

1 AN ACT concerning transparency.

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 3.5 and by adding Section 2.07 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, except as
16 otherwise provided in Section 2.07 of this Act. A public body
17 that has a website that the full-time staff of the public body
18 maintains shall also post on its website the agenda of any
19 regular meetings of the governing body of that public body. Any
20 agenda of a regular meeting that is posted on a public body's
21 website shall remain posted on the website until the regular
22 meeting is concluded. The requirement of a regular meeting
23 agenda shall not preclude the consideration of items not

1 specifically set forth in the agenda. Public notice of any
2 special meeting except a meeting held in the event of a bona
3 fide emergency, or of any rescheduled regular meeting, or of
4 any reconvened meeting, shall be given at least 48 hours before
5 such meeting, except as otherwise provided in Section 2.07 of
6 this Act which notice shall also include the agenda for the
7 special, rescheduled, or reconvened meeting, but the validity
8 of any action taken by the public body which is germane to a
9 subject on the agenda shall not be affected by other errors or
10 omissions in the agenda. The requirement of public notice of
11 reconvened meetings does not apply to any case where the
12 meeting was open to the public and (1) it is to be reconvened
13 within 24 hours, or (2) an announcement of the time and place
14 of the reconvened meeting was made at the original meeting and
15 there is no change in the agenda. Notice of an emergency
16 meeting shall be given as soon as practicable, but in any event
17 prior to the holding of such meeting, to any news medium which
18 has filed an annual request for notice under subsection (b) of
19 this Section.

20 (b) Public notice shall be given by posting a copy of the
21 notice at the principal office of the body holding the meeting
22 or, if no such office exists, at the building in which the
23 meeting is to be held. In addition, a public body that has a
24 website that the full-time staff of the public body maintains
25 shall post notice on its website of all meetings of the
26 governing body of the public body. Any notice of an annual

1 schedule of meetings shall remain on the website until a new
2 public notice of the schedule of regular meetings is approved.
3 Any notice of a regular meeting that is posted on a public
4 body's website shall remain posted on the website until the
5 regular meeting is concluded. The body shall supply copies of
6 the notice of its regular meetings, and of the notice of any
7 special, emergency, rescheduled or reconvened meeting, to any
8 news medium that has filed an annual request for such notice.
9 Any such news medium shall also be given the same notice of all
10 special, emergency, rescheduled or reconvened meetings in the
11 same manner as is given to members of the body provided such
12 news medium has given the public body an address or telephone
13 number within the territorial jurisdiction of the public body
14 at which such notice may be given. The failure of a public body
15 to post on its website notice of any meeting or the agenda of
16 any meeting shall not invalidate any meeting or any actions
17 taken at a meeting.

18 (c) Any agenda required under this Section shall set forth
19 the general subject matter of any resolution or ordinance that
20 will be the subject of final action at the meeting. The public
21 body conducting a public meeting shall ensure that at least one
22 copy of any requested notice and agenda for the meeting is
23 continuously available for public review during the entire
24 48-hour period preceding the meeting, or during the entire
25 72-hour period preceding the meeting for those public bodies
26 subject to Section 2.07 of this Act. Posting of the notice and

1 agenda on a website that is maintained by the public body
2 satisfies the requirement for continuous posting under this
3 subsection (c). If a notice or agenda is not continuously
4 available for the full 48-hour or 72-hour period due to actions
5 outside of the control of the public body, then that lack of
6 availability does not invalidate any meeting or action taken at
7 a meeting.

8 (Source: P.A. 97-827, eff. 1-1-13.)

9 (5 ILCS 120/2.07 new)

10 Sec. 2.07. Video of meetings; posting of agendas.

11 (a) This Section shall apply to only public bodies to which
12 the Governor makes at least one appointment to the body that is
13 subject to the advice and consent of the Senate.

14 (b) Each public body shall post video of its meetings on
15 the public body's official website within 2 business days
16 following the scheduled beginning of the meeting. This
17 requirement shall not apply to portions of the meeting that are
18 properly closed pursuant to this Act. Each public body must
19 keep the video of each meeting on its official website for a
20 period of 2 years after the meeting date or until the meeting
21 has been reduced to written minutes in compliance with
22 subsection (a) of Section 2.06 of this Act, whichever is later.
23 After the video is removed from the official website, the
24 public body must retain the video of each meeting for a period
25 of at least 5 years after the meeting date. Such video shall be

1 available to the public upon request.

2 (c) Each public body must post its meeting agenda on its
3 official website at least 72 hours prior to the meeting. In the
4 case of an emergency meeting, each public body must post that
5 agenda as soon as practicable, but in any event prior to the
6 holding of such meeting.

7 (d) The failure of a public body to provide video or to
8 post meeting agendas due to technical difficulties shall not
9 invalidate any meeting or any actions taken at the meeting.

10 (e) The requirements of this Section shall not apply to any
11 public body meetings occurring before the effective date of
12 this amendatory Act of the 99th General Assembly.

13 (5 ILCS 120/3.5)

14 Sec. 3.5. Public Access Counselor; opinions.

15 (a) A person who believes that a violation of this Act by a
16 public body has occurred may file a request for review with the
17 Public Access Counselor established in the Office of the
18 Attorney General not later than 60 days after the alleged
19 violation. The request for review must be in writing, must be
20 signed by the requester, and must include a summary of the
21 facts supporting the allegation.

22 (a-5) A person who believes that a violation of Section
23 2.07 of this Act has occurred may file a request for review
24 with the Public Access Counselor for the purpose of reviewing
25 whether the public body timely posted its agenda.

1 (b) Upon receipt of a request for review, the Public Access
2 Counselor shall determine whether further action is warranted.
3 If the Public Access Counselor determines from the request for
4 review that the alleged violation is unfounded, he or she shall
5 so advise the requester and the public body and no further
6 action shall be undertaken. In all other cases, the Public
7 Access Counselor shall forward a copy of the request for review
8 to the public body within 7 working days. The Public Access
9 Counselor shall specify the records or other documents that the
10 public body shall furnish to facilitate the review. Within 7
11 working days after receipt of the request for review, the
12 public body shall provide copies of the records requested and
13 shall otherwise fully cooperate with the Public Access
14 Counselor. If a public body fails to furnish specified records
15 pursuant to this Section, or if otherwise necessary, the
16 Attorney General may issue a subpoena to any person or public
17 body having knowledge of or records pertaining to an alleged
18 violation of this Act. For purposes of conducting a thorough
19 review, the Public Access Counselor has the same right to
20 examine a verbatim recording of a meeting closed to the public
21 or the minutes of a closed meeting as does a court in a civil
22 action brought to enforce this Act.

23 (c) Within 7 working days after it receives a copy of a
24 request for review and request for production of records from
25 the Public Access Counselor, the public body may, but is not
26 required to, answer the allegations of the request for review.

1 The answer may take the form of a letter, brief, or memorandum.
2 Upon request, the public body may also furnish the Public
3 Access Counselor with a redacted copy of the answer excluding
4 specific references to any matters at issue. The Public Access
5 Counselor shall forward a copy of the answer or redacted
6 answer, if furnished, to the person submitting the request for
7 review. The requester may, but is not required to, respond in
8 writing to the answer within 7 working days and shall provide a
9 copy of the response to the public body.

10 (d) In addition to the request for review, and the answer
11 and the response thereto, if any, a requester or a public body
12 may furnish affidavits and records concerning any matter
13 germane to the review.

14 (e) Unless the Public Access Counselor extends the time by
15 no more than 21 business days by sending written notice to the
16 requester and public body that includes a statement of the
17 reasons for the extension in the notice, or decides to address
18 the matter without the issuance of a binding opinion, the
19 Attorney General shall examine the issues and the records,
20 shall make findings of fact and conclusions of law, and shall
21 issue to the requester and the public body an opinion within 60
22 days after initiating review. The opinion shall be binding upon
23 both the requester and the public body, subject to
24 administrative review under Section 7.5 of this Act.

25 In responding to any written request under this Section
26 3.5, the Attorney General may exercise his or her discretion

1 and choose to resolve a request for review by mediation or by a
2 means other than the issuance of a binding opinion. The
3 decision not to issue a binding opinion shall not be
4 reviewable.

5 Upon receipt of a binding opinion concluding that a
6 violation of this Act has occurred, the public body shall
7 either take necessary action as soon as practical to comply
8 with the directive of the opinion or shall initiate
9 administrative review under Section 7.5. If the opinion
10 concludes that no violation of the Act has occurred, the
11 requester may initiate administrative review under Section
12 7.5.

13 (f) If the requester files suit under Section 3 with
14 respect to the same alleged violation that is the subject of a
15 pending request for review, the requester shall notify the
16 Public Access Counselor, and the Public Access Counselor shall
17 take no further action with respect to the request for review
18 and shall so notify the public body.

19 (g) Records that are obtained by the Public Access
20 Counselor from a public body for purposes of addressing a
21 request for review under this Section 3.5 may not be disclosed
22 to the public, including the requester, by the Public Access
23 Counselor. Those records, while in the possession of the Public
24 Access Counselor, shall be exempt from disclosure by the Public
25 Access Counselor under the Freedom of Information Act.

26 (h) The Attorney General may also issue advisory opinions

1 to public bodies regarding compliance with this Act. A review
2 may be initiated upon receipt of a written request from the
3 head of the public body or its attorney. The request must
4 contain sufficient accurate facts from which a determination
5 can be made. The Public Access Counselor may request additional
6 information from the public body in order to facilitate the
7 review. A public body that relies in good faith on an advisory
8 opinion of the Attorney General in complying with the
9 requirements of this Act is not liable for penalties under this
10 Act, so long as the facts upon which the opinion is based have
11 been fully and fairly disclosed to the Public Access Counselor.
12 (Source: P.A. 96-542, eff. 1-1-10.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2016.