



**VILLAGE OF WOODRIDGE  
MEMORANDUM**

**Date:** July 23, 2003

**To:** Honorable Mayor & Board of Trustees  
Eileene Nystrom, Village Clerk  
John Perry, Village Administrator

**From:** Peggy Halik, Assistant Village Administrator *Peggy*

**Subject:** Use of E-Mail Among Elected Officials

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A question has been raised about the use of e-mail among elected officials and the potential implications of the Open Meetings Act. The concern is that the use of the reply-all feature may be interpreted as a meeting.

The Open Meetings Act defines a meeting in three parts. "It requires that there be 1) a gathering 2) of a majority of a quorum 3) to discuss public business. The term "gathering" includes in-person, telephonic and electronic assemblages." (Guide to the Illinois Open Meetings Act, Attorney General, State of Illinois). The Act, however, does not provide specific explanation as to whether or how e-mail communications may qualify as a meeting as defined under the Act. It would seem logical that on-line meetings and chat rooms in which electronic conversations can take place would be subject to the Act, but that sending e-mail messages, which is not fundamentally different than mailing or faxing a written document except with respect to the speed with which the information is transferred, would not be meetings.

However, the Lake County States Attorney's Office recently conducted an investigation into the Libertyville-Vernon Hills Area High School District 128's use of e-mail and possible violations of the Open Meetings Act. While charges were not filed, the investigation has sent a message that there is a willingness to challenge the use of e-mail among public officials.

In the absence of clear language in the Act itself or applicable caselaw, our Village Attorney recommends that members of the Corporate Authorities err on the side of caution and reply only to the originator of an e-mail message. There is not an issue with staff sending e-mail messages to all of the elected officials since the Act does not apply to staff members.

If you have any questions, please contact John Perry or myself.

Attachment

c: Tom Good, Village Attorney