

Ancel Glink Today

Your Authority on Local Government Law

How to Avoid a Scandal

With so much media attention on Hillary Clinton's use of her private email account to conduct official government business, it begs the question of how this issue affects the email activity of local government officials. Illinois does not prohibit local government officials from using their private email accounts to conduct local government business, so legally there is no issue. However, when politics come into play, the use of a private email account could greatly affect public perception.

When using a private email account, Illinois local government officials need to be mindful of the requirements of the Open Meetings Act and the Local Records Act to ensure that their private communications do not constitute a violation of either statute. Additionally, local government officials need to be aware that their electronic communications may be subject to release under FOIA, even if they are sent on a private device. Recently, an Illinois appellate court established 3 situations where emails sent from private devices or accounts that discuss public business could be subject to FOIA: (1) when sent to a majority of a public body; (2) when forwarded to or from an official email account; or (3) when sent during a meeting of the public body. Officials should also be aware of local rules that may prohibit the use of private devices to conduct public business.

For more information, click [HERE](#).

Pending Bills

The Illinois House of Representatives has been hard at work, recently introducing three new bills which may affect local governments:

[House Bill 248](#): This bill proposes to amend the Open Meetings Act to allow a court to declare null and void any final action taken in open session at a meeting that violates the Act. Currently, only actions taken in closed session can be invalidated by a court.

[House Bill 1525](#): This bill proposes to amend the Prevailing Wage Act to exempt any public works project with a total cost of \$20,000 or less if the public body notifies the Department of Labor at least 60 days prior to commencing the project.

[House Bill 261](#): This bill proposes to allow a public body to post notices on its official website instead of publishing the notices in the newspaper.

Stay informed on the status of these bills and more by checking [Municipal Minute!](#)

Upcoming Events

Webinar on Government Social Media Policies

You won't want to miss this *free* webinar on government social media policies. On March 18, 2015 from 12:30 p.m. to 1:30 p.m., the Government Social Media Conference free webinar series presents, "What Are You Forgetting In Your Government Social Media Policy?" Panelists include Julie Tappendorf, Luke Stowe and Anil Chawla. The webinar will offer insight into minimizing risk, avoiding social media gaffes, and managing comment and monitoring policies. It will also focus on real life examples and legal case studies.

To sign up, or find more information, click [here](#).

FOIA Panel on March 24th

The Better Government Association's (BGA) Springfield Advisory Board is hosting a panel discussion, "FOIA Facts & Fiction: the Future of Open Records Laws in Illinois." The forum will be held on March 24, 2015, and will be held at the State Journal Register Building in Springfield.

The panelists include representatives from the Illinois Municipal League, the BGA, the news media, the Illinois General Assembly, and our very own, Julie Tappendorf. For more details, you can visit the BGA's website [here](#).

Want More FOIA?

The American Planning Association's Illinois Chapter is hosting its 2015 Spring Conference on March 26 and 27 in Peoria, Illinois. Ancel Glink attorney Greg Jones will present a session titled "Freedom Isn't Free: How to Navigate FOIA Without Losing Your Sanity" on Thursday, March 26 at 10:30 a.m. So, if you haven't satisfied your FOIA fix in Springfield on March 24, head north to Peoria on the 26th for yet another dose of FOIA. To learn more about the APA's Spring Conference and register to attend, click [HERE](#).



Want to Learn More?

For more information about any of these topics, please contact your principal Ancel Glink attorney or visit our [website](#) or blog [Municipal Minute](#) for more updates on cases, laws, and other topics of interest to local governments.

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