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LAW ALERT

AGENDAS FOR PUBLIC MEETINGS: "JUST ONE MORE THING" ... OR TWO

July 20, 2012

Illinois' oft-amended Open Meeting Act (OMA) has been amended again, this time to mandate more specific content for meeting agendas, and that they be made "continuously available for public review" during the required 48-hour posting period before the meeting. The Governor signed these changes to OMA Section 2.02 into law on July 19, 2012 as Public Act 97-827. They will take effect on January 1, 2013.

Section 2.02(a) has previously required that a public body post an agenda for each scheduled regular meeting, at its principal office and at the place where the meeting will be held, at least 48 hours before the meeting. If the public body has a website maintained by full-time staff, the agenda must also be posted there. Except in emergencies, public notice of special meetings must be given 48 hours in advance, and must include an agenda for the meeting. Section 2.02(b) requires, among other things, that any notice of a regular meeting posted on the public body's website shall remain there until the meeting is concluded - but also provides that failure to post notice of or the agenda for any meeting on the website shall not invalidate the meeting or any actions taken at the meeting.

P.A. 97-827 adds Section 2.02(c) to the OMA. It provides that any agenda required by Section 2.02 must "set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting ." (This wording resulted from a Senate amendment to House Bill 4687, which as introduced would have required agendas to be "sufficiently descriptive to give the public reasonable notice of the items that will be considered or will be the subject of final action at the meeting.")

Per new Section 2.02(c), the public body must also ensure that at least one copy of the notice and agenda for the meeting is continuously available for the public to see during the 48 hours preceding the meeting. The public body may satisfy this requirement by posting the notice and agenda on its website. If, "due to actions outside of the control of the public body", the notice or agenda is not posted continuously for the full 48-hour period, that lack of availability will not invalidate the meeting or any action taken at the meeting.

This *Law Alert* was prepared by Heidi A. Katz of the firm's Chicago office. Should you have any questions about P.A. 97-827 or other aspects of Open Meetings Act compliance, please call any Robbins Schwartz attorney.

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