



## Illinois Heartland Library System

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MEMO TO: IHLS Board of Directors  
 FROM: Leslie Bednar  
 DATE: March 18, 2022  
 RE: Open Meetings Act (OMA) Update

### **Background**

Early in the COVID-19 pandemic, Illinois instituted changes to the [Open Meetings Act](#) (OMA) (5 ILCS 120/). Public Act 101-0640 referenced additional language to section 5 ILCS 120/7 which addresses attendance by a means other than a physical presence. The additional text is found in 5 ILCS 120/7(e):

(e) Subject to the requirements of Section 2.06 but notwithstanding any other provision of law, an open or closed meeting subject to this Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met:

(1) 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 Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the public body is covered by the disaster area;

(2) the head of the public body as defined in subsection (e) of Section 2 of the Freedom of Information Act determines that an in-person meeting or a meeting conducted under this Act is not practical or prudent because of a disaster;

(3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;

(4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the 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 this Section 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 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; and

(6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(7) Except in the event of a bona fide emergency, 48 hours' notice shall be given of a meeting to be held pursuant to this Section. Notice shall be given to all members of the public body, shall

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be posted on the website of the public body, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of this Act. If the public body declares a bona fide emergency:

(A) Notice shall be given pursuant to subsection (a) of Section 2.02 of this Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting.

(B) The public body must comply with the verbatim recording requirements set forth in Section 2.06 of this Act.

(8) Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this Section is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(9) In addition to the requirements for open meetings under Section 2.06, public bodies holding open meetings under this subsection (e) must also keep a verbatim record of all their meetings in the form of an audio or video recording. Verbatim records made under this paragraph (9) shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06.

(10) The public body shall bear all costs associated with compliance with this subsection (e).

(Source: P.A. 100-477, eff. 9-8-17; 101-640, eff. 6-12-20.)

### **Library Systems Can Meet Electronically for Quorum**

For many years Illinois Library Systems with a service area over 4,500 square miles have been able to achieve a meeting quorum electronically (audio or video conference). The IHLS service area is over 28K square miles. For this reason, IHLS adopted its [Meeting via Electronic Means](#) policy at one of our first board meetings as a merged library system.

### **Legal Interpretation**

We received differing opinions on this matter. It will be good to have a record of meetings including votes by roll call. The recordings will allow members insight into meeting proceedings.

### **Implementation**

Effective with our March 22, 2022 meeting, all IHLS Board and committee meetings:

- will be recorded verbatim and the audio recording will be made available on our website soon after the meeting
- will hold all votes by roll call

Thank you for your patience while this new procedure was sorted. Please let me know if you have any questions and I will do my best to respond.