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**MEMORANDUM**

FROM: Phillip B. Lenzini  
DATE: August 13, 2003  
RE: Open Meetings Act Amendment  
Senate Bill 1586

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Founded in 1883 as  
Worthington & Page  
RICHARD J. KAVANAGH  
(1894-1963)  
J. CHASE SCULLY, JR.  
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WILLIAM McD. FREDERICK  
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On August 12, 2003, the Governor signed the Open Meetings Act Amendment which was Senate Bill 1586 into law to be effective January 1, 2004. This Act will require all public bodies to keep a "verbatim record of all of their closed meetings" in the form of an audio or video recording. This memo will cover the additional elements of this new legislation.

Minutes of the closed session must still be kept with the same elements and treatment as in the past including semi-annual review, which now must include the recordings as well, and their potential release. The verbatim tape may be destroyed without notifying the State Archivist no less than 18 months after the meeting but only if the public body approves the destruction and written minutes meeting the requirements have been approved.

Unless the recording has been disclosed, the verbatim record is not open for public inspection or subject to discovery except in a lawsuit brought to enforce the Open Meetings Act, and then the court can review the tape in camera to determine if there has been a violation of the Act.

The Amendment modifies Section 2.06 of the Act known as 5 ILCS 120/2.06. This is P.A. 93-0523.

PBL:sec

Illinois Open Meetings Act Amendment  
(SB 1586)  
aka P.A. 93-0523  
Modifies Illinois Statute #5 ILCS 120/2.06  
Signed into law by Governor Blagojevich August 12, 2003

Purpose:

Requires all public bodies to keep a verbatim record of all closed meetings

Procedures:

- All closed meetings must be taped either by audio or video means.
- Written minutes must also be kept for all closed meetings.
- Both minutes and tapes must be reviewed semi-annually.
- Tapes must be kept **at least** 18 months after initial recording of the closed meeting.
- Destruction of closed meeting tapes after the 18 month retention period do NOT require notification of the State Archivist.
- Closed meeting tapes can only be destroyed after 18 months upon approval by the public body.
- Once the public body has approved opening closed meeting minutes, they may NOT be destroyed. Only the tape can be destroyed after 18 months.
- Once closed meeting minutes are approved to be opened, they become a matter of the public record.

Effective Date of the Law:

January 1, 2004

Questions & Answers:

Q: Does the tape have to be reviewed semi-annually too or just the written minutes?

A: Both the tape & minutes have to be reviewed semi-annually.

Q: Does that mean every minute of the tape or just parts of it?

A: The tape does not have to be reviewed minute by minute. It is just a review.

Q: Does the entire Board have to review the tape?

A: No, it can be a delegation of the Board, an attorney, a volunteer, the Executive Director, etc.

Q: Can the tapes be destroyed BEFORE 18 months if the minutes are opened before then?

A: No. The law states that closed meeting tapes cannot be destroyed less than 18 months, and then only if written minutes are kept AND the Board approves to destroy them.