

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 or legal counsel for the
24 public body, including hearing testimony on a complaint
25 lodged against an employee of the public body or against
26 legal counsel for the public body to determine its
27 validity.

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

1 (3) The selection of a person to fill a public
2 office, as defined in this Act, including a vacancy in a
3 public office, when the public body is given power to
4 appoint under law or ordinance, or the discipline,
5 performance or removal of the occupant of a public
6 office, when the public body is given power to remove the
7 occupant under law or ordinance.

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

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

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

20 (7) The sale or purchase of securities,
21 investments, or investment contracts.

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

26 (9) Student disciplinary cases.

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

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

1 shall be recorded and entered into the minutes of the
2 closed meeting.

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

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

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

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

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

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

1 (18) Deliberations for decisions of the Prisoner
2 Review Board.

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

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

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

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

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

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.