 final action taken at a closed meeting in violation of this
4 Act.

5 (d) The court may assess against any party, except a
6 State's Attorney, reasonable attorney's fees and other
7 litigation costs reasonably incurred by any other party who
8 substantially prevails in any action brought in accordance
9 with this Section, provided that costs may be assessed
10 against any private party or parties bringing an action
11 pursuant to this Section only upon the court's determination
12 that the action is malicious or frivolous in nature.

13 (Source: P.A. 88-621, eff. 1-1-95.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.