

**PUBLIC ACT 101-0640 AMENDS
OMA REQUIREMENTS DURING DISASTER DECLARATION**

To: ICRMT Members
From: O'Halloran, Kosoff, Geitner & Cook, LLC,
Jane May
Re: Amendment to Open Meetings Act
Date: June 15, 2020

On June 12, 2020, Governor Pritzker signed [Public Act 101-0640](#) (“amendment”) into law which makes legislative changes to the Illinois Open Meetings Act (“OMA”). The amendment allows an open or closed meeting to be conducted by audio or video conference so long as the Governor or Illinois Department of Public Health has issued a disaster declaration related to public health concerns pursuant to the Illinois Emergency Management Act and certain other conditions are met, as set forth below.

In order to hold a remote meeting, all or part of the public body must be covered by the disaster declaration, and the head of the public body must determine that an in-person meeting is not practical or prudent due to the disaster. In addition, the public body must verify that all members participating in the meeting can hear one another and can hear all of the discussion and testimony.

For open meetings, members of the public who are present at the regular meeting location of the public body must be able to hear all discussion, testimony and votes unless attendance at the regular location is not feasible due to the disaster. In that case, the public body must make alternative arrangements, via telephone or a web-based link, which will allow for an interested member of the public to contemporaneously hear all discussion, testimony, and roll-call votes. Notice of the alternative arrangements must be provided.

At least one member of the public body, its chief legal counsel, or chief administrative officer must be physically present at the regular meeting location, unless that is not feasible due to the disaster. Each member participating in the meeting is considered present at the meeting for the purposes of determining a quorum and participating in all proceedings. All votes must be conducted by roll call, so each member’s vote can be identified and recorded.

This memorandum was prepared by O'Halloran Kosoff Geitner & Cook, LLC for ICRMT general informational purposes only. It is not intended to provide legal advice to any public entity. Member entities and their officials and employees should consult their State's Attorney, Corporation Counsel, or other appropriate legal advisor on the subject matter of this memorandum before taking or refraining from taking any action or adopting any policy.

Except in the event of a bona fide emergency, 48 hours' notice shall be given for a meeting. Notice shall be given to all members of the public body, shall be posted on the website of the public body, and shall be provided to any news media which has requested notice.

Public bodies holding open meetings pursuant to this amendment must also keep a verbatim record of such meetings in the form of an audio or video recording (in addition to normal requirements for minutes) and make the recording available to the public.

In the event of a bona fide emergency, notice of a meeting shall be given pursuant to Section 2.02¹ of the OMA, and the presiding officer shall state the nature of the emergency at the beginning of the meeting, and the public body must comply with the verbatim recording requirements set forth in Section 2.06² of the OMA.

The public body must pay all costs associated with compliance with the amendment.

¹ Section 2.02 requires notice of an emergency meeting to be given as soon as practicable, but in any event prior to the meeting, to any news medium which has filed an annual request for notice.

² Section 2.06 generally sets forth retention requirements for the verbatim recording, requirements for keeping minutes, and requirement for allowing public comment.