

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 Sections 1.02 and 2 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering of a majority of a quorum  
9 of the members of a public body held for the purpose of  
10 discussing public business.

11 "Public body" includes all legislative, executive,  
12 administrative or advisory bodies of the State, counties,  
13 townships, cities, villages, incorporated towns, school  
14 districts and all other municipal corporations, boards,  
15 bureaus, committees or commissions of this State, and any  
16 subsidiary bodies of any of the foregoing including but not  
17 limited to committees and subcommittees which are supported  
18 in whole or in part by tax revenue, or which expend tax  
19 revenue, except the General Assembly and committees or  
20 commissions thereof. "Public body" includes tourism boards  
21 and convention or civic center boards ~~located--in--counties~~  
22 ~~that-are-contiguous-to-the-Mississippi-River-with-populations~~  
23 ~~of--more--than--250,000-but-less-than-300,000.~~ "Public body"  
24 includes the Health Facilities Planning Board. "Public body"  
25 does not include a child death review team or the Illinois  
26 Child Death Review Teams Executive Council established under  
27 the Child Death Review Team Act or an ethics commission,  
28 ethics officer, or ultimate jurisdictional authority acting  
29 under the State Gift Ban Act as provided by Section 80 of  
30 that Act.

31 (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

1 (5 ILCS 120/2) (from Ch. 102, par. 42)

2 Sec. 2. Open meetings.

3 (a) Openness required. All meetings of public bodies  
4 shall be open to the public unless excepted in subsection (c)  
5 and closed in accordance with Section 2a.

6 (b) Construction of exceptions. The exceptions  
7 contained in subsection (c) are in derogation of the  
8 requirement that public bodies meet in the open, and  
9 therefore, the exceptions are to be strictly construed,  
10 extending only to subjects clearly within their scope. The  
11 exceptions authorize but do not require the holding of a  
12 closed meeting to discuss a subject included within an  
13 enumerated exception.

14 (c) Exceptions. A public body may hold closed meetings  
15 to consider the following subjects:

16 (1) The appointment, employment, compensation,  
17 discipline, performance, or dismissal of specific  
18 employees of the public body, including hearing testimony  
19 on a complaint lodged against an employee to determine  
20 its validity.

21 (2) Collective negotiating matters between the  
22 public body and its employees or their representatives,  
23 or deliberations concerning salary schedules for one or  
24 more classes of employees.

25 (3) The selection of a person to fill a public  
26 office, as defined in this Act, including a vacancy in a  
27 public office, when the public body is given power to  
28 appoint under law or ordinance, or the discipline,  
29 performance or removal of the occupant of a public  
30 office, when the public body is given power to remove the  
31 occupant under law or ordinance.

32 (4) Evidence or testimony presented in open  
33 hearing, or in closed hearing where specifically  
34 authorized by law, to a quasi-adjudicative body, as

1 defined in this Act, provided that the body prepares and  
2 makes available for public inspection a written decision  
3 setting forth its determinative reasoning.

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

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

10 (7) The sale or purchase of securities,  
11 investments, or investment contracts.

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

16 (9) Student disciplinary cases.

17 (10) The placement of individual students in  
18 special education programs and other matters relating to  
19 individual students.

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

27 (12) The establishment of reserves or settlement of  
28 claims as provided in the Local Governmental and  
29 Governmental Employees Tort Immunity Act, if otherwise  
30 the disposition of a claim or potential claim might be  
31 prejudiced, or the review or discussion of claims, loss  
32 or risk management information, records, data, advice or  
33 communications from or with respect to any insurer of the  
34 public body or any intergovernmental risk management

1 association or self insurance pool of which the public  
2 body is a member.

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

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

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

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

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

25 (18) Deliberations for decisions of the Prisoner  
26 Review Board.

27 (19) Review or discussion of applications received  
28 under the Experimental Organ Transplantation Procedures  
29 Act.

30 (20) The classification and discussion of matters  
31 classified as confidential or continued confidential by  
32 the State Employees Suggestion Award Board.

33 (21) Discussion of minutes of meetings lawfully  
34 closed under this Act, whether for purposes of approval

1 by the body of the minutes or semi-annual review of the  
2 minutes as mandated by Section 2.06.

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

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

11 (24) Discussion by a tourism board or a convention  
12 or civic center board concerning convention contracts or  
13 convention contract proposals.

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.

27 "Quasi-adjudicative body" means an administrative body  
28 charged by law or ordinance with the responsibility to  
29 conduct hearings, receive evidence or testimony and make  
30 determinations based thereon, but does not include local  
31 electoral boards when such bodies are considering petition  
32 challenges.

33 (e) Final action. No final action may be taken at a  
34 closed meeting. Final action shall be preceded by a public

1 recital of the nature of the matter being considered and  
2 other information that will inform the public of the business  
3 being conducted.

4 (Source: P.A. 90-144, eff. 7-23-97; 91-730, eff. 1-1-01.)