



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1222

Introduced 1/30/2013, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2 from Ch. 102, par. 42
55 ILCS 5/5-1100.5 new
60 ILCS 1/80-13 new
65 ILCS 5/3.1-50-30 new
30 ILCS 805/8.37 new

Amends the Open Meetings Act, the Counties Code, the Township Code, and the Illinois Municipal Code to require that, before the county board, the township board, or the corporate authorities of a municipality may vote on an officer's or employee's increase in earnings that exceeds his or her earnings for the previous calendar year by more than 6%, the county board, the township board, or the corporate authorities shall conduct a public hearing addressing the proposed increase in earnings. Requires publication of notice of the public hearing. Pre-empts home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB098 06133 JDS 36174 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning local government employees.

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) Except as provided in Section 5-1100.5 of the
21 Counties Code, Section 80-13 of the Township Code, and
22 Section 3.1-50-30 of the Illinois Municipal Code, the ~~The~~
23 appointment, employment, compensation, discipline,

1 performance, or dismissal of specific employees of the
2 public body or legal counsel for the public body, including
3 hearing testimony on a complaint lodged against an employee
4 of the public body or against legal counsel for the public
5 body to determine its validity.

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

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

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

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

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

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

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

11 (9) Student disciplinary cases.

12 (10) The placement of individual students in special
13 education programs and other matters relating to
14 individual students.

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

22 (12) The establishment of reserves or settlement of
23 claims as provided in the Local Governmental and
24 Governmental Employees Tort Immunity Act, if otherwise the
25 disposition of a claim or potential claim might be
26 prejudiced, or the review or discussion of claims, loss or

1 risk management information, records, data, advice or
2 communications from or with respect to any insurer of the
3 public body or any intergovernmental risk management
4 association or self insurance pool of which the public body
5 is a member.

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

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

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

19 (16) Self evaluation, practices and procedures or
20 professional ethics, when meeting with a representative of
21 a statewide association of which the public body is a
22 member.

23 (17) The recruitment, credentialing, discipline or
24 formal peer review of physicians or other health care
25 professionals for a hospital, or other institution
26 providing medical care, that is operated by the public

1 body.

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

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

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

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

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

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

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

26 (25) Meetings of an independent team of experts under

1 Brian's Law.

2 (26) Meetings of a mortality review team appointed
3 under the Department of Juvenile Justice Mortality Review
4 Team Act.

5 (27) Confidential information, when discussed by one
6 or more members of an elder abuse fatality review team,
7 designated under Section 15 of the Elder Abuse and Neglect
8 Act, while participating in a review conducted by that team
9 of the death of an elderly person in which abuse or neglect
10 is suspected, alleged, or substantiated; provided that
11 before the review team holds a closed meeting, or closes an
12 open meeting, to discuss the confidential information,
13 each participating review team member seeking to disclose
14 the confidential information in the closed meeting or
15 closed portion of the meeting must state on the record
16 during an open meeting or the open portion of a meeting the
17 nature of the information to be disclosed and the legal
18 basis for otherwise holding that information confidential.

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

23 (29) Meetings between internal or external auditors
24 and governmental audit committees, finance committees, and
25 their equivalents, when the discussion involves internal
26 control weaknesses, identification of potential fraud risk

1 areas, known or suspected frauds, and fraud interviews
2 conducted in accordance with generally accepted auditing
3 standards of the United States of America.

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

5 "Employee" means a person employed by a public body whose
6 relationship with the public body constitutes an
7 employer-employee relationship under the usual common law
8 rules, and who is not an independent contractor.

9 "Public office" means a position created by or under the
10 Constitution or laws of this State, the occupant of which is
11 charged with the exercise of some portion of the sovereign
12 power of this State. The term "public office" shall include
13 members of the public body, but it shall not include
14 organizational positions filled by members thereof, whether
15 established by law or by a public body itself, that exist to
16 assist the body in the conduct of its business.

17 "Quasi-adjudicative body" means an administrative body
18 charged by law or ordinance with the responsibility to conduct
19 hearings, receive evidence or testimony and make
20 determinations based thereon, but does not include local
21 electoral boards when such bodies are considering petition
22 challenges.

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

1 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
2 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
3 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
4 eff. 8-1-12.)

5 Section 10. The Counties Code is amended by adding Section
6 5-1100.5 as follows:

7 (55 ILCS 5/5-1100.5 new)

8 Sec. 5-1100.5. Salary increases; public hearing. Before
9 the county board may vote on an officer's or employee's
10 increase in salary that exceeds his or her salary for the
11 previous calendar year by more than 6%, the county board shall
12 conduct a public hearing addressing the proposed increase in
13 salary. The county board shall cause to be prepared a notice of
14 the public hearing stating the date, time, place, and purpose
15 of the hearing. The county board shall cause the notice to be
16 published in a newspaper of general circulation in the county
17 not less than 15 nor more than 30 days before the date of the
18 hearing. At the public hearing, all persons desiring to offer
19 statements or other evidence in support of or in opposition to
20 the proposed increase in salary shall be afforded an
21 opportunity to do so orally, in writing, or both, prior to the
22 vote on the increase.

23 No county, including a home rule county, may act in a
24 manner inconsistent with this Section. This Section is a denial

1 and limitation of home rule powers under subsection (i) of
2 Section 6 of Article VII of the Illinois Constitution.

3 Section 15. The Township Code is amended by adding Section
4 80-13 as follows:

5 (60 ILCS 1/80-13 new)

6 Sec. 80-13. Salary increases; public hearing. Before the
7 township board may vote on an officer's or employee's increase
8 in salary that exceeds his or her salary for the previous
9 calendar year by more than 6%, the township board shall conduct
10 a public hearing addressing the proposed increase in salary.
11 The township board shall cause to be prepared a notice of the
12 public hearing stating the date, time, place, and purpose of
13 the hearing. The township board shall cause the notice to be
14 published in a newspaper of general circulation in the township
15 not less than 15 nor more than 30 days before the date of the
16 hearing. At the public hearing, all persons desiring to offer
17 statements or other evidence in support of or in opposition to
18 the proposed increase in salary shall be afforded an
19 opportunity to do so orally, in writing, or both, prior to the
20 vote on the increase.

21 Section 20. The Illinois Municipal Code is amended by
22 adding Section 3.1-50-30 as follows:

1 (65 ILCS 5/3.1-50-30 new)

2 Sec. 3.1-50-30. Salary increases; public hearing. Before
3 the corporate authorities of a municipality may vote on an
4 officer's or employee's increase in salary that exceeds his or
5 her salary for the previous calendar year by more than 6%, the
6 corporate authorities shall conduct a public hearing
7 addressing the proposed increase in salary. The corporate
8 authorities shall cause to be prepared a notice of the public
9 hearing stating the date, time, place, and purpose of the
10 hearing. The corporate authorities shall cause the notice to be
11 published in a newspaper of general circulation in the
12 municipality not less than 15 nor more than 30 days before the
13 date of the hearing. At the public hearing, all persons
14 desiring to offer statements or other evidence in support of or
15 in opposition to the proposed increase in salary shall be
16 afforded an opportunity to do so orally, in writing, or both,
17 prior to the vote on the increase.

18 No municipality, including a home rule municipality, may
19 act in a manner inconsistent with this Section. This Section is
20 a denial and limitation of home rule powers under subsection
21 (i) of Section 6 of Article VII of the Illinois Constitution.

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.37 as follows:

24 (30 ILCS 805/8.37 new)

1 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 98th General Assembly.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.