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Open Meetings Act: New Agenda Requirements

Effective January 1, 2013, there are a few new provisions in the Open Meetings Act relating to board meeting agendas. The amendments are contained in Public Act 97-827, which adds new subsection (c) to Section 2.02.

First, it is now mandated that the "general subject matter of any resolution or ordinance" must be set forth in order for a board to take final action. This sets at least some standard for the degree of particularity required on the agenda for action items. The Act has long provided that, to be valid, actions at special meetings need only be "germane to a subject on the agenda," and, logically, it would seem that regular meeting agendas would not have to be more particular than special meetings. However, one 10-year-old appellate court decision ruled that the topic "new business" on a regular meeting agenda was not specific enough notice for any particular action to be taken. This new statutory language, requiring "general subject matter," is more particular than being merely "germane," but

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note that the new requirement is limited to formal actions which could be termed a "resolution or ordinance."

Second, the amendments make it clear that a posted agenda must be **continuously** available for public review during the 48-hour period preceding the meeting. However, this continuous posting requirement may be satisfied alternatively via the district's website, as well by physically posting the agenda at the district office.

Finally, if the 48-hour continuous availability for viewing requirement is not met due to actions outside of the control of the district, then that failure will not invalidate the meeting or any action taken.