

ISACo POLICY BRIEF

Local Government Remote Meeting Authority

OVERVIEW

The 2020 COVID-19 pandemic resulted in stay-at-home policies that closed businesses, offices and public venues. During this time, local governments found themselves needing to take action on important public business that could not be deferred. The Open Meetings Act (OMA) historically required public bodies to meet in person and provide public access to the meetings.

On March 16, 2020, Governor JB Pritzker issued Executive Order (EO) 2020-7 to suspend parts of OMA and allow for local governments to hold meetings remotely. Attorney General Kwame Raoul issued guidance to local governments for the conduct of these remote meetings. While helpful during the COVID-19 pandemic, the need for this authority to be written into OMA became clear.

REMOTE MEETING AUTHORITY

P.A. 101-640 (effective June 12, 2020) amended OMA to allow local governments to conduct open or closed meetings via audio or video conference without the physical presence of a quorum under the following circumstances:

- the Governor or Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns as defined within the Illinois Emergency Management Agency Act;
- the head of the public body determines that an in-person meeting is not practical or prudent because of the disaster;
- all members of the public body participating in the meeting must be verified and can hear each other and all discussion and testimony;
- members of the public present at the regular meeting location can hear all discussion and testimony and all votes of the members of the body, unless attendance at the location is not feasible because of the disaster. In this case, the public body must make alternative arrangements and provide notice of the arrangements to allow the public to access the meeting and hear all discussion, testimony and roll call votes;
- at least one member of the body, chief legal counsel or chief administrative officer must be physically present at the regular meeting location if feasible and all votes must be conducted by roll call.

QUICK FACTS

- The COVID-19 pandemic revealed the need to allow for remote meetings of public bodies.
- Remote meetings are only permitted under a disaster declaration issued by the state.
- Remote meetings must be accessible by the public and voting must be conducted by roll call.
- Notice of remote meetings must be provided 48 hours before the meeting occurs.
- Public bodies must keep verbatim records (audio or video).



- except in the case of an emergency, 48 hours' notice of the meeting shall be provided; and
- public bodies must keep a verbatim record of all their meetings in the form of an audio or video recording that can be available to the public.

