

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 Sections 2.02 and 2.06 as follows:

6 (5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

7 Sec. 2.02. Public notice of all meetings, whether open or
8 closed to the public, shall be given as follows:

9 (a) Every public body shall give public notice of the
10 schedule of regular meetings at the beginning of each calendar
11 or fiscal year and shall state the regular dates, times, and
12 places of such meetings. An agenda for each regular meeting
13 shall be posted at the principal office of the public body and
14 at the location where the meeting is to be held at least 48
15 hours in advance of the holding of the meeting. A public body
16 that has a website that the full-time staff of the public body
17 maintains shall also post on its website the agenda of any
18 regular meetings of the governing body of that public body. Any
19 agenda of a regular meeting that is posted on a public body's
20 website shall remain posted on the website until the regular
21 meeting is concluded. The requirement of a regular meeting
22 agenda shall not preclude the consideration of items not
23 specifically set forth in the agenda. Public notice of any
24 special meeting except a meeting held in the event of a bona
25 fide emergency, or of any rescheduled regular meeting, or of
26 any reconvened meeting, shall be given at least 48 hours before
27 such meeting, which notice shall also include the agenda for
28 the special, rescheduled, or reconvened meeting, but the
29 validity of any action taken by the public body which is
30 germane to a subject on the agenda shall not be affected by
31 other errors or omissions in the agenda. The requirement of
32 public notice of reconvened meetings does not apply to any case

1 where the meeting was open to the public and (1) it is to be
2 reconvened within 24 hours, or (2) an announcement of the time
3 and place of the reconvened meeting was made at the original
4 meeting and there is no change in the agenda. Notice of an
5 emergency meeting shall be given as soon as practicable, but in
6 any event prior to the holding of such meeting, to any news
7 medium which has filed an annual request for notice under
8 subsection (b) of this Section.

9 (b) Public notice shall be given by posting a copy of the
10 notice at the principal office of the body holding the meeting
11 or, if no such office exists, at the building in which the
12 meeting is to be held. In addition, a public body that has a
13 website that the full-time staff of the public body maintains
14 shall post notice on its website of all meetings of the
15 governing body of the public body. Any notice of an annual
16 schedule of meetings shall remain on the website until a new
17 public notice of the schedule of regular meetings is approved.
18 Any notice of a regular meeting that is posted on a public
19 body's website shall remain posted on the website until the
20 regular meeting is concluded. The body shall supply copies of
21 the notice of its regular meetings, and of the notice of any
22 special, emergency, rescheduled or reconvened meeting, to any
23 news medium that has filed an annual request for such notice.
24 Any such news medium shall also be given the same notice of all
25 special, emergency, rescheduled or reconvened meetings in the
26 same manner as is given to members of the body provided such
27 news medium has given the public body an address or telephone
28 number within the territorial jurisdiction of the public body
29 at which such notice may be given. The failure of a public body
30 to post on its website notice of any meeting or the agenda of
31 any meeting shall not invalidate any meeting or any actions
32 taken at a meeting.

33 (Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

34 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

35 Sec. 2.06. (a) All public bodies shall keep written minutes

1 of all their meetings, whether open or closed, and a verbatim
2 record of all their closed meetings in the form of an audio or
3 video recording. Minutes shall include, but need not be limited
4 to:

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

6 (2) the members of the public body recorded as either
7 present or absent; and

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

10 (b) The minutes of meetings open to the public shall be
11 available for public inspection within 7 days of the approval
12 of such minutes by the public body. Beginning July 1, 2006, at
13 the time it complies with the other requirements of this
14 subsection, a public body that has a website that the full-time
15 staff of the public body maintains shall post the minutes of a
16 regular meeting of its governing body open to the public on the
17 public body's website within 7 days of the approval of the
18 minutes by the public body. Beginning July 1, 2006, any minutes
19 of meetings open to the public posted on the public body's
20 website shall remain posted on the website for at least 60 days
21 after their initial posting.

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

27 (1) the public body approves the destruction of a
28 particular recording; and

29 (2) the public body approves minutes of the closed
30 meeting that meet the written minutes requirements of
31 subsection (a) of this Section.

32 (d) Each public body shall periodically, but no less than
33 semi-annually, meet to review minutes of all closed meetings.
34 At such meetings a determination shall be made, and reported in
35 an open session that (1) the need for confidentiality still
36 exists as to all or part of those minutes or (2) that the

1 minutes or portions thereof no longer require confidential
2 treatment and are available for public inspection.

3 (e) Unless the public body has made a determination that
4 the verbatim recording no longer requires confidential
5 treatment or otherwise consents to disclosure, the verbatim
6 record of a meeting closed to the public shall not be open for
7 public inspection or subject to discovery in any administrative
8 or judicial proceeding other than one brought to enforce this
9 Act. In the case of a civil action brought to enforce this Act,
10 the court, if the judge believes such an examination is
11 necessary, must conduct such in camera examination of the
12 verbatim record as it finds appropriate in order to determine
13 whether there has been a violation of this Act. In the case of
14 a criminal proceeding, the court may conduct an examination in
15 order to determine what portions, if any, must be made
16 available to the parties for use as evidence in the
17 prosecution. Any such initial inspection must be held in
18 camera. If the court determines that a complaint or suit
19 brought for noncompliance under this Act is valid it may, for
20 the purposes of discovery, redact from the minutes of the
21 meeting closed to the public any information deemed to qualify
22 under the attorney-client privilege. The provisions of this
23 subsection do not supersede the privacy or confidentiality
24 provisions of State or federal law.

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

29 (Source: P.A. 93-523, eff. 1-1-04; 93-974, eff. 1-1-05.)