



### **Illinois Open Meetings Act & the End of the State COVID-19 Disaster Proclamation**

The Illinois Open Meetings Act (OMA) is a state law that requires meetings of public bodies be open to the public. The OMA is designed to ensure that the public has access to information about government and its decision-making process. Under Section 7 of the Open Meetings Act ([5 ILCS 120/7](#)), meetings can be held by audio or video conference, instead of in person, *only if a number of conditions are met*, including that “the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns.” The Governor issued [a proclamation](#) declaring that a disaster exists within the State of Illinois, effective until May 11, 2023.

**When the state emergency ends on May 11, 2023, public body meetings will again need to be held in person rather than by audio or video conference.** For example, all City Council hearings and public board meetings will need to resume in-person.

### **Frequently Asked Questions**

#### **How do I know if my gathering is subject to the OMA?**

- The OMA applies only to “public bodies,” which are defined to include all the City’s legislative, executive, administrative, and advisory bodies.
- A determination of whether a group is a “public body” under the OMA requires a case-by-case analysis of multiple factors. If you are unsure whether your group is subject to the OMA, contact the Legal Counsel Division of the Department of Law. Questions may be sent to Glenn Dempsey at [Glenn.Dempsey@cityofchicago.org](mailto:Glenn.Dempsey@cityofchicago.org)

#### **It is more convenient to have virtual meetings. Can my local board/body remain virtual?**

- No. Unless the General Assembly changes the law, after May 11, 2023, when the governor’s disaster declaration ends, public meetings must return to being in person.

#### **Are local boards/bodies that are subject to OMA able to establish their own requirements related to virtual/in-person meetings?**

- No. The Open Meetings Act establishes certain minimum requirements. The City may not establish requirements that are less strict than the Open Meetings Act.

#### **Is there any circumstance where a member can attend a meeting subject to OMA by video or telephone conference? If so, how?**

- 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.

- If a member wants to attend the meeting by video or telephone conference, the member must notify the recording secretary or clerk of the public body before the meeting, unless advance notice is impractical.

**Can members who are present virtually (by video or telephone conference) still vote?**

- A member who officially attends a meeting has all the rights and privileges of a member of the body and so has the power to vote. However, the circumstances that allow a member to attend virtually are very limited, as outlined in the above question.

**I understand that meetings subject to the OMA must be in-person. May I also live stream the meeting?**

- Yes.

**Do I have to live stream the meeting?**

- No.

**Can individuals provide public comment virtually or does that need to be in person?**

- A public body must give members of the public an opportunity to speak at its meetings. The body should establish rules governing how individuals may provide public comments, including whether comments may be provided virtually.

**Can I limit the number of public attendees to meetings subject to the OMA?**

- Limiting attendees as it relates to the public health emergency will no longer be allowed once the emergency has ended.

**Does anything change with notice or recording requirements?**

- Notice requirements did not change during the pandemic and will not change as the emergency declaration ends. Public notice and an agenda must be posted for all meetings at least 48 hours in advance of the holding of the meeting.
- A public body that holds an in-person open meeting does not have to keep an audio or video recording of each meeting. However, all public bodies must keep written minutes of all meetings, whether open or closed. Additionally, any person may record the proceedings at any open meeting, subject to the public body's rules.

**Who should I reach out to for specific questions related to the OMA?**

- Contact the Legal Counsel Division of the Department of Law for specific questions related to OMA. Questions may be sent to Glenn Dempsey at [Glenn.Dempsey@cityofchicago.org](mailto:Glenn.Dempsey@cityofchicago.org)

**Resources**

- Chicago's Mayor's Office for People with Disabilities (MOPD) developed a [best-practices guide for accessibility of in-person meetings for departments](#).
- [Illinois Open Meetings Act: Frequently Asked Questions for Public Bodies](#)