

High Speed Rail Commission

April 11, 2023



Training Roadmap and Objectives

(1) Required Trainings for Board and Committee Members

- Types of trainings
- How Board and Committee members are informed of trainings
- How to complete trainings
- How to report compliance



(2) Open Meetings Act

- Requirements for Boards and Committees

(3) Freedom of Information Act

- General overview
- Responding to requests for information

Required Trainings for Advisory Board Members

ETHICS, 5 ILCS 430/5-10

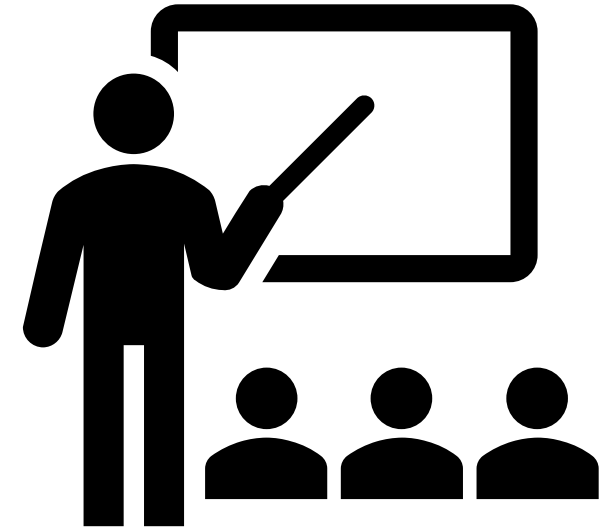
SEXUAL HARASSMENT PREVENTION, 5 ILCS 430/5-10.5

OPEN MEETINGS ACT, 5 ILCS 120/1.05

Mandatory Training: Who, What, When?

All Board and Committee members must complete:

- Ethics Training: **within 30 days of appointment**, annually thereafter
- Discrimination and Sexual Harassment Prevention Training: **within 30 days of appointment**, annually thereafter.
- Open Meetings Act Training: **within 90 days of appointment**; one training suffices for term of appointment.



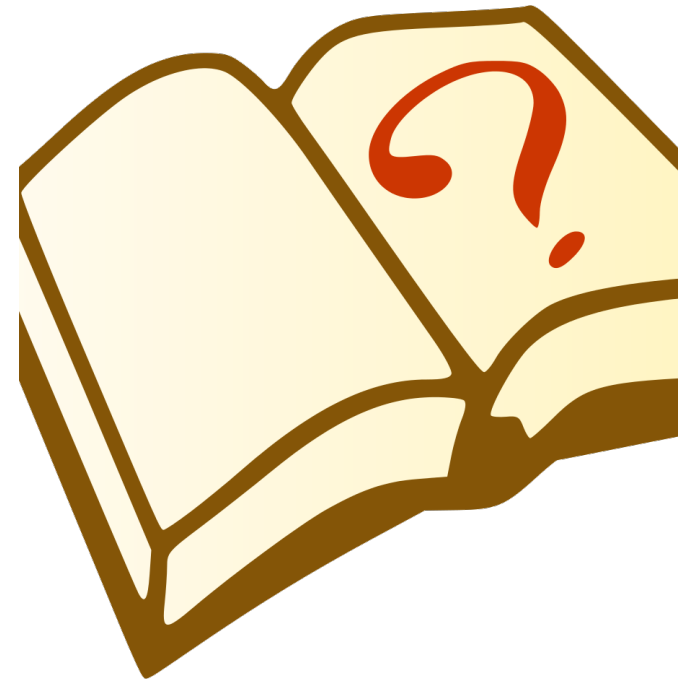
How are Board Members Informed?

Communications between board members, board liaison and agency ethics office to ensure timely training materials are provided to board members.

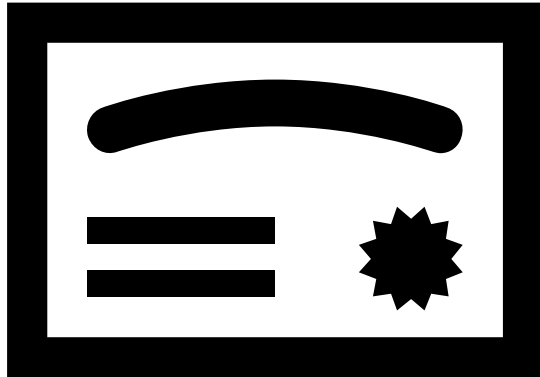
Ethics Training and Discrimination and Sexual Harassment Prevention Training: Ethics Officer will work with board liaison to provide links to training through OneNet.

Open Meetings Act Training: Administered online through the Office of the Illinois Attorney General found at the following link: [Office of the Illinois Attorney General - FOIA and PAC Site \(ilag.gov\)](https://www.ilag.gov/foia/pac)

Register in order to receive proof of completion.



How is Training Completion Reported?



- Ethics and Discrimination and Sexual Harassment Prevention Training: OneNet generates a certificate of completion. OneNet tracks who completes the training. You do not need to report your completion of training to the board liaison or ethics officer. An annual report of participation is provided to the OEIG, EEC and Governor's Office that includes the names of individuals who fail to complete the training. Individuals who fail to complete the Discrimination and Sexual Harassment Prevention training are published on the EEC's website.
- Open Meetings Act Training: An **electronic certificate** is generated upon completion of the electronic training curriculum developed by the AG Public Access Counselor (PAC). This certificate can be printed.

Open Meetings Act

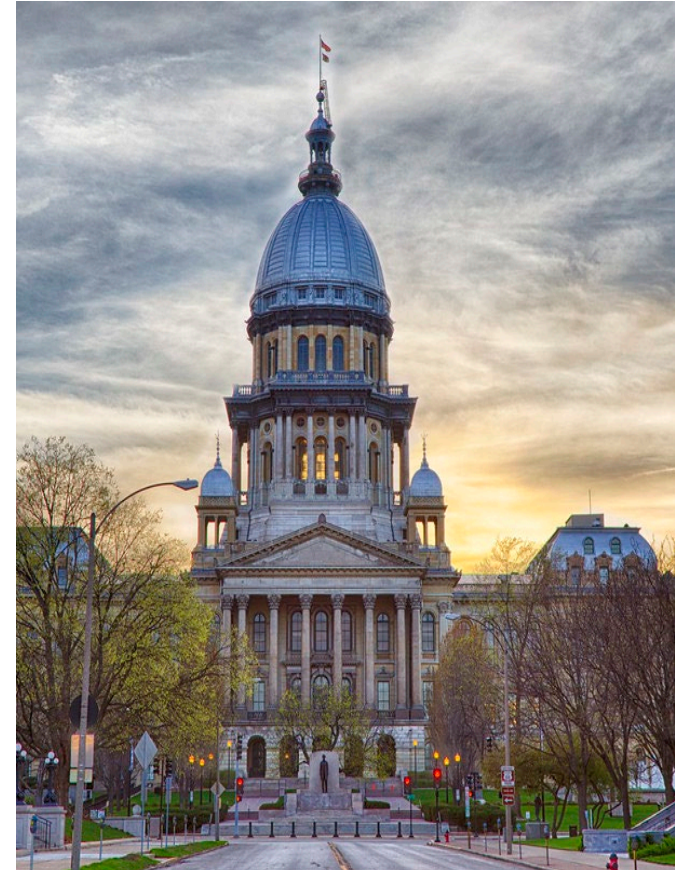
5 ILCS 120/1 – 7.5

What is the Illinois Open Meetings Act?

- Ensures that the actions of public bodies be taken openly and that their deliberations be conducted openly
- When members of a public body have a “meeting”, the requirements of OMA apply

What is a Public Body?

- All legislative, executive, administrative or advisory bodies
- Committees, subcommittees, subsidiary bodies of the public body
- Informal gatherings of at least a majority of a quorum of a legally constituted public body



What is a Meeting?

- A gathering
- of a majority of a quorum of a public body
- held to discuss public business

What is a Quorum?

- Minimum number of members of a public body who must be present in order for the body to take official action
- May be defined by statute (*“The affirmative vote of 6 members of the Board shall be necessary for Board action.”*)
- If not defined by statute, a quorum is a majority of the total number of members of the body (*ex. 20 total members of a public body; quorum = 11 members*)

What is a Majority of a Quorum?

- Smallest number of members of a public body able to control action when a simple quorum is present

Public Body Members	Quorum	Majority of a Quorum
13	7	4
11	6	4
9	5	3
7	4	3
5	3	3*
3	2	2

**specifically defined in OMA*

What is “Discussing Public Business”?

- Exchanging views and ideas related to the affairs of the public body
- Does not apply to social gatherings
- Gathering can convert to a meeting at the point when deliberate discussions of public business begin

Requirements of OMA

Training

- Electronic OMA training – within 90 days of appointment
- Provide Certificate of Completion to board liaison
- Completing the training once fulfills the requirement during the term of office

Physical Presence

- Options for attendance – must be included in board bylaws (cannot include e-mail, text, chat room discussions in efforts to circumvent attendance)
- Remote attendance by board members
- Remote attendance by members of public

Meeting Locations and Accommodations



Location

- All public meetings must be held at specified times and places convenient and open to the public
- Example: Not restricted to a class of people, convenient to the public as a whole, accommodate the anticipated attendance of large groups

Legal Holidays

- Meeting may not be held on a legal holiday unless the regular meeting day falls on the holiday

Signage

- Signs should be posted outside the door of the meeting room
- Do not close doors of the meeting room unless it is a closed meeting

Sample Meeting Sign

High Speed Rail Commission

April 11, 2023

10:00 am – 12:00 pm

NOTE: THIS IS AN OPEN MEETING.

Public Notice



WHEN?

- Annual regular meetings – start of the year
- Special meeting or rescheduled regular meeting – 48 hours prior to meeting

WHERE?

- Principal office and website

HOW LONG?

- Until conclusion of the meeting

Agenda

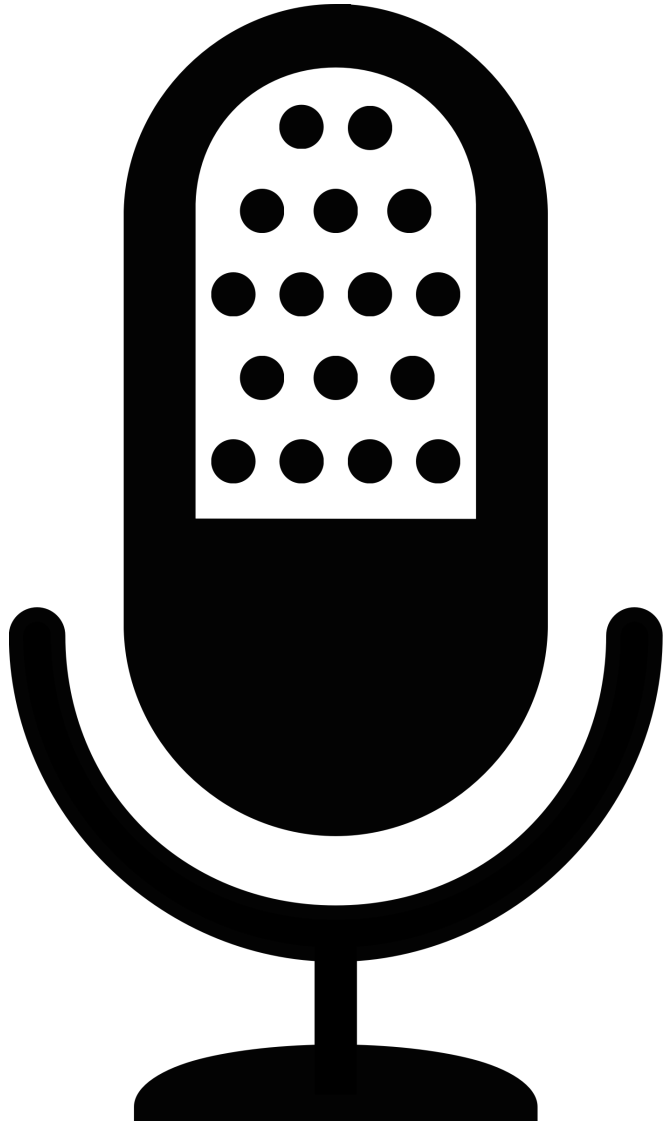


- Location of posting – principal office and website
- Length of posting – 48 hours before meeting until conclusion of the meeting
- Cannot be changed less than 48 hours prior to a meeting
- Contents – general subject matter of any items that will be the subject of final action at the meeting
- Discussion of items not on agenda – permitted but no final action may be taken by the Board (recommend discussion of items not on the agenda to be tabled until next meeting)

Minutes



- Written minutes required for all meetings
 - General summary, not verbatim
- Requirements
 - Date, time, place of meeting
 - Members present and means of attendance (in person, phone, etc.)
 - Summary of discussion
 - Record of any votes taken
- Approval by Board
 - Within 30 days after the meeting or at the second subsequent meeting, whichever is later
 - Recommend approving minutes at the next meeting of the Board
- Availability to the public 10 days after approval (i.e. posted on website)



Public Recording

- Permissible by any person at an open meeting
- Cannot interfere with overall decorum and proceedings
- Reasonable rules must be adopted by the board and included in bylaws

Public Comment

- Permissible by any person at an open meeting
- At the start or end of the meeting
- Reasonable rules must be adopted by the board and included in bylaws
 - Accommodation not restriction
- Reasonable to time, place, manner
 - Time limits
 - During the public comment portion of a meeting
 - Discussion of only subjects on the agenda
 - Irrelevant, repetitious, disruptive comments
 - Content-based restrictions (speaker viewpoints)



Closed Meetings



Only in limited situations allowed by law – contact Office of Chief Counsel with concerns regarding applicability



Procedures to close a meeting



No final action



Verbatim recording

Noncompliance and Enforcement



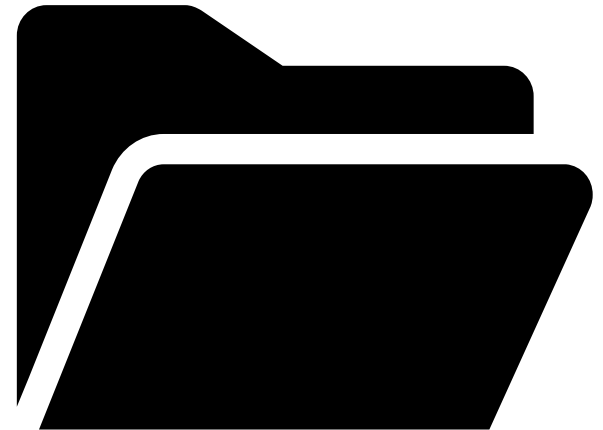
- Circuit court
- Attorney General Request for Review (AG Public Access Counselor, i.e. the “PAC”)
- Time frame – within 60 days of the meeting or within 60 days of when violation was discovered
- Relief for findings of OMA violations

Freedom of Information Act

5 ILCS 140/1- 11.6

What is FOIA?

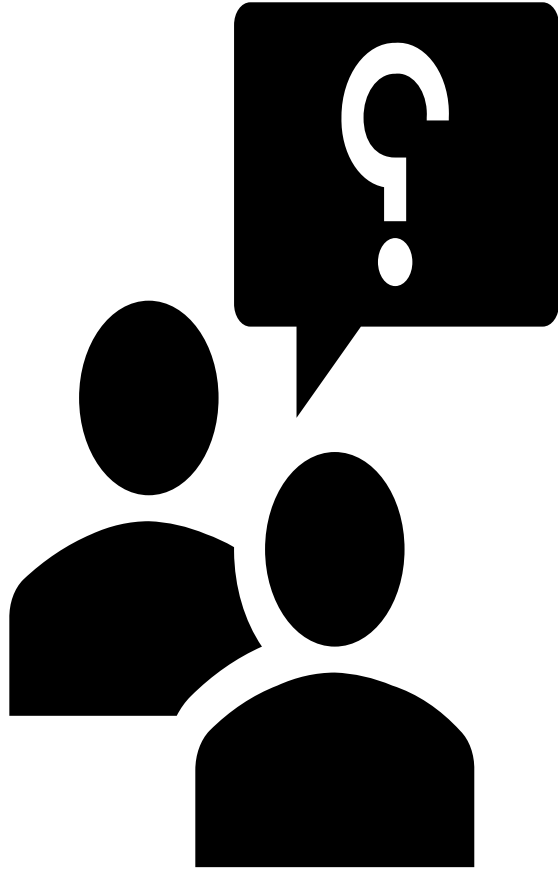
- Act establishing as **public policy** in the State of Illinois that **access by all persons to public records** promotes the transparency and accountability of public bodies at all levels of government
- Recognizes that it is a **fundamental obligation** of government to operate openly and provide records as expediently and efficiently as possible.
- **All public bodies are subject to FOIA, and all public records are *presumed* to be open for inspections and copying.**



What is a Public Record?

- Anything and everything...
- Pertaining to the **“transaction of public business”**
- Regardless of physical form or characteristics
- Having been prepared by, or for, or having been used by, received by, in the possession of, or under the control of any public body.





What if I Receive a Request for Public Records?

- Forward **immediately** to the IDOT FOIA Officer at DOT.FOIA@Illinois.gov
- If the FOIA Officer contacts you for assistance with a request for records, **cooperate and search for documents without delay**
- **Strict response timeline applies!** (5 business days after receipt by any representative of IDOT)
- If **additional time** is necessary to gather or prepare records (beyond 2-3 business days) bring to the FOIA Officer's attention ASAP

Takeaways



Keep accurate membership records and **communicate**

- with board liaison and ethics officer
- with Board and committee members

The **Open Meetings Act applies**, and it matters

- Meeting Notices, Agendas, Minutes
- Signage
- Public Comment cannot be limited without *written adopted rules*

Freedom of Information Act applies to board records

- Act quickly and cooperate with FOIA Officer



Questions?

Contact Information

Office of Chief Counsel

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