

HB5658



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5658

by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2

from Ch. 102, par. 42

Amends the Open Meetings Act. Authorizes a public body to hold a closed meeting with a professional facilitator or planner to consider the subject of self evaluation, practices and procedures, or professional ethics. Specifies the conditions under which a public body may contract with a facilitator or planner.

LRB095 16981 JAM 43027 b

A BILL FOR

1 AN ACT concerning 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.

4 (2) Collective negotiating matters between the public
5 body and its employees or their representatives, or
6 deliberations concerning salary schedules for one or more
7 classes of employees.

8 (3) The selection of a person to fill a public office,
9 as defined in this Act, including a vacancy in a public
10 office, when the public body is given power to appoint
11 under law or ordinance, or the discipline, performance or
12 removal of the occupant of a public office, when the public
13 body is given power to remove the occupant under law or
14 ordinance.

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

21 (5) The purchase or lease of real property for the use
22 of the public body, including meetings held for the purpose
23 of discussing whether a particular parcel should be
24 acquired.

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

1 (7) The sale or purchase of securities, investments, or
2 investment contracts.

3 (8) Security procedures and the use of personnel and
4 equipment to respond to an actual, a threatened, or a
5 reasonably potential danger to the safety of employees,
6 students, staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self insurance pool of which the public body

1 is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair housing
5 practices and creating a commission or administrative
6 agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
10 body with criminal investigatory responsibilities.

11 (15) Professional ethics or performance when
12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

15 (16) Self evaluation, practices and procedures or
16 professional ethics, when meeting with a representative of
17 a statewide association of which the public body is a
18 member or with a professional facilitator or planner. The
19 professional facilitator or planner shall:

20 (A) not be an employee or elected official of the
21 public body, or related thereto;

22 (B) provide a written affidavit, which shall be
23 made a matter of record at an open meeting of the
24 public body, that the facilitator or planner has
25 conducted at least 100 hours of facilitation or
26 strategic planning; and

1 (C) not receive compensation from the public body
2 for any work other than facilitation or strategic
3 planning (except for any compensation from his or her
4 past employment with the public body).

5 The facilitator or strategic planner is prohibited from
6 receiving any compensation from the public body for services
7 other than for facilitation or strategic planning, except
8 through employment with the public body, for a period of 5
9 years after the completion of the provision of the facilitation
10 or strategic planning services.

11 (17) The recruitment, credentialing, discipline or
12 formal peer review of physicians or other health care
13 professionals for a hospital, or other institution
14 providing medical care, that is operated by the public
15 body.

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

18 (19) Review or discussion of applications received
19 under the Experimental Organ Transplantation Procedures
20 Act.

21 (20) The classification and discussion of matters
22 classified as confidential or continued confidential by
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes as

1 mandated by Section 2.06.

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

4 (23) The operation by a municipality of a municipal
5 utility or the operation of a municipal power agency or
6 municipal natural gas agency when the discussion involves
7 (i) contracts relating to the purchase, sale, or delivery
8 of electricity or natural gas or (ii) the results or
9 conclusions of load forecast studies.

10 (24) Meetings of a residential health care facility
11 resident sexual assault and death review team or the
12 Executive Council under the Abuse Prevention Review Team
13 Act.

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

15 "Employee" means a person employed by a public body whose
16 relationship with the public body constitutes an
17 employer-employee relationship under the usual common law
18 rules, and who is not an independent contractor.

19 "Public office" means a position created by or under the
20 Constitution or laws of this State, the occupant of which is
21 charged with the exercise of some portion of the sovereign
22 power of this State. The term "public office" shall include
23 members of the public body, but it shall not include
24 organizational positions filled by members thereof, whether
25 established by law or by a public body itself, that exist to
26 assist the body in the conduct of its business.

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

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

11 (Source: P.A. 94-931, eff. 6-26-06; 95-185, eff. 1-1-08.)