



**THE OPEN MEETINGS ACT**  
[5 ILCS 120/1 et seq.]

**"MEETING"** – means 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 held for the purpose of discussing public business.

For a 5-member public body, 3 members of the body constitute a meeting and a quorum.

**"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 commission of this State, and any subsidiary bodies of any of the foregoing including, but not limited to committees and sub-committees which are supported in whole or in part by tax revenue, or which expend tax revenue.

**"QUORUM"** – the minimum number of members required to be present before a body can transact business.

**CLOSED MEETINGS**

All meetings of public bodies shall be open to the public; however, a public body may, *but is not required to*, hold closed meetings. Discussion must be limited in scope to the cited exception authorizing the closed meeting. The statutory exceptions can be grouped under the following six headings; below are some of the most commonly relied upon exceptions:

**Employment/Appointment Matters:**

- ▶ The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body. [This does not include independent contractors or classes of employees.] [5 ILCS 120/2(c)(1)]
- ▶ Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. [5 ILCS 120/2(c)(2)]
- ▶ The selection of a person to fill a vacant office, or removal of person from an office, when the public body has the power to do so by law or ordinance. [5 ILCS 120/2(c)(3)]

**Legal Matters:**

- ▶ Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body [defined as an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determination based thereon] provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning. [5 ILCS 120/2(c)(4)]
- ▶ Pending, or probable or imminent litigation, against, affecting or on behalf of the particular public body. The basis for the finding that an action is probable or imminent [likely to occur] shall be stated and made part of the minutes of the closed meetings. [5 ILCS 120/2(c)(11)]

**Business Matters:**

- ▶ Consideration of the purchase or lease of real property for the use of the public body or setting the price for the sale or lease of real estate owned by the public body. [5 ILCS 120/2(c)(5) and (6)]

**Security/Criminal Matters:**

- ▶ Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property. [5 ILCS 120/2(c)(8)]

**School Matters:**

- ▶ Student disciplinary cases and the placement of individual students in special education programs and other matters related to individual students. [5 ILCS 120/2(c)(9) and (10)]

**Miscellaneous Exceptions:**

- ▶ Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. [5 ILCS 120/2(c)(21)]

**NO FINAL ACTION** may be taken in a closed meeting. Final action in open session shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted. [5 ILCS 120/2(c)]

**PROCEDURES TO CLOSE A MEETING**  
[5 ILCS 120/2(a)]

There must be a majority vote of a quorum present at an open meeting for which notice has been given. The vote of each member shall be recorded.

The specific exception authorizing closure shall be stated and entered in the minutes. (To cite an exception means to quote or call attention to.)

**PUBLIC NOTICE OF MEETING/AGENDA**  
[5 ILCS 120/2.2]

**NOTICE:** Public notice of the schedule of regular meetings shall be given at the beginning of each calendar or fiscal year stating the regular dates, times and places of such meetings.

Public notice of a special meeting, except one held in the event of a bona fide emergency, shall be given at least 48 hours before such meeting. Notice of an emergency meeting shall be given as soon as practicable. (Cannot discuss items that are not on the agenda at an emergency meeting)

No new notice of a reconvened meeting need be given if the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement was made at the original meeting of the time and place of the reconvened meeting and there is no change in the agenda.

Notice of all meetings (including special, emergency, rescheduled or reconvened) must be given to any news medium that has filed an annual request for such notices.

**AGENDA:** An agenda is a list of items to be acted on or discussed at a meeting. (May discuss items not on agenda, but cannot take action) An agenda for each regular meeting must be posted at least 48 hours in advance of the meeting at the principal office of the body holding the meeting (or at the building where the meeting is to be held if no such office exists). The general subject matter of any resolution or ordinance that will be the subject of final action at the meeting must be included on the agenda.

Agenda for special, rescheduled or reconvened meetings shall be given with the notice of the meeting.

A public body that has a website that the full-time staff of the public body maintains shall post on its website regular meeting agenda, and it shall remain on website until the regular meeting is concluded.

**MINUTES OF MEETINGS**  
[5 ILCS 120/2.06]

Written minutes of a public body must be kept whether the meeting is open or closed and a *verbatim* record of all closed meetings in the form of an audio or video recording is required.

Minutes shall include: (1) the date, time, and place of the meeting; (2) the members who were present or absent; (3) a summary of discussion or all matters proposed, deliberated, or decided, and a record of any votes taken.

Minutes of open meetings shall be available for public inspection within 7 days of approval by the public body and posted on the public bodies website [if one is maintained by the full-time staff], and shall remain posted on the website for at least 60 days after their initial posting.

Closed meeting minutes shall be available only after the public body determines that confidentiality no longer exists.

The verbatim record may be destroyed no less than 18 months after the completion of the meeting recorded but only after: (1) the public body approves the destruction of a particular recording; and (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of the Act.

**ATTENDING A MEETING BY PHONE OR VIDEO CONFERENCE**  
[5 ILCS 120/7(c)]

A member of a public body may attend a meeting by telephone or video conference only in accordance with and to the extent allowed by the rules of the public body.

If a quorum of the members of the public body is physically present, then a majority of the public body may allow a member to attend by video or telephone conference if the member is prevented from physically attending because of: (1) personal illness or disability; (2) employment purposes or the business of the public body; or (3) a family or other emergency.

**ENFORCEMENT OF OMA**  
[5 ILCS 120/3, 120/3.5 and 120/4]

**CIVIL ACTIONS:** Where the provisions of the act were not complied with or where there is probable cause to believe that the provisions of the Act will not be complied with; within 60 calendar days from when the alleged violation occurred, or within 60 days of the discovery of the violation by the State's Attorney, any person may bring a civil suit, including the State's Attorney. The court may grant such relief as it deems necessary.

**CRIMINAL ACTIONS:** Class C misdemeanor.

**PUBLIC ACCESS COUNSELOR (PAC):** An attorney in the Attorney General's office who ensures compliance with OMA; within 60 calendar days from when the alleged violation occurred, a member of the public can file a Request for Review by the PAC which is letter sent to PAC laying out the basis for an alleged violation in writing, signed, and must include a summary of facts supporting the allegation. The PAC may (1) decide that no further review is necessary and that the allegation is unfounded, (2) mediate and work to resolve the dispute, or (3) issue an opinion resolving the matter.

**TRAINING FOR MEMBERS OF PUBLIC BODIES**

All members of public bodies must complete the mandatory online OMA training provided on the Illinois Attorney General's website within 90 days of taking their oath of office.