

OPEN MEETINGS ACT PUBLIC PARTICIPATION AND COMMENT DURING THE COVID-19 CRISIS

April 30, 2020

Governor Pritzker's [Executive Order 2020-07 \(available via this link\)](#), as extended by [Executive Order 2020-33](#), suspended some requirements of the [Open Meetings Act](#) (OMA), specifically, the requirement that a physical quorum must be present for a meeting and the limits on remote participation by members of the public body. The Office of the Attorney General provided its "[Guidance to Public Bodies on the Open Meetings Act and the Freedom of Information Act During the COVID-19 Pandemic](#)" after issuance of that order, but prior to the issuance of [Executive Order 2020-10 \(available via this link\)](#), the Governor's Stay at Home Order. With the suspension of these requirements through May 29, 2020 by [Executive Order 2020-33 \(available via this link\)](#), local officials have questioned if they can or should meet and, if they do meet, how to conduct such meetings in compliance with the orders.

PUBLIC PARTICIPATION IN MEETINGS

While [Executive Order 2020-33](#) extended the suspension of some requirements of OMA, it did not address or suspend other aspects of OMA, such as the required posting of notices and agendas or the allowance of public participation and public comment. Although that order encouraged public bodies to postpone public business when possible, some municipalities may find it necessary to meet during this time. If your municipality is continuing to hold meetings, the following suggestions are available in order to comply with the Governor's Stay at Home Order:

- 1) utilize a conference call system and provide call-in information in the notice of the public meeting so that members of the public may participate remotely as well (note that some systems allow for muting of participants, with the ability to unmute them by the host);
- 2) utilize a web-based meeting platform and provide participation information in the notice of the public meeting so that members of the public may participate remotely as well (note that some systems allow for muting of participants, with the ability to unmute them by the host);
- 3) livestream the meeting through a video or social media platform and provide access information in the notice of the public meeting;
- 4) audio and/or video feed to a separate room in the same building as the meeting room where up to 10 members of the public can hear and/or see the meeting in real time while maintaining social distancing.

If you do not normally utilize any audio or video technologies and do not have staff or



equipment to do so, a local media outlet, newspaper or school technology staff may be able and willing to provide that resource.

PUBLIC COMMENT

OMA requires public bodies to allow public comment at meetings of the public body. To allow for public participation in meetings, the municipality may allow members of the public to participate in the following ways:

- 1) participate directly in the meeting by one of the above suggested methods, allowing them to be unmuted to speak;
- 2) submit comments via email or in writing to a designated official (if one is in the office) for reading into the record by a designated official during the meeting, subject to existing rules for public comment;
- 3) if members of the public are participating from another room or location, allow individuals to enter the meeting room one at a time to provide comment, while maintaining social distancing;
- 4) allow members of the public to schedule specific times for providing their comments, have individuals enter the meeting room long enough to provide comment and then exit to allow comment by the next person, while maintaining social distancing.

Public comments, whatever their format, would be subject to any reasonable rules and restrictions the municipality already has in place for public comment, such as time limits.

Any change to public access to the meeting place or procedures for public comment should be included in the meeting notice. If utilizing a conference call-in system or a web-based system, participation information should be provided in the meeting notice.

Suggested, not endorsed, conference call and web-based meeting systems include services by these private businesses that you may wish to look into or consider:

[GoToMeeting](#)

[Zoom](#)

[Skype for Business](#)

[Webex](#)

