

Towns lacking guidelines for e-mail

Study shows majority don't have policies to help leaders comply with meetings act

By Robert Sanchez
Daily Herald Staff Writer

Posted Thursday, August 31, 2006

State law extends to cyberspace when it comes to prohibiting secret discussions of public business.

Still, most towns in Cook and DuPage counties don't have policies outlining how public officials should use e-mail and other high-tech communication tools to comply with the Open Meetings Act, a new study shows.

In fact, the nonprofit Citizen Advocacy Center found only five towns in those counties — Arlington Heights, Bartlett, Northfield, Park Ridge and Wilmette — with comprehensive guidelines.

"There is very little guidance out there for public officials to understand how their usage of the Internet could have implications for the Open Meetings Act," said Terry Pastika, executive director of the Elmhurst-based watchdog group.

It's an issue that Pastika says should be addressed because a planned Jan. 1, 2007, update to the act will expand the definition of "meeting" to include electronic methods, such as online chat and instant messaging programs.

"The Information Age poses serious problems to ensuring open government," Pastika said. "It's easy to violate the act, so there needs to be a conscious effort to set parameters."

In reaching that conclusion, the center last month surveyed 161 communities. It received responses from 113 of them.

Researchers say they were surprised to learn that 73 of the responding municipalities have no policy about how e-mail applies to the meetings act. Some instead offered tips on how to avoid infecting municipal computers with viruses.

A representative with the Illinois attorney general's office said one reason for the absence of e-mail policies could be that municipal leaders believe they don't need a policy beyond what state law already requires.

"The act stands, whether or not a public body has chosen to go into more depth," said Terry Mutchler, the office's public access counselor. "You still cannot use e-mail to circumvent the Open Meetings Act."

Still, she said, the office recommends that public bodies, including school boards and townships, adopt a policy so officials have guidelines.

Paula Schumacher, Bartlett assistant village administrator, says that's why the village passed a 2004 ordinance forbidding village board and commission members from communicating through e-mail if a quorum is involved.

The goal is to prevent unintentional violations.

"It's something that an elected official can just kind of fall into by mistake," she said. "So we want to give them the tools to stay within the law."

In addition to discouraging e-mail chains and using "reply all" features, Bartlett saves all e-mail correspondence in compliance with the Freedom of Information Act.

Citizen Advocacy Center's Pastika said she wants to see more public bodies adopt those practices and others, such as regulating the use of home computers and banning elected officials from using personal e-mail accounts for public business.

"I don't think this is an issue of public bodies circumventing the spirit or intent of the law," she said. "This is an issue of the technology being too far ahead of the law and the law needing to catch up."

dailyherald.com