



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Economic Development Division

m e m o r a n d u m

TO: Public Arts Commission

FROM: Lisa Hatchadoorian, Public Art Coordinator

DATE: September 5, 2014

SUBJECT: Background on Public Input- Open Meetings Act

Introduction and Background

The Open Meetings Act (OMA) is a state law designed to ensure that Illinois residents have access to their government. The OMA requires that “all meetings of public bodies shall be open to the public.” The OMA defines “public body” to include “all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof.”

The OMA defines “meeting” to include “any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business. This rules out the application of the act to any unplanned encounter or casual get-together if there was no intent to discuss public business. As amended in 1981, the OMA’s definitions of “meeting” establish two important standards: numbers and intent. The numerical standard is a “majority of a quorum.” The larger the public body, the greater the number of members needed to constitute a meeting. If the public body has nine members, a quorum consists of five, and three members are needed for the act to apply. The intent is to bring the provisions of the act to bear upon any group large enough to carry a vote at a subsequent meeting.

All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday. OMA also provides that the public must be given advance notice of the time, place and subject matter of the meetings of public bodies. Any person shall

be permitted an opportunity to address public officials under the rules established and recorded by the public body. The OMA requires that public bodies must allow for public input at any and all meetings, whether regular or special. Further, each such commission, board and committee must adopt rules governing public input which may include:

- a. where public input appears on the agenda
- b. length of public input
- c. reduced time limits for an individual's public input due to a large amount of members providing public input
- d. public input topic limitations
- e. response to public input

Recommendation

Staff requests input from the Commission governing public input for the Public Arts Commission. Staff to present draft rules at the October 2014 Public Arts Commission meeting along with by-laws of the Public Arts Commission.