

1 AN ACT concerning public bodies.

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  
9 shall be open to the public unless excepted in subsection (c)  
10 and closed in accordance with Section 2a.

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

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

21 (1) The appointment, employment, compensation,  
22 discipline, performance, or dismissal of specific  
23 employees of the public body, including hearing testimony  
24 on a complaint lodged against an employee to determine  
25 its validity.

26 (2) Collective negotiating matters between the  
27 public body and its employees or their representatives,  
28 or deliberations concerning salary schedules for one or  
29 more classes of employees.

30 (3) The selection of a person to fill a public  
31 office, as defined in this Act, including a vacancy in a

1 public office, when the public body is given power to  
2 appoint under law or ordinance, or the discipline,  
3 performance or removal of the occupant of a public  
4 office, when the public body is given power to remove the  
5 occupant under law or ordinance.

6 (4) Evidence or testimony presented in open  
7 hearing, or in closed hearing where specifically  
8 authorized by law, to a quasi-adjudicative body, as  
9 defined in this Act, provided that the body prepares and  
10 makes available for public inspection a written decision  
11 setting forth its determinative reasoning.

12 (5) The purchase or lease of real property for the  
13 use of the public body, including meetings held for the  
14 purpose of discussing whether a particular parcel should  
15 be acquired.

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

18 (7) The sale or purchase of securities,  
19 investments, or investment contracts.

20 (8) Security procedures and the use of personnel  
21 and equipment to respond to an actual, a threatened, or a  
22 reasonably potential danger to the safety of employees,  
23 students, staff or public property.

24 (9) Student disciplinary cases.

25 (10) The placement of individual students in  
26 special education programs and other matters relating to  
27 individual students.

28 (11) Litigation, when an action against, affecting  
29 or on behalf of the particular public body has been filed  
30 and is pending before a court or administrative tribunal,  
31 or when the public body finds that an action is probable  
32 or imminent, in which case the basis for the finding  
33 shall be recorded and entered into the minutes of the  
34 closed meeting.

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

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

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

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

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

28          (17) The recruitment, credentialing, discipline or  
29          formal peer review of physicians or other health care  
30          professionals for a hospital, or other institution  
31          providing medical care, that is operated by the public  
32          body.

33          (18) Deliberations for decisions of the Prisoner  
34          Review Board.

1           (19) Review or discussion of applications received  
2 under the Experimental Organ Transplantation Procedures  
3 Act.

4           (20) The classification and discussion of matters  
5 classified as confidential or continued confidential by  
6 the State Employees Suggestion Award Board.

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

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

13           (23) The operation by a municipality of a municipal  
14 utility or the operation of a municipal power agency or  
15 municipal natural gas agency when the discussion involves  
16 (i) contracts relating to the purchase, sale, or delivery  
17 of electricity or natural gas or (ii) the results or  
18 conclusions of load forecast studies.

19           (24) The appointment, performance, compensation, or  
20 dismissal of legal counsel of the public body.

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  
27 Constitution or laws of this State, the occupant of which is  
28 charged with the exercise of some portion of the sovereign  
29 power of this State. The term "public office" shall include  
30 members of the public body, but it shall not include  
31 organizational positions filled by members thereof, whether  
32 established by law or by a public body itself, that exist to  
33 assist the body in the conduct of its business.

34           "Quasi-adjudicative body" means an administrative body

1 charged by law or ordinance with the responsibility to  
2 conduct hearings, receive evidence or testimony and make  
3 determinations based thereon, but does not include local  
4 electoral boards when such bodies are considering petition  
5 challenges.

6 (e) Final action. No final action may be taken at a  
7 closed meeting. Final action shall be preceded by a public  
8 recital of the nature of the matter being considered and  
9 other information that will inform the public of the business  
10 being conducted.

11 (Source: P.A. 90-144, eff. 7-23-97; 91-730, eff. 1-1-01.)

12 Section 99. Effective date. This Act takes effect July  
13 1, 2003.