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Client Alert

To: Local Government Clients
From: Ancel Glink

New Law Changes Requirements for Meeting Agendas and Notices

On Thursday, July 19, 2012, Governor Quinn signed P.A. 97-0827 into law, amending the Open Meetings Act to add two new requirements for public bodies with respect to agendas and notices.

Agendas Must Identify the General Subject Matter of Ordinances and Resolutions

Public bodies must identify the "general subject matter" of any ordinance or resolution to be voted on at a meeting on the agenda. This language is not a significant change from existing law established by the Illinois appellate court's ruling in [Rice v. Adams County](#) requiring agendas to provide "sufficient advance notice to the people" of the action to be taken at a meeting.

Agendas and Notices Must Be Continuously Available to Public 48 Hours Before Meeting

Public bodies must make notices and agendas continuously available for public review during the entire 48-hour period before a meeting. This may create problems for public bodies that post their agendas and notices inside their principal office, such as a city or village hall, if that office is not continuously open to the public for the 48-hour period prior to a meeting.

Public bodies would appear to have three options available for complying with the new 48-hour continuous posting requirement of subsection 2.02(c):

- Post and maintain notices and agendas inside the principal office or meeting place, provided it remains open to the public the entire 48-hour period before a meeting; or
- Post and maintain notices and agendas outside the principal office or meeting place; or
- For public bodies that maintain a website, post and maintain notices and agendas on the public body's website in order to satisfy the requirement for continuous posting.

A public body must also comply with the posting requirements in subsections 2.02(a)&(b).

These two new requirements become effective January 1, 2013. The new language is below:

(c) Any agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting. The public body conducting a public meeting shall ensure that at least one

copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting. Posting of the notice and agenda on a website that is maintained by the public body satisfies the requirement for continuous posting under this subsection (c). If a notice or agenda is not continuously available for the full 48-hour period due to actions outside the control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting.

If you have any questions regarding this new legislation, please contact [Julie Tappendorf](#) or your primary Ancel Glink attorney.

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