

## ILLINOIS OPEN MEETINGS ACT

Among the League's long held principles is the one which states, "The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens and requires that government bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible." For this reason we know that local Leagues will be pleased to receive the enclosed ***Guide to the Illinois Open Meetings Act*** prepared by the Illinois attorney general's office. You may request additional copies of the ***Guide*** by contacting the attorney general's office, 100 West Randolph Street, Chicago, IL 60601, 312/814-3000 or 500 S. Second Street, Springfield, IL 62706, 217/785-2771.

This ***Guide*** reflects major revisions made to the Act in 1994 and amendments passed in 1995. The 1994 revised Act was effective January 1, 1995 while 1995 amendments became effective June 10, 1995. Please dispose of any earlier editions of the ***Guide*** which you may have because they are out of date!

All governing bodies should be aware of the need to comply with the requirements of the Open Meetings Act. It applies not only to elected boards and commissions but to subsidiary boards, committees and sub-committees (see page 58 of the ***Guide***). Most public bodies have legal counsel who should make elected and appointed officials aware of the changes in the law. Many municipal, school, park and library boards are affiliated with statewide associations which issue legal advisories and conduct regular workshops designed to assist local governing bodies in dealing with matters such as changes in the laws which pertain to them.

Public officials and the public should heed the concluding portion of the policy section of the Act:

*"To implement this policy, the General Assembly declares:*

- 1) It is the intent of this Act to protect the citizen's right to know; and,*
- 2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings." (5 ILCS 120/1)*

### A BRIEF HISTORY OF THE ILLINOIS OPEN MEETINGS ACT

In 1957, Illinois first adopted an Act in relation to meetings, commonly called the Open Meetings Act. There was a major revision of the Act in 1967 and another in 1981. Between 1981 and 1991 amendments were made to the Act in response to changing needs and conditions.

Court rulings and opinions prepared by the Attorney General have also affected the application of the Act's provisions. Please note that opinions of the attorney general are advisory only but are considered to be highly authoritative interpretations of Illinois law.

**(OVER)**

## WHAT'S DIFFERENT AS A RESULT OF THE 1994 AND 1995 REVISIONS?

For those familiar with the earlier version of the Open Meetings Act the most obvious change is a reflection of the renumbering of the Illinois Statutes which took effect January 1, 1993. The Open Meetings Act is now found at 5 ILCS (Illinois Compiled Statutes) 120/1 through 120/6. Formerly it was found in the Illinois Revised Statutes, Chapter 102, paragraphs 41-46.

Another obvious difference is a re-ordering of the text. The new version consists of six sections which are better organized. It is easier to find the exact requirements relating to the correct procedures for closing a public meeting and the contents of the minutes. These revisions have clarified the permissible reasons for closing a meeting and have eliminated references to some specific governing bodies such as institutions of higher learning and the Illinois Gaming Board.

The following list was prepared to help you identify some of the changes found in the revised Open Meetings Act.

### ILLINOIS OPEN MEETINGS ACT

*"It is the public policy of this state that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business."*  
(An Act in relation to meetings, 5 ILCS 120/1.)

#### 1994 Changes

(All page references are to the Act as found in the enclosed *Guide to the Illinois Open Meetings Act*).

- Meeting and public body are defined – pages 58-59
- Openness is required of all public bodies – page 59
- Conditions for closing a public meeting are clarified:
  - ✓ The 22 permitted reasons are enumerated – pages 60-65
  - ✓ The terms employee, public office, and quasi-adjudicative body are defined as they pertain to topics for consideration in a closed session – pages 65-66
  - ✓ When final action is taken – page 66
  - ✓ Posting of agendas is required – page 67
  - ✓ Procedures for closing a meeting are specified – page 73
- Other requirements relating to public meetings are clearly stated:
  - ✓ Notification of meetings – page 70
  - ✓ Contents of Minutes – page 72
  - ✓ A periodic review of closed session Minutes – page 73
  - ✓ Penalties for failure to comply – pages 75-76
- Expands the time period from 45 to 60 days in which a suit may be brought for a violation of the Act – page 75

## **1995 Changes**

- Excludes local electoral boards from considering petition challenges in closed session – page 66
- Mandates the posting of an agenda 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 meeting – page 67

## **SUGGESTIONS FOR LOCAL LEAGUES:**

- 1) Advise your local governing bodies that the Open Meetings Act has been rewritten making some major change that apply to them. Urge these boards, commissions etc. to request copies of the ***Guide to the Illinois Open Meetings Act*** from the attorney general's office (see page 1 of this memo for the address & phone number).
- 2) Make copies of the Act to give to your observers of local government. They need to be aware of the law in order to understand their rights as representatives of the public. Copy from the ***Guide*** or from the statutes themselves. Many local public libraries have the Illinois Statutes in their reference departments.
- 3) Order a copy of *A Manual on Sunshine Laws* from the Illinois Municipal League, PO Box 5180, Springfield, IL 62705. The price is \$7.00. This publication contains a copy of the Act and some case law references. This is a good supplemental resource.
- 4) Refer to the enclosed ***Guide to the Illinois Open Meetings Act*** to find the answers to your questions. Pages 5 through 56 address many of the questions often asked about this law designed to assure that the public's business is conducted in public.