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Attorneys at Law

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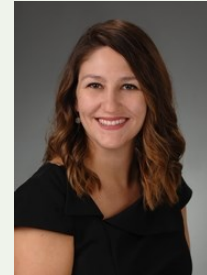
For any questions or comments you might have regarding this newsletter, please feel free to contact:

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**LEGAL ALERT****Public Access Counselor Finds that Entirely Remote Meeting and Submittal of Public Comment Two Hours Before Meeting did not Violate the Open Meetings Act in Light of the Governor’s Executive Order and Disaster Proclamation**

On April 6, 2020, the Public Access Counselor (“PAC”) dismissed an Open Meetings Act (“OMA”) complaint against the McHenry County Board of Health, finding that their entirely remote meeting that only allowed public comment to be submitted via email two hours before the meeting, was proper in light of Governor Pritzker’s Executive Order 2020-07. Specifically, the McHenry County Board of Health held an entirely virtual meeting and, in its agenda, provided an internet link where the public could listen to the meeting. The agenda also stated that public comments had to be submitted in writing two hours before the meeting and provided an email address for the submission of those comments. The PAC reasoned that given the public health emergency, the shelter in place order requiring people to stay home, and the permission given to public bodies to meet remotely, it would then be “illogical to construe the Open Meetings Act as prohibiting a public body from meeting remotely during public health emergencies because the limitations of meeting in such a format may necessitate a temporary change in the public body’s method of allowing public comment.” The PAC concluded that regardless of whether the public could provide verbal comments during the meeting, the two hour submittal did not unreasonably restrict public comment under the unique circumstance of this public health emergency because it allowed the public to address the substance of their comments to the Board. Finally, it found that Section 2.06(g) of OMA merely provides the public a statutory right to address the public body, it does not require public bodies to answer questions or interact with public; therefore, emailing public comments provided members of the public with their statutory rights to comment during this public health emergency. As a procedural matter, this is similar to a non-binding decision, however, the PAC dismissed the complaint outright and did not require the public body to provide a response defending its actions. If you have questions about the Open Meetings Act during this public health emergency, please contact your attorney.

[OMA Request for Review—2020 PAC 62329](#)

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