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DATE: October 16, 2026

TO: RAILS Board of Directors

FROM: Monica Harris, Executive Director

SUBJECT: 8.1 Compliance with Laws Update 2026

Annually, we are required to review compliance with laws as part of our reporting (through the Annual Report) to the Illinois State Library. Thanks to our legal partners at Ancel Glink for this most recent revision.

Updates from last year's memo include:

- Amendments to the Open Meetings Act and Freedom of Information Act (Public Act 104-0438)
- The Jury Act and Jury Commission Act (Public Act 104-0683)
- The Local Library Act and Public Library District Act (Public Act 104-0808)

Kurt Asprooth of Ancel Glink will also join us at our October meeting.

Ancel Glink

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MEMORANDUM

To: Monica Harris, Executive Director
Reaching Across Illinois Library System

From: Erin M. Monforti
Natalie Cheung

Subject: Board Member Compliance with Various Laws

Date: October 5, 2026

There are various laws in effect in Illinois which impact the day-to-day business of Reaching Across Illinois Library System (RAILS). You have asked us to provide you with a brief summary of each of these laws to provide to the Board members to assist them in fulfilling their duties, which is provided below. Please note this is by no means an exhaustive list of the laws applicable to library systems and public libraries in Illinois—rather, this memo is intended to provide general information about the more commonly known and widely applied laws.

Several New Laws for 2026–2027

Public Act 104-0438: Among other amendments to the Open Meetings Act and Freedom of Information Act, public bodies may not hold or schedule a regular or special meeting on the day of a general primary election, a general election, a consolidated primary election, or a consolidated election. This restriction went into effect on January 1, 2026. 5 ILCS 120/2.07.

Public Act 104-0683: The Jury Act and Jury Commission Act were recently amended to require employers with more than 25 employees to compensate employees at their regular pay rate for time served on jury duty. This requirement becomes effective on January 1, 2027. 705 ILCS 305/4.1(a); 705 ILCS 310/10/1(a).

Public Act 104-0808: The Local Library Act and Public Library District Act were recently amended to include language requiring libraries to provide information for the 9-8-8 National Suicide Prevention Lifeline in a "prominent location that is visible to and accessible to patrons" within Illinois libraries. This new law goes into effect on January 1, 2027. 75 ILCS 5/1-9; 75 ILCS 16/1-27.

Illinois Open Meetings Act (OMA), 5 ILCS 120

The Illinois Open Meetings Act (OMA) requires Illinois public entities to conduct public business in the open. As a general rule, the OMA requires public bodies to provide notice to the public in

advance of any meeting of the public body. An agenda must also be posted in advance of those meetings, and the meetings must be open to the public. Minutes must be taken of each meeting of a public body, and those minutes made available to the public.

There are three components to the "open meeting" requirement. First, the OMA applies to public bodies, as defined under the OMA. Second, the notice and open meeting requirement is triggered where a majority of a quorum of a public body "gathers" at a meeting to discuss public business. Third, meetings which are required to be open per the OMA must be held at specified times and places which are convenient and open to attendance by the public. A meeting is not limited to in-person gatherings but also includes electronic communications. As an example, if a public body consists of 7 members, 3 of those members would constitute a majority of a quorum. Those 3 members cannot participate in a phone call together to discuss public business because that would trigger the notice, agenda, and minutes requirements of the OMA.

There are a variety of exemptions to the open meetings requirements that allow a public body to go into closed session (also known as executive session) to discuss certain topics such as pending litigation or personnel matters. Additionally, while most public bodies must comply with procedures provided in the OMA to allow remote meeting attendance for members of public bodies, there is an exception for library systems that serve a substantial geographic area in Illinois. These large library systems—including RAILS—may permit remote attendance for members in accordance with procedural rules adopted by the library system itself. We recommend Board members familiarize themselves with RAILS's remote attendance procedures.

In addition to the requirements that a public body conduct business at a duly-noticed meeting that is open to the public, board members must also complete the electronic OMA training session offered by the Illinois Attorney General within 90 days of taking office. 5 ILCS 120/1.05(b). This electronic training program can be found at the following link: https://illinoisattorneygeneral.gov/open-and-honest-government/pac/pac-training/.

Finally, there are a variety of posting requirements under OMA, including requirements that certain information be posted on a public body's website, as follows:

1. Annual Meeting Schedule. A public body that has a website maintained by full-time staff of the public body must post on its website the annual schedule of regular meetings for the governing body. That annual schedule must remain on the website until a new schedule is approved. 5 ILCS 120/2.02(b). As noted above, no regular or special meetings may be held on any election day. 5 ILCS 120/2.07.

2. Meeting Notices. A public body must also post notice of the regular meetings of the governing body on its website (if maintained by full-time staff). The meeting notice must remain on the website until the regular meeting is concluded. 5 ILCS 120/2.02(b).

3. Meeting Agendas. A public body must also post on its website (if maintained by full-time staff) the agenda of any regular meetings of the governing body. That notice must remain until the regular meeting is concluded. 5 ILCS 120/2.02(a).

4. Meeting Minutes. A public body must post on its website (if maintained by full-time staff) minutes of a regular meeting of its governing body open to the public within 10 days after the approval of the minutes by the public body. The minutes must remain on the website for at least 60 days after their initial posting. 5 ILCS 120/2.06(b).

5. Employee Compensation Package. 6 business days after approving the annual budget, a public body that participates in the IMRF must post on its website the total compensation package for each employee having a total compensation package that exceeds $75,000 per year. Also, at least 6 days prior to approving an employee compensation package that equals or exceeds $150,000, the public body must post the total compensation package information on its website. Alternatively, a public body can choose to post a notice on its website with directions detailing where compensation package information can be obtained. For public bodies without a website, the information must be posted at the main office. 5 ILCS 120/7.3.

The OMA also requires each public body to provide an opportunity for the public to provide public comment at a meeting. 5 ILCS 120/2.06(g). If a public body places any restrictions on the public comment period (i.e., time limits per person), the public body must formally adopt a written policy setting forth these public comment restrictions.

Illinois Freedom of Information Act (FOIA), 5 ILCS 140

The Illinois Freedom of Information Act (FOIA) is another "government transparency" law. As a general rule, FOIA provides that government records must be made available to the public upon request. Like the OMA, there are a number of exemptions that allow a public body to withhold from the public certain records, such as attorney-client communications, personnel evaluations, closed session meeting minutes, among many others.

Each public body must appoint a FOIA Officer who is responsible for receiving, reviewing, and responding to FOIA requests. The FOIA Officer must go through an electronic training program offered by the Illinois Attorney General.

In addition, every public body must display and make available online information about the public body including (1) short summary of its purpose; (2) block diagram of its subdivisions; (3) total amount of its operating budget; (4) number and location of all offices; (5) number of full and part time employees; (6) list of and membership of all advisory boards, commissions, and committees; (7) the process for requesting public records under FOIA; (8) name of FOIA Officer; (9) address where requests should be directed; and (10) FOIA fees. Effective January 1, 2026, this information is only required to be posted in a prominent place on a public body's website. If a public body does not maintain a website, this information must be prominently displayed at each of the body's administrative offices.

For Board members, there is usually very little day-to-day involvement in FOIA compliance because that responsibility is delegated to the FOIA Officer. However, board members should be aware that their communications could be subject to public release. Letters, emails, text messages, etc. that discuss public business may be subject to release under FOIA. Certainly, if the communication is sent using a government device or account, it will likely be releasable. Even some communications that are sent on a private device or account might be subject to FOIA if they are (1) forwarded to/from a government account; (2) sent to a majority of the public body; or (3) are sent during a meeting of the public body.

Illinois Public Labor Relations Act, 5 ILCS 315

The Illinois Public Labor Relations Act grants public employees and employers the right to bargain collectively, and is the primary law governing relations between unions and government employers. The Illinois Labor Relations Board is the state agency that administers the Act. The statute guarantees the right of employees to organize and to bargain collectively with their employers or to refrain from all such activity. The Act also includes certain provisions relating to grievances and unfair labor practices. The Act provides guidance to both employers and employees in the establishment of a union, negotiation of the collective bargaining agreement, mediation of disputes and grievances, and various other issues relating to union employees.

Workers' rights advocates continue to argue that the provisions of the Act may be altered or weakened by the Workers' Rights Amendment to the Illinois Constitution, which was adopted in 2021. The amendment declares that "[n]o law shall be passed that interferes with, negates, or diminishes" workers' rights to bargain collectively." ILL. CONST., ART. I, § 25. Whether there will be legislative efforts to change the provisions of the Act, pursuant to the Amendment, is still unclear.

Illinois Governmental Ethics Act, 5 ILCS 420

The Illinois Governmental Ethics Act is a comprehensive state statute governing ethical standards for state and local government officials and employees, including board members. Most of the provisions focus on state legislator activities; however, the requirement of filing a disclosure of economic interests applies to library officials. Under that provision, elected and appointed officials (and candidates for office) must file statements of economic interest disclosing professional, personal, and business interests. The statements must be filed with a candidate's nominating papers (for elected officials) or at the time of the initial employment or appointment to office. Additionally, the Act provides for annual filing of statements of economic interests for elected and appointed officials identified for compliance by the administrative head of the government body and the Illinois Secretary of State. 5 ILCS 420/4A-106.

Local Records Act, 50 ILCS 205

The Local Records Act requires public bodies to retain certain original or historically significant government records unless approved for destruction by the state archivist or local records

commission. The administration of the Act is typically handled by administrative staff. Before destroying any public record covered by the Act, the public body must obtain permission, usually in the form of a certificate of destruction or approval of a records destruction schedule. There are various time frames for retention of records (as an example, most emails and other correspondence can be destroyed in one year, provided authorization is obtained).

State Officials and Employees Act, 5 ILCS 430

The State Officials and Employees Act requires all units of local government to adopt local ethics rules that are no less restrictive than the state ethics laws. These rules must, at a minimum, contain the following policies:

1. Gift Ban Act. The Act includes certain bans on government officials and employees accepting gifts from prohibited sources (i.e, someone seeking official action from or doing business with the public body). There are a number of exceptions to the ban that allow an official or employee to accept certain gifts, including nominal gifts (less than $100/year), restaurant meals (less than $75/day), and a variety of others. 5 ILCS 430/10-10.

2. Prohibited Political Activities (campaigning/electioneering). The Act also prohibits government employees from performing certain political activity during compensated time or requiring others to perform such activities. These prohibited activities include soliciting contributions for campaigns, surveying or polling voters, and preparing or circulating materials in support of a particular candidate or referendum question, among other activities listed in the Act. Public resources cannot be misappropriated in support of a candidate for elective office or political organization. 5 ILCS 430/1-5; 5 ILCS 430/5-15.

3. Sexual Harassment Policy. Local governments must take formal action to adopt sexual harassment policies containing (i) a prohibition on sexual harassment; (ii) procedures for reporting allegations of sexual harassment; (iii) a prohibition on retaliation for reporting allegations of sexual harassment; and (iv) consequences for violating the sexual harassment policy or knowingly making a false report. 5 ILCS 430/5-5(c).

Public Funds Deposit Act, 30 ILCS 225

The Public Funds Deposit Act requires the treasurer or other custodian of public funds to deposit public funds an approved type of banking institutions or to invest the funds in accordance with the Public Funds Investment Act (see below).

Public Funds Investment Act, 30 ILCS 235

The Public Funds Investment Act regulates the type of investments that public bodies are authorized to make with public funds. The Act applies to "public agencies," which include public libraries and library districts. The Act requires the public body to adopt a written investment policy to govern the investment of public funds. The policy must comply with the specific requirements contained in section 2.5 of the Act.

Illinois Municipal Retirement Fund Act (IMRF), 40 ILCS 5/7-101

The Illinois Municipal Retirement Fund Act is the pension program for most local government employees (non-public safety). The pension fund is financed through employer and employee contributions, which are set by state law and the fund itself. 40 ILCS 5/7-102.

Public Officer Prohibited Activities Act, 50 ILCS 105

This statute prohibits certain conflicts of interest by local government officials and employees. The statute provides a general rule that a government official cannot be financially interested directly in any contract or business about which the officer would be called to vote. There are exceptions for certain small contracts that would allow an official to disclose the interest and recuse him or herself from the vote. Because conflicts of interest are generally assessed on a case-by-case basis, we recommend RAILS contact legal counsel if a conflict or potential conflict is raised by a proposed transaction or scenario. 50 ILCS 105/3.

An example of a prohibited conflict of interest would be a library board member, who is an attorney, proposing to enter into a contract with his own library to provide legal services for a retainer amount of $10,000. The contract provides a direct benefit to the board member, the board member would be expected to vote on the contract, and the contract exceeds the "small contract" exceptions in the Act.

In the past few years, the Public Officer Prohibited Activities Act was amended by the Illinois General Assembly to prohibit units of local government—including public libraries—from retaliating against whistleblowers. Whistleblowers are employees or contractors who report "improper governmental action" according to the statute, cooperate with an investigation of an improper governmental action; or testify in related proceedings. Many libraries have since adopted whistleblower protection policies, and we recommend the Board familiarize itself with the provisions of the amended law. 50 ILCS 105/4.1.

Illinois Library System Act, 75 ILCS 10

The Illinois Library System Act establishes a network of library systems through the state. These systems are comprised of multiple library districts or public libraries, and are governed by a board of directors. The Act provides for the State Librarian to serve as the administrator.

The powers of the system's board of directors are set out in state statute, and are summarized below (75 ILCS 10/7):

1. To develop bylaws and a plan of service for the system.
2. To make expenditures on behalf of the system.
3. To adopt policies for the operation of the system.
4. To purchase or lease a building for the system to use.

5. To appoint and pay a salary to a librarian, who will have the authority to hire other employees, and to retain counsel and professional consultants.
6. To contract with any other government body or private entity to provide services to the system.
7. To accumulate reserve funds for the acquisition of land.
8. To contract on behalf of the system.
9. To encourage the annexation of adjacent areas.
10. To join ALA and ILA.
11. To hold title to land and personal property.
12. To borrow money to improve system facilities, including mortgaging of system property up to 75% of its value.

The Illinois Library System Act was amended in 2025 to clarify the scope of certain State grants that may be available through the Illinois General Assembly and administered by the State Librarian. In addition to annual equalization grants, library system grants, per capita grants, and planning and construction grants, the grant system also includes "grants to improve or enhance security of libraries."

Illinois Book Banning Legislation, Public Act 103-0100

The Illinois Library System Act was amended in 2025—by a bill proposed by the Illinois State Librarian—to address concerns over attempts to ban books in libraries across Illinois. The statute includes an express policy statement protecting libraries "against attempts to ban, remove, or otherwise restrict access to books or materials." Additionally, the statute provides that, in order to be eligible for State grants, libraries and library systems must adopt the American Library Association's Library Bill of Rights or develop an alternative written statement prohibiting the practice of banning books.

Americans With Disabilities Act, 42 USC § 12101

The Americans with Disabilities Act (ADA) is a federal statute that prohibits discrimination against people with disabilities, and those who have relationships or associations with individuals with disabilities. The law is comprised of five titles that prohibit discrimination against people with disabilities within the United States in different aspects of their lives. Titles I and II are relevant to public bodies.

Title I prohibits employers from discriminating against qualified job applicants and workers who are or who become disabled, have a record of having a disability, or are perceived as having a disability. The law covers all aspects of employment including the application process and hiring, training, compensation, advancement, transfer, and any other employment term, condition, or privilege.

Title II prohibits state and local governments from discriminating against disabled persons in their programs and activities. Title II of the ADA provides that people with disabilities must have equal opportunities to benefit from local government programs, services, and activities. Title II also sets forth the applicable structural accessibility requirements for public entities.

A key requirement of Title II specifies that individuals with disabilities must have an equal opportunity to engage in virtual services provided by state and local governments, which includes access to website content and online activity. Recently, the U.S. Department of Justice adopted new regulations, the Web Content Accessibility Guidelines, to impose technical standards for accessible web content. The Accessibility Guidelines will be imposed gradually over time, and include requirements for access to alternative text, transcription of videos, heightened color contrast, and consistent navigation across government websites and mobile apps. In April 2026, the Department of Justice extended the compliance deadlines for units of government based on their type and size:

State and Local Governments (Population 50,000+):	April 26, 2027
State and Local Governments (Population 0–49,999):	April 26, 2028
Special District Governments:	April 26, 2028

Illinois Human Rights Act, 775 ILCS 5

The Illinois Human Rights Act (IHRA) prohibits discrimination in employment, real estate transactions, financial credit, and access to public accommodations. The IHRA generally defines "unlawful discrimination" as discrimination, purposeful or by effect, on the bases of race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service, citizenship status, work authorization status, and family responsibilities (consistent with the Employee Sick Leave Act). Unlawful discrimination is prohibited in all of the areas covered by the IHRA, including employment. The Illinois Human Rights Act was recently amended to prohibit employers, employment agencies, labor organizations, or public places of accommodation from using "criteria or methods" which have the effect of subjecting an individual to unlawful discrimination. 775 ILCS 5/1-103, *et seq*.

The IHRA also prohibits sexual harassment in employment. It is also a separate violation of the IHRA for a public contractor to fail to comply with its affirmative action obligations. Finally, it is a violation for a public employer to deny an employee's request to work alternative hours in order to make up time the employee misses from work in order to practice religious beliefs.

In addition to the employment protections of the IHRA, the Act provides that it is a civil rights violation for anyone to refuse the full and equal enjoyment of the service or facilities of any public place of accommodation. The definition of "public place of accommodation" specifically includes libraries. 775 ILCS 5/5-101(A)(9).

Decennial Committee on Local Government Efficiency Act, 50 ILCS 70

In 2022, the General Assembly passed Public Act 102-1088, creating the Decennial Committee on Local Government Efficiency Act (Decennial Act). This new law requires units of local government that levy taxes to form committees to study local efficiencies and report recommendations regarding improved efficiency and accountability to the county board in which the government is located. Committees were required to be formed by June 10, 2023, and were required to meet least three times before submitting a report to the county (which must be completed no later than 18 months after the committee was initially formed). The initial compliance period for the requirements of the Decennial Act expired in December 2024. Units of local government will need to form committees to undertake the duties outlined in the Act at least once every 10 years from the initial compliance period (i.e., at least once every 10 years after June 10, 2023).

Exhibit A

Exhibit 4.12 Certification indicating review and compliance of Board with Illinois statutes

Legal Statute	Citation	Board Member Name	(continue adding Board Member Names in additional columns)*
OMA	5 ILCS 120	**	
FOIA	5 ILCS 140		
IL Public Labor Relations Act	5 ILCS 315		
IL Government Ethics Act	5 ILCS 420		
Local Records Act	50 ILCS 205		
State Officials & Employees Act	5 ILCS 430		
Public Funds Deposit Act	30 ILCS 225		
Public Funds Investment Act	30 ILCS 235		
IMRF	50 ILCS 5		
Public Officer Prohibited Activities	50 ILCS 105		
IL Library System Act	75 ILCS 10		
American with Disabilities Act	42 USC 1201		
IL Human Rights Act	775 ILCS 5		
IL Decennial Committee on Local Government Efficiency Act	50 ILCS 70		

*Insert column for each Board member

**Mark X if in compliance with each statute (for each member)