

GENERAL RULE – Meetings under the Open Meetings Act must be done in-person

The Illinois Open Meetings Act (OMA) requires that a public body reach a quorum (i.e., 50%+1) of physically present members at a meeting location, in order to hold a meeting and conduct business. Once a physically-present quorum is met, a majority of the public body can allow a member to participate by video or audio conference ONLY if one of the following reasons has prevented the member from attending in-person: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency.

SPECIAL RULE – OMA meetings can be held virtually in a disaster, but only under specific conditions

Effective June 12, 2020, the Illinois Open Meetings Act was amended to provide an alternative to in-person meetings in the event of a disaster.¹ An open or closed meeting may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as **ALL** of the following conditions are met:

1. (a) The Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in the Illinois Emergency Management Agency Act, AND (b) all or part of the jurisdiction of the public body is covered by the disaster area.
2. The head of the public body determines that an in-person meeting is not practical or prudent because of a disaster. The "head of the public body" means the president, mayor, chairperson, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee. For purposes of NIU public bodies, the "head of the public body" is usually the chair of the public body.
3. All members of the public body participating in the meeting, wherever their physical location, must be verified and can hear one another and can hear all discussion and testimony.
4. For open meetings, members of the public at the regulation meeting location of the body can hear all discussion and testimony and all votes of the members of the public body, UNLESS attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the public body must make alternative arrangements and provide notice pursuant to the Open Meetings Act of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link.
5. At least one member of the public body, chief legal counsel, OR chief administrative officer is physically present at the regular meeting location, UNLESS unfeasible due to the disaster, including the issued disaster declaration.
6. All votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

48 hours' notice of the meeting and agenda must be provided (1) to all members of the public body, (2) on the website of the public body, and (3) to any news media that has requested notice under OMA. If all of these requirements are met, each member participating virtually is considered present for the meeting.

¹ From March of 2020 until July 25, 2021, most public bodies relied on a separate Executive Order from the Governor that suspended the in-person requirements of OMA, in order to conduct meetings virtually. That Executive Order expired on July 25, 2021 and can no longer be relied upon.