

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 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
24 lodged against an employee of the public body or against
25 legal counsel for the public body to determine its
26 validity.

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

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

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

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

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

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

24 (9) Student disciplinary cases.

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

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

35 (12) The establishment of reserves or settlement of
36 claims as provided in the Local Governmental and

1 Governmental Employees Tort Immunity Act, if otherwise the
2 disposition of a claim or potential claim might be
3 prejudiced, or the review or discussion of claims, loss or
4 risk management information, records, data, advice or
5 communications from or with respect to any insurer of the
6 public body or any intergovernmental risk management
7 association or self insurance pool of which the public body
8 is a member.

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

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

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

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

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

31 (18) Deliberations for decisions of the Prisoner
32 Review Board.

33 (19) Review or discussion of applications received
34 under the Experimental Organ Transplantation Procedures
35 Act.

36 (20) The classification and discussion of matters

1 classified as confidential or continued confidential by
2 the State Employees Suggestion Award Board.

3 (21) Discussion of minutes of meetings lawfully closed
4 under this Act, whether for purposes of approval by the
5 body of the minutes or semi-annual review of the minutes as
6 mandated by Section 2.06.

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

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

15 (24) Meetings of a residential health care facility
16 resident sexual assault and death review team or the
17 Residential Health Care Facility Resident Sexual Assault
18 and Death Review Teams Executive Council under the
19 Residential Health Care Facility Resident Sexual Assault
20 and Death Review Team Act.

21 (25) Discussion by a civic center board concerning
22 convention or event contracts or convention or event
23 contract proposals.

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

25 "Employee" means a person employed by a public body whose
26 relationship with the public body constitutes an
27 employer-employee relationship under the usual common law
28 rules, and who is not an independent contractor.

29 "Public office" means a position created by or under the
30 Constitution or laws of this State, the occupant of which is
31 charged with the exercise of some portion of the sovereign
32 power of this State. The term "public office" shall include
33 members of the public body, but it shall not include
34 organizational positions filled by members thereof, whether
35 established by law or by a public body itself, that exist to
36 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. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,
12 eff. 8-5-03; 93-577, eff. 8-21-03; revised 9-8-03.)