

CLIENT ALERT

June 2021



Virtual Public Board Meetings Nearing Their End By Maureen A. Lemon

Last Friday, June 25, 2021, Governor Pritzker extended the option for Illinois public bodies to meet remotely or in a hybrid model for one more month, until July 24, 2021. Now that Illinois has entered Phase 5 of the State's Restore Illinois Plan, the ability of public boards to convene a meeting without a quorum being physically present is expected to then permanently expire on July 24, 2021.

As you know, the Illinois Open Meetings Act (OMA) was amended in June, 2020, to allow Illinois public bodies to meet remotely during the pandemic. At that time, Section 7(e) was added to the OMA to allow public meetings to be held virtually throughout the State during a gubernatorial disaster proclamation. 5 ILCS 120/7(e). In his most recent Gubernatorial Disaster Proclamation, Governor Pritzker continued to declare all counties in Illinois to be a disaster area for 30 more days. However, the Proclamation made clear that the governor does not expect to make this finding again "and public bodies should plan on its expiration as of July 24, 2021."

Many public entities have efficiently convened virtual meetings under OMA's Section 7(e) over this past year. Unfortunately, two bills pending before the Illinois General Assembly this Spring that would have allowed public bodies to continue conducting remote meetings under non-disaster circumstances did not get out of committee. While such legislation might be considered in a future legislative session, last week's Proclamation clarifies that a remote meeting option will not be available in the short term. Last week's proclamation gives Illinois public entities four weeks to prepare to return to regular, in-person meetings.

As a result, on or after July 25, 2021, the OMA will again require in-person attendance at public meetings by members of an Illinois public body and limit when remote participation by such members is permitted. If a quorum is physically present, a majority of the public body may allow a member of the public body to attend by video or audio conference because of (i) personal illness or disability; (ii) employment purposes or business related to the public body; or (iii) a family or other emergency. 5 ILCS 120/7(a) – (c).

Governor Pritzker also issued Executive Order 2021-14 on Friday, June 25, 2021. This Executive Order reiterated the expectation that all entities adopt public health measures including social distancing and face coverings for employees and visitors who are not fully vaccinated. As has been the case throughout the entire pandemic, emergency and governmental functions are exempt from, yet encouraged to follow, the recommended public health measures.

Please reach out to an Ottosen DiNolfo attorney if you have any questions regarding your public meeting practices or procedures.

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