

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.