

Open Meetings Act

CCLBA

OMA Electronic Training

- The OMA requires that each elected or appointed member of a public body subject to OMA complete the electronic training curriculum developed and administered by the AG's Public Access Counselor, and file a copy of the certificate of completion with the public body, within 90 days. 5 ILCS 120/1.05.
- If you are a member of a committee or subcommittee of a public body, or a member of more than one public body, taking the training once fulfills the requirement for each position you hold. In addition, a member is only required to complete this training one time during his or her term of office, not annually, unless that member is also an OMA designee, in which case annual training is required.

<http://illinoisattorneygeneral.gov/>

→Ensuring Open and Honest Government

→Register as a FOIA Officer, OMA Designee, or a OMA Public Body Member

→FOIA/OMA Portal

CCLBA = Public Body

OMA applies to all "public bodies" as defined in the Act. The definition of "public body" includes:

- 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

CCLBA meets this definition; also, any committees created by CCLBA

What is a "Meeting"?

For the purposes of OMA a "meeting" is:

- A gathering
- of a majority of a quorum
- held to discuss public business.

What is a "Gathering"?

- When OMA was first enacted in 1957, the term "gathering" generally meant several people physically coming together at a common location. However, advances in technology now allow people to "gather" from remote locations through the use of telephones, audio- and video-conferencing, and the Internet, among other media.
- In 2007, the General Assembly amended the definition of "meeting" by adding specific references to audio- and video-conferences, telephone calls, electronic means including electronic mail, electronic chat, and instant messaging, or other means of "contemporaneous interactive communication." 5 ILCS 120/1.02.

What is a "Majority of a Quorum"?

- The definition of "meeting" applies only when at least a majority of a quorum of the public body is gathered.
- A quorum of a public body is a majority of the total number of members of the body. A "majority of a quorum" is the smallest number of members of a public body able to control action when a bare quorum is present.
- 15 Members = 8 Quorum, 5 Majority of Quorum

What is "Discussing Public Business"?

- OMA does not apply to purely social gatherings.
- But, if at least a majority of a quorum of the members of a public body are present at a dinner party or wedding reception, and the conversation turns to a deliberative discussion of public business upon which their attention is focused, the gathering becomes a "meeting."
- The phrase "discussing public business" refers to an exchange of views and ideas among public body members on any item germane to the affairs of their public body.

Electronic Attendance

Section 7 of OMA (5 ILCS 120/7) specifically provides that members of a public body may attend a meeting by means other than by being physically present in the meeting room.

- 1) Public body must adopt rules.
- 2) Quorum must be physically present at the meeting.
- 3) Only permitted if the member is prevented from physically attending because of one of the following reasons:
 - personal illness or disability;
 - employment purposes or the business of the public body; or
 - a family or other emergency

Public Notice of Time and Place of Meetings

- All public bodies are required to give public notice, at the beginning of each calendar or fiscal year, of the dates, times, and places of their regular meetings to be held during the year.
- An agenda for each regular meeting shall be posted at 1) the principal office of the public body, and 2) the location of the meeting, at least 48 hours in advance of the holding of the meeting.

Exceptions to Open Meetings - Closed Sessions

A meeting may be closed to discuss the following:

"The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired." 5 ILCS 120/2(c)(5).

"The setting of a price for sale or lease of property owned by the public body." 5 ILCS 120/2(c)(6).

Procedures for Closing Meetings

Subsection 2(a) of OMA (5 ILCS 120/2(a)) requires that, in order to enter a closed session, a public body:

- 1) Vote on whether to close a meeting to the public, and, at the time of the vote,
- 2) Cite the specific exception authorizing the closing, and
- 3) Record that citation in the minutes of the meeting.

To comply with the verbatim recording provision, the public body must record the entire closed session. The verbatim record of a closed session must be kept by the public body for a minimum of 18 months after the meeting and may be destroyed after the expiration of that period of time, but only if:

- 1) the public body approves the destruction;
- 2) the public body approves written minutes of the closed session concerned; and
- 3) there is no legal action pending concerning the meeting. 5 ILCS 120/2.06(c).

Meeting Minutes

Public bodies are required by OMA to keep minutes of ALL meetings, whether open or closed to the public. See 5 ILCS 120/2.06.

Minutes must include, at a minimum:

- 1) the date, time, and place of the meeting;
- 2) a record of whether each member of the body is present or absent, and, if present, whether physically present or present by video or audio conference; and
- 3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. See 5 ILCS 120/2.06(a).

Review and Enforcement

Citizen can:

- file a Request for Review with AG's PAC, or
- file a civil action in circuit court

State's Attorney can:

- file a civil action in circuit court
- Bring a criminal action (OMA violation is Class C misdemeanor)