

Legislative Update



The Latest Legislative Issues Affecting Parks, Recreation and Conservation

#32-2020 -- June 12, 2020

TO: IAPD Members

**FROM: Peter Murphy, Esq., CAE, IOM, IAPD President and CEO
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RE: Open Meetings Act Changes Signed into Law

Several bills that we reported on at the conclusion of the General Assembly's four-day Special Session in May have now been signed into law.

Just now, the Governor signed [SB 2135 \(Sims, E., Jr. / Burke, K.\)](#), which makes several changes to existing laws to address issues prompted by the COVID-19 pandemic.

Open Meetings Act

First, the new law amends the Open Meetings Act and sets new statutory rules for how an open meeting may be conducted by audio or video conference, without the physical presence of a quorum of the members, during certain disaster declarations.

Effective immediately, the Open Meetings Act now specifically allows public bodies to meet remotely without the physical presence of a quorum of the members if:

- (1) the Governor or the IDPH Director has issued a disaster declaration related to public health concerns, and all or part of the jurisdiction of the public body is covered by the disaster area;
- (2) the head of the public body as defined in the Freedom of Information Act determines that an in-person meeting under the Act is not practical or prudent because of a disaster;

- 3) all members of the body participating in the meeting, wherever their physical location, are verified and can hear one another and can hear all discussion and testimony;
- (4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the public body must make alternative arrangements and provide the required notice of such alternative arrangements in a manner to allow the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;
- (5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and
- (6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.
- (7) Except in the event of a bona fide emergency, 48 hours' notice must be given of a meeting to be held pursuant to this Section. Notice shall be given to all members of the public body, shall be posted on the website of the public body, and shall also be provided to any news media who has requested notice of meetings. If the public body declares a bona fide emergency: (A) Notice shall be given pursuant to the Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting; (B) The public body must comply with the verbatim recording requirements set forth in Section 2.06 of the Act.
- (8) Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this Section is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.
- (9) In addition to the requirements for open meetings under Section 2.06, public bodies holding open meetings under these new provisions must also keep a verbatim record of all their meetings in the form of an audio or video recording. Verbatim records made under this paragraph (9) must be made available to the public under, and are otherwise subject to, the provisions of Section 2.06 of the Open Meetings Act.
- (10) The public body must bear all costs associated with compliance.

Last week, IAPD offered a complimentary, members-only webinar on these changes, which IAPD members [may still access through the IAPD Knowledge Center](#).

Free Museum, Aquarium and Zoo Days

[SB 2135](#) also temporarily changes the annual free days under the Park District Aquarium and Museum Act and the Cook County Forest Preserve District Act by aggregating the total number of free days that must be offered between the effective date of the Act and June 30, 2022, to a total of 52 free days during that period, with 6 being provided during the period from June through August, 2021. The Forest Preserve Zoological Parks Act

contains a similar, but not identical, change that reduces the number of free days from the current one a week to one for every two weeks.

Statements of Economic Interest

[**SB 2135**](#) also temporarily suspends the May 1 deadline for filing Statements of Economic Interest until August 1, 2020.

Property Taxes

Last Friday, June 5, the Governor signed [**SB 685 / Public Act 101-0635 \(Koehler, D. / Zalewski, M.\)**](#), which clarifies that county boards outside of Cook have the option to approve a waiver of some or all of the interest penalty for delinquent tax payments except the final installment of property taxes that are payable this year. The bill restricts the waiver to a period of (i) 120 days after the bill becomes law, which was June 5, or (ii) until the first day of the first month during which there is no longer a statewide COVID-19 public health emergency, as evidenced by an effective disaster declaration of the Governor.

The bill also automatically extends certain exemptions for persons with disabilities and seniors for one year without the need for those persons to re-apply and delays the annual tax sale that would ordinarily be held in calendar year 2020 in counties other than Cook to no earlier than (i) 120 days after the date the bill becomes law (June 5) or (2) until the first day of the first month during which there is no longer a statewide COVID-19 public health emergency, as evidenced by an effective disaster declaration of the Governor covering all counties in the State.

Other Bills Signed into Law

The Governor has also just now signed [**HB 64**](#) (Hoffman, J. / Harmon, D.), which is the capital appropriations bill. Earlier this week, the Governor also signed [**SB 264 / Public Act 101-637 \(Harmon, D. / Harris, G.\)**](#), the state operations budget, [**HB 357 / Public Act 101-636 \(Harris, G. / Harmon, D.\)**](#), the budget implementation bill (BIMP), and [**HB 2455 / Public Act 101-633 \(Hoffman, J. / Holmes, L.\)**](#) which includes changes to the Workers' Occupational Diseases Act and the Unemployment Insurance Act, that we discussed in our [**May 26 Legislative Update**](#).

Because of the late hour, the Public Act numbers for SB 2135 and HB 64 are not available and the bill status has not been updated. Both should be posted to, and updated on, the General Assembly's website no later than Monday.

As always, you can view the status of all of the bills we are tracking at ILparks.org. Please contact us if you have questions regarding these new laws or any other matter.

Have a great weekend!

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