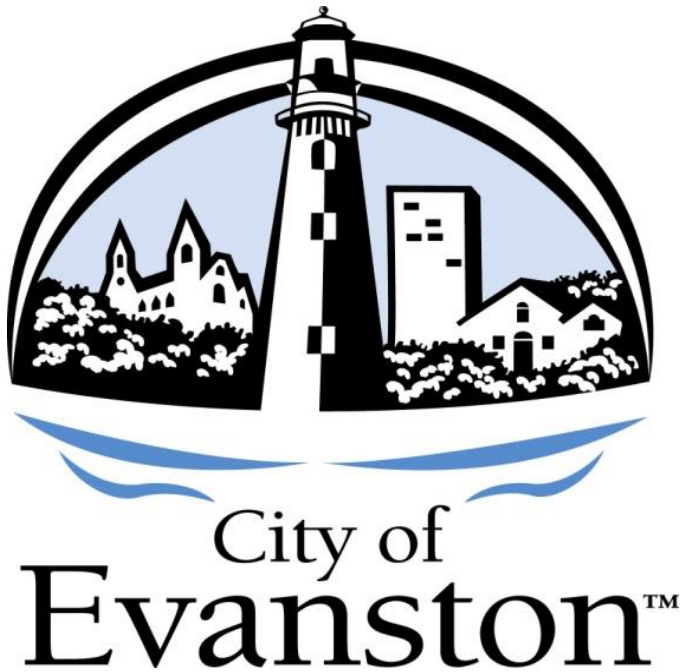


ILLINOIS OMA, FOIA, and ROBERTS RULES TRAINING



Alexandra B. Ruggie
Assistant City Attorney

OVERVIEW OF OMA

- Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*
- Purpose: Designed to ensure that the actions of public bodies are conducted in the open, through public meetings, and the public can observe deliberations behind actions taken.
- Basic Requirements: Meetings of public bodies must be:
 - a) Open to the public except in specific and limited situations; and
 - b) Provide advance notice of the time, place and subject matter of meetings.

PUBLIC BODIES COVERED BY OMA

- “Public Bodies” include all legislative, executive, administrative, or advisory bodies of:
 - The State of Illinois
 - Counties, townships, cities, villages or incorporated towns
 - School districts
 - All municipal corporations
- “Public Bodies” also encompass all committees, subcommittees and other subsidiary bodies of public bodies.

PUBLIC MEETING

- The OMA defines a “meeting” as: (1) having a gathering; (2) of a majority of a quorum; (3) to discuss public business.
- Example #1: 7 member board
 - Quorum of a board of 7 is 4 members
 - Majority of the quorum is 3 members
- Example #2: 5 member board – P.A. 95-245 amended OMA to state that 5 member board has a “meeting” only with a full quorum (3), not just a majority of the quorum
- Board packet – Do not need to disseminate or provide public with copies of board packet.

LOGISTICS

- Time and Location: Public bodies must hold a meeting at a specific time and place that is convenient and open to the public.
 - Application: No meetings in a board member's home.
 - Holiday: Unless the regularly scheduled meeting falls on the holiday, cannot hold a meeting on a holiday
- Recordings: Any person can record a meeting by tape, film, or other means.

MEMBER DELIBERATIONS

- Informal gatherings: May constitute a “meeting” if a majority of a quorum are present at any gathering and discussions veer to business of the public body.
- E-mail:
 - E-mail correspondence or chat room discussions on issues deliberative in nature by board members, with the intent to formulate policy outside of the public view is a violation of the OMA.
 - Pre-deliberative discussion, i.e., conversation where no decision is finalized but discussion is had regarding components to an issue or a decision, is subject to OMA.

ATTENDANCE AT MEETINGS

- Once the threshold level to establish a quorum has been met, a majority of the public body may allow one (or more) of its members to attend a meeting via video or audio conference *if*:
 - (a) the board member cannot physically attend due to a reason listed in the statute; AND
 - (b) the Rules of the board provide for remote attendance.
- Section 7(a) of the Act states that a member may attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency.
 - Reasons for non-attendance such as a vacation do not qualify.
 - These rules changed during the COVID-19 Pandemic. Meetings may now be conducted remotely during a disaster declaration from the Governor. Once the disaster declaration is rescinded the prior requirements will be back in place.

FOIA

- All public bodies in Illinois are subject to the Illinois Freedom of Information Act, 5 ILCS 140/ et seq.
- Materials submitted to LUC are public documents.
- Emails (even if on a personal email account) may be subject to FOIA if they pertain to City business
- Text Messages (even on a personal device) may be subject to FOIA if they pertain to City business

Roberts Rules of Order

- The Land Use Commission has adopted its own Rules for purposes of its meetings.
- Anything not covered in the LUC Rules is covered by Roberts Rules of Order
- Important to follow both sets of Rules to create a clean record and minutes of the meetings.
- Be sure that your motion is proper and receives a second.
- All motions should include:
 - Case number, location and any conditions being set by the LUC
 - Example Motion: “In the matter of Case number 22PLND-1234, regarding 567 Main Street, I move approval of the requested zoning relief with the following conditions, X, Y, and Z, and that the project be in substantial compliance with the testimony provided and the documents on file.”
 - “I move what was previously said” or “So moved” are not a proper motions and do not make for a clear record.

QUESTIONS ON OMA, FOIA or ROBERTS RULES

- Questions?
- Open Meetings Act Training Course:
<http://foia.ilattorneygeneral.net/>
 - Provide copy of training course Certificate of Completion to Stephanie Mendoza, City Clerk.
(smendoza@cityofevanston.org)
 - Required for all elected or appointed members of a board or commission.
- Please contact me at:
 - Direct dial: 847-448-8154
 - E-mail address: aruggie@cityofevanston.org