



CLIENT ALERT

Public bodies may meet remotely during the COVID-19 outbreak

A recent executive order by Governor J.B. Pritzker suspends portions of the Open Meetings Act, 5 ILCS 120 *et seq.*, and allows local government meetings to occur without in-person attendance.

As health officials urge residents to practice “social distancing” to combat the spread of coronavirus (COVID-19), public bodies face a significant challenge in adhering to the Act’s requirement that a quorum be *physically* present at any official meeting. Ordinarily, a board member may participate by phone or video in certain situations—and then only if a quorum is also physically present at the meeting. As a result, many public bodies have canceled their meetings to avoid personal contact during this pandemic.

To ease those concerns, Governor Pritzker issued Executive Order 2020-07 on March 16, 2020, temporarily suspending the portions of the Act that require in-person attendance and specific justifications for audio or video participation. This means public bodies can conduct all their meetings through phone or video conference, while the governor’s ban on large gatherings is in effect.

This temporary measure will allow local governments to conduct necessary business, such as paying bills and approving vital measures. However, Executive Order 2020-07 encourages public bodies to “postpone consideration of public business where possible,” reserving those actions for a time where normal meeting procedures can be followed.

The Governor hopes public bodies will provide some way for members of the public to participate in these meetings without having to be physically present. If possible, video, audio, or telephonic access to meetings should be offered through the public body’s website and/or social media platforms. The Illinois Attorney General’s Office also suggests taking public comments by email and reading those comments at the meeting. Public bodies should keep the public informed on changes to meeting schedules or formats, as well as continue to adhere to the Act’s usual agenda posting requirements.

Additionally, in his March 16 Executive Order, Governor Pritzker banned all events with more than 50 people in attendance. ([Governor’s Executive Order](#)) Meanwhile, President Donald Trump issued new federal guidelines that recommend social gatherings be limited to no more than 10 people. ([President’s Guidelines](#)) Your organization must decide which guideline to follow. In making this decision, it is important to note that the Governor’s ban actually *prohibits* gatherings larger than 50, while the President’s guidance is only a recommendation; no one in Illinois is presently forbidden from gathering in groups of 10 or more.

Contact one of our attorneys if you have questions or need assistance with this matter

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