

ILLINOIS OPEN MEETINGS ACT ("OMA")

Disclaimer

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Purpose of OMA

THE ILLINOIS OPEN MEETINGS
ACT IS DESIGNED TO ENSURE
THAT THE PUBLIC HAS ACCESS
TO INFORMATION ABOUT
GOVERNMENT AND ITS
DECISION-MAKING PROCESS

General Requirements of OMA

- Meetings of public bodies must be open to the public;
- Notice and agenda requirements;
- Requirements to keep minutes;
- Training requirements;

MEETINGS OF PUBLIC BODIES MUST BE OPEN TO THE PUBLIC

What is considered a Public Body

What constitutes a meeting under OMA

What Public Bodies are Covered by OMA



"Public Body" under OMA

A "public body" under OMA includes all legislative, executive, and administrative bodies of the following:

- The State*
- Counties
- Townships
- Cities, Villages, and Incorporated Towns
- School Districts
- Special Districts
- All municipal corporations

(also includes all committees, subcommittees, and subsidiary bodies of public bodies)

What is **NOT** considered "Public Body" under OMA

A "public body" **DOES NOT** include the ILLINOIS GENERAL ASSEMBLY

(and committees or commissions thereof)

What is considered a meeting?

The OMA defines a "Meeting" as:

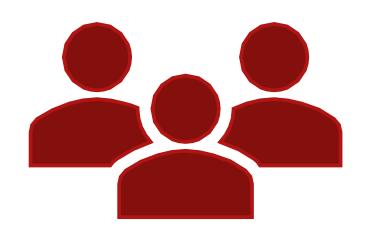
- any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication;
- of a majority of a quorum of the members of a public body; and,
- held for the purpose of discussing public business.

What is a "Gathering"

Under the OMA a "meeting" is any gathering, whether:

- In person
- By video or audio conference
- Telephone call
- Electronic communications
- or other means of contemporaneous interactive communication

What constitutes a "Majority of A Quorum"?



Board Number	Quorum	Majority of Quorum
13	7	4
11	6	4
9	5	3*
7	4	3
5	3	[n/a 3**]
3	2	2**

^{*} a quorum cannot include half of a person

^{**} OMA contains special rules for a 5-person public bodies (but not for 3-person public bodies)



Gathering of a majority of a quorum must be held for "the purpose of discussing public business"

EXCEPTIONS TO OPEN MEETING REQUIREMENTS

Closed Sessions: The OMA authorizes a public body to "close" a meeting to the public only when discussing one of the specific, limited, topics listed in section 2(c) of the Act.

Other state statutes include specific authority to go into a closed meeting

Common closed session topics authorized under OMA

- Personnel (appointment, employment, compensation, discipline, etc).
- Collective negotiating matters or deliberations
- Purchase or lease of real estate/Sale or lease of real estate
- Pending or probable litigation against, affecting, or on behalf of the public body;
- Discussion of minutes of a meeting that was lawfully closed under OMA

HOW TO "CLOSE" A PUBLIC MEETING

 Must first meet in a properly noticed Open Meeting

Must vote to "close the meeting" by a majority vote

Must cite the specific exemption

Miscellaneous Closed Session Issues

 A public body cannot take binding action in a "closed session"

Recording Requirements

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NOTICE
REQUIREMENTS
UNDER OMA

Notice and Agenda Requirements

- ✓ Public Notice must be given for ALL meetings:
 - ✓ OPEN or CLOSED
- ✓ Types of Meetings
 - ✓ Regular
 - ✓ Reconvened
 - √ Special
 - ✓ Emergency

- Purpose of Agenda
- An Agenda can be changed
- Action on Agenda Items
- Discussion of items not on an agenda
- Public Comment Considerations

Discussion:

Meeting agendas

Meeting Recordkeeping requirements

OPEN MEETINGS

"CLOSED" MEETINGS



TRAINING
REQUIREMENTS
UNDER OMA

- Each public body must also designate at least one OMA officer
- The designated OMA officer must complete <u>annual</u> OMA training.

Training requirements:

OMA OFFICER

5 ILCS 120/1.05(a)

 Each member of a public must complete OMA training within 90 days of taking office.

 Must file a copy of the certificate of completion with the public body

Training requirements:

MEMBERS OF PUBLIC BODIES

This concludes the "Open Meetings Act" presentation. Thank you for your attention!





