

## 6. RECORDS OF MEETINGS

Section 2.06 requires a public body to keep minutes of all open meetings. Minutes must include, but need not be limited to: "(1) the date, time and place of the meeting; (2) the members of the body recorded as present or absent; and (3) a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken." 5 ILCS 120/2.06(a).

This section formerly required that public bodies keep minutes of all closed meetings.

That requirement was deleted by Public Act 93-523, effective January 1, 2004, and was replaced by the current requirement that public bodies "keep a verbatim record of all their closed meetings in the form of a video or audio recording." 5 ILCS 120/2.06(a). Effective January 1, 2005, however, the requirement that minutes be kept of all closed meetings, in addition to keeping a verbatim record of those meetings, will be reinstated by Public Act 93-974. The purpose of these provisions is twofold: (1) to ensure that public bodies keep accurate records of their proceedings for their own protection; and (2) to provide a record for a court to examine when it is trying to ascertain whether or not a violation of the Act has occurred.

To comply with these requirements, a public body must enter into its minutes a summary of all discussion held by the body on items brought before the meeting. The minutes must include sufficient data so that either the body or a court examining its minutes will be able to ascertain what, in fact, was discussed, the substance of that discussion, and what, if any, action was taken. To comply with the verbatim recording provision, the public body must record the entire closed meeting.

With respect to closed meetings held during calendar year 2004, there are compelling reasons for keeping minutes of those meetings despite the deletion of the statutory requirement. In order to address concerns that the making of a verbatim record would chill frank discussion,