



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0728

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2

from Ch. 102, par. 42

50 ILCS 155/1

50 ILCS 155/10 new

Amends the Local Government Wage Increase Transparency Act. Changes the title of the Act to the Local Government Wage and Fee Transparency Act. Provides that for any attorney that has 2 or more clients that are units of local government, the attorney shall perform an annual audit of all: (1) fees and charges billed to, and paid by, each unit of local government client; (2) referral fees paid by the attorney to a person or business for the referral of a unit of local government to the attorney; and (3) referral fees paid to the attorney for referring a unit of local government to another attorney. Provides for filing and disclosure requirements of completed audits. Amends the Open Meetings Act making conforming changes.

LRB100 05951 AWJ 15978 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity. However, a meeting to consider an increase in
4 compensation to a specific employee of a public body that
5 is subject to Section 5 of the Local Government Wage and
6 Fee ~~Increase~~ Transparency Act may not be closed and shall
7 be open to the public and posted and held in accordance
8 with this Act.

9 (2) Collective negotiating matters between the public
10 body and its employees or their representatives, or
11 deliberations concerning salary schedules for one or more
12 classes of employees.

13 (3) The selection of a person to fill a public office,
14 as defined in this Act, including a vacancy in a public
15 office, when the public body is given power to appoint
16 under law or ordinance, or the discipline, performance or
17 removal of the occupant of a public office, when the public
18 body is given power to remove the occupant under law or
19 ordinance.

20 (4) Evidence or testimony presented in open hearing, or
21 in closed hearing where specifically authorized by law, to
22 a quasi-adjudicative body, as defined in this Act, provided
23 that the body prepares and makes available for public
24 inspection a written decision setting forth its
25 determinative reasoning.

26 (5) The purchase or lease of real property for the use

1 of the public body, including meetings held for the purpose
2 of discussing whether a particular parcel should be
3 acquired.

4 (6) The setting of a price for sale or lease of
5 property owned by the public body.

6 (7) The sale or purchase of securities, investments, or
7 investment contracts. This exception shall not apply to the
8 investment of assets or income of funds deposited into the
9 Illinois Prepaid Tuition Trust Fund.

10 (8) Security procedures, school building safety and
11 security, and the use of personnel and equipment to respond
12 to an actual, a threatened, or a reasonably potential
13 danger to the safety of employees, students, staff, the
14 public, or public property.

15 (9) Student disciplinary cases.

16 (10) The placement of individual students in special
17 education programs and other matters relating to
18 individual students.

19 (11) Litigation, when an action against, affecting or
20 on behalf of the particular public body has been filed and
21 is pending before a court or administrative tribunal, or
22 when the public body finds that an action is probable or
23 imminent, in which case the basis for the finding shall be
24 recorded and entered into the minutes of the closed
25 meeting.

26 (12) The establishment of reserves or settlement of

1 claims as provided in the Local Governmental and
2 Governmental Employees Tort Immunity Act, if otherwise the
3 disposition of a claim or potential claim might be
4 prejudiced, or the review or discussion of claims, loss or
5 risk management information, records, data, advice or
6 communications from or with respect to any insurer of the
7 public body or any intergovernmental risk management
8 association or self insurance pool of which the public body
9 is a member.

10 (13) Conciliation of complaints of discrimination in
11 the sale or rental of housing, when closed meetings are
12 authorized by the law or ordinance prescribing fair housing
13 practices and creating a commission or administrative
14 agency for their enforcement.

15 (14) Informant sources, the hiring or assignment of
16 undercover personnel or equipment, or ongoing, prior or
17 future criminal investigations, when discussed by a public
18 body with criminal investigatory responsibilities.

19 (15) Professional ethics or performance when
20 considered by an advisory body appointed to advise a
21 licensing or regulatory agency on matters germane to the
22 advisory body's field of competence.

23 (16) Self evaluation, practices and procedures or
24 professional ethics, when meeting with a representative of
25 a statewide association of which the public body is a
26 member.

1 (17) The recruitment, credentialing, discipline or
2 formal peer review of physicians or other health care
3 professionals, or for the discussion of matters protected
4 under the federal Patient Safety and Quality Improvement
5 Act of 2005, and the regulations promulgated thereunder,
6 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
7 Health Insurance Portability and Accountability Act of
8 1996, and the regulations promulgated thereunder,
9 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
10 or other institution providing medical care, that is
11 operated by the public body.

12 (18) Deliberations for decisions of the Prisoner
13 Review Board.

14 (19) Review or discussion of applications received
15 under the Experimental Organ Transplantation Procedures
16 Act.

17 (20) The classification and discussion of matters
18 classified as confidential or continued confidential by
19 the State Government Suggestion Award Board.

20 (21) Discussion of minutes of meetings lawfully closed
21 under this Act, whether for purposes of approval by the
22 body of the minutes or semi-annual review of the minutes as
23 mandated by Section 2.06.

24 (22) Deliberations for decisions of the State
25 Emergency Medical Services Disciplinary Review Board.

26 (23) The operation by a municipality of a municipal

1 utility or the operation of a municipal power agency or
2 municipal natural gas agency when the discussion involves
3 (i) contracts relating to the purchase, sale, or delivery
4 of electricity or natural gas or (ii) the results or
5 conclusions of load forecast studies.

6 (24) Meetings of a residential health care facility
7 resident sexual assault and death review team or the
8 Executive Council under the Abuse Prevention Review Team
9 Act.

10 (25) Meetings of an independent team of experts under
11 Brian's Law.

12 (26) Meetings of a mortality review team appointed
13 under the Department of Juvenile Justice Mortality Review
14 Team Act.

15 (27) (Blank).

16 (28) Correspondence and records (i) that may not be
17 disclosed under Section 11-9 of the Illinois Public Aid
18 Code or (ii) that pertain to appeals under Section 11-8 of
19 the Illinois Public Aid Code.

20 (29) Meetings between internal or external auditors
21 and governmental audit committees, finance committees, and
22 their equivalents, when the discussion involves internal
23 control weaknesses, identification of potential fraud risk
24 areas, known or suspected frauds, and fraud interviews
25 conducted in accordance with generally accepted auditing
26 standards of the United States of America.

1 (30) Those meetings or portions of meetings of a
2 fatality review team or the Illinois Fatality Review Team
3 Advisory Council during which a review of the death of an
4 eligible adult in which abuse or neglect is suspected,
5 alleged, or substantiated is conducted pursuant to Section
6 15 of the Adult Protective Services Act.

7 (31) Meetings and deliberations for decisions of the
8 Concealed Carry Licensing Review Board under the Firearm
9 Concealed Carry Act.

10 (32) Meetings between the Regional Transportation
11 Authority Board and its Service Boards when the discussion
12 involves review by the Regional Transportation Authority
13 Board of employment contracts under Section 28d of the
14 Metropolitan Transit Authority Act and Sections 3A.18 and
15 3B.26 of the Regional Transportation Authority Act.

16 (33) Those meetings or portions of meetings of the
17 advisory committee and peer review subcommittee created
18 under Section 320 of the Illinois Controlled Substances Act
19 during which specific controlled substance prescriber,
20 dispenser, or patient information is discussed.

21 (d) Definitions. For purposes of this Section:

22 "Employee" means a person employed by a public body whose
23 relationship with the public body constitutes an
24 employer-employee relationship under the usual common law
25 rules, and who is not an independent contractor.

26 "Public office" means a position created by or under the

1 Constitution or laws of this State, the occupant of which is
2 charged with the exercise of some portion of the sovereign
3 power of this State. The term "public office" shall include
4 members of the public body, but it shall not include
5 organizational positions filled by members thereof, whether
6 established by law or by a public body itself, that exist to
7 assist the body in the conduct of its business.

8 "Quasi-adjudicative body" means an administrative body
9 charged by law or ordinance with the responsibility to conduct
10 hearings, receive evidence or testimony and make
11 determinations based thereon, but does not include local
12 electoral boards when such bodies are considering petition
13 challenges.

14 (e) Final action. No final action may be taken at a closed
15 meeting. Final action shall be preceded by a public recital of
16 the nature of the matter being considered and other information
17 that will inform the public of the business being conducted.

18 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
19 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
20 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
21 99-642, eff. 7-28-16; 99-646, eff. 7-28-16; 99-687, eff.
22 1-1-17; revised 9-21-16.)

23 Section 10. The Local Government Wage Increase
24 Transparency Act is amended by changing Section 1 and by adding
25 Section 10 as follows:

1 (50 ILCS 155/1)

2 Sec. 1. Short title. This Act may be cited as the Local
3 Government Wage and Fee ~~Increase~~ Transparency Act.

4 (Source: P.A. 99-646, eff. 7-28-16.)

5 (50 ILCS 155/10 new)

6 Sec. 10. Annual audits of unit of local government
7 attorneys; disclosure.

8 (a) For any attorney that has 2 or more clients that are
9 units of local government, the attorney shall perform or have
10 performed an annual audit of all: (1) fees and charges billed
11 to, and paid by, each unit of local government client; (2)
12 referral fees paid by the attorney to a person or business for
13 the referral of a unit of local government to the attorney; and
14 (3) referral fees paid to the attorney for referring a unit of
15 local government to another attorney.

16 (b) A copy of the completed audit for the previous calendar
17 year shall be filed with the State Treasurer and the unit of
18 local government no later than March 1st of every year.

19 (c) A completed audit is a public record, as defined in
20 Section 3 of the Local Records Act and Section 2 of the Freedom
21 of Information Act, and the unit of local government shall be
22 responsible for disposing of completed audits under the Local
23 Records Act and disclosing completed audits under the Freedom
24 of Information Act.