

SB0663



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0663

Introduced 1/28/2015, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2

from Ch. 102, par. 42

Amends the Open Meetings Act. Provides that public bodies may hold closed meetings to consider building safety and security.

LRB099 06243 MLM 26311 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. This exception shall not apply to the
3 investment of assets or income of funds deposited into the
4 Illinois Prepaid Tuition Trust Fund.

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

10 (9) Student disciplinary cases.

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

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

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

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

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

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

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

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

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

9 (21) Discussion of minutes of meetings lawfully closed
10 under this Act, whether for purposes of approval by the
11 body of the minutes or semi-annual review of the minutes as
12 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 (24) Meetings of a residential health care facility
22 resident sexual assault and death review team or the
23 Executive Council under the Abuse Prevention Review Team
24 Act.

25 (25) Meetings of an independent team of experts under
26 Brian's Law.

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

4 (27) (Blank).

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

9 (29) Meetings between internal or external auditors
10 and governmental audit committees, finance committees, and
11 their equivalents, when the discussion involves internal
12 control weaknesses, identification of potential fraud risk
13 areas, known or suspected frauds, and fraud interviews
14 conducted in accordance with generally accepted auditing
15 standards of the United States of America.

16 (30) Those meetings or portions of meetings of a
17 fatality review team or the Illinois Fatality Review Team
18 Advisory Council during which a review of the death of an
19 eligible adult in which abuse or neglect is suspected,
20 alleged, or substantiated is conducted pursuant to Section
21 15 of the Adult Protective Services Act.

22 (31) Meetings and deliberations for decisions of the
23 Concealed Carry Licensing Review Board under the Firearm
24 Concealed Carry Act.

25 (32) Meetings between the Regional Transportation
26 Authority Board and its Service Boards when the discussion

1 involves review by the Regional Transportation Authority
2 Board of employment contracts under Section 28d of the
3 Metropolitan Transit Authority Act and Sections 3A.18 and
4 3B.26 of the Regional Transportation Authority Act.

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

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

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

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

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

1 that will inform the public of the business being conducted.
2 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;
3 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.
4 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff.
5 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; revised
6 10-1-14.)