

Memo

To: Village President
From: Robert Kosin, Director of Administration
CC: Board of Trustees
Date: May 16, 2014
Re: OMA

This is to advise you that the posting requirements of the agenda of the Zoning Board of Appeals for its regular meeting did not comport with the standards of the Open Meeting Act as attached.

Specifically the physical copy of the agenda could not be confirmed to have been displayed continuously 48 hours in advance of the meeting of May 19th. This requirement is independent of the on-line posting, publication in the newspaper, distribution to the adjoining property owners and posting on the subject property. For this notice purpose the Village maintains a bulletin board readily visible both in the lobby of the meeting room and outside the building. These bulletin boards display all the agenda and schedule as adopted for the upcoming month.

While there is no specific finding of cause, no agenda was found to be displayed and the items could not proceed before the ZBA for action that day.

The posting process is under review and change will be taken going forward to reduce the duplicity of dual boards and provide a location that can be readily evident to all of displaying the applicable physical agenda.

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. **An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded.** The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) **Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body.** Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved. **Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded.** The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. **The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.**

(c) Any agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting. **The public body conducting a public meeting shall ensure that at least one copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting. Posting of the notice and agenda on a website that is maintained by the public body satisfies the requirement for continuous posting under this subsection (c). If a notice or agenda is not continuously available for the full 48-hour period due to actions outside of the control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting.**
(Source: P.A. 97-827, eff. 1-1-13.)