

1 AN ACT concerning open meetings.

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  
9 shall be open to the public unless excepted in subsection (c)  
10 and closed in accordance with Section 2a or unless exempted  
11 in subsection (f).

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

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

22 (1) The appointment, employment, compensation,  
23 discipline, performance, or dismissal of specific  
24 employees of the public body, including hearing testimony  
25 on a complaint lodged against an employee to determine  
26 its validity.

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

31 (3) The selection of a person to fill a public

1 office, as defined in this Act, including a vacancy in a  
2 public office, when the public body is given power to  
3 appoint under law or ordinance, or the discipline,  
4 performance or removal of the occupant of a public  
5 office, when the public body is given power to remove the  
6 occupant under law or ordinance.

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

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

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

19 (7) The sale or purchase of securities,  
20 investments, or investment contracts.

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

25 (9) Student disciplinary cases.

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

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

1 closed meeting.

2 (12) The establishment of reserves or settlement of  
3 claims as provided in the Local Governmental and  
4 Governmental Employees Tort Immunity Act, if otherwise  
5 the disposition of a claim or potential claim might be  
6 prejudiced, or the review or discussion of claims, loss  
7 or risk management information, records, data, advice or  
8 communications from or with respect to any insurer of the  
9 public body or any intergovernmental risk management  
10 association or self insurance pool of which the public  
11 body is a member.

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

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

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

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

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

34 (18) Deliberations for decisions of the Prisoner

1 Review Board.

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

5 (20) The classification and discussion of matters  
6 classified as confidential or continued confidential by  
7 the State Employees Suggestion Award Board.

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

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

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

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

21 "Employee" means a person employed by a public body whose  
22 relationship with the public body constitutes an  
23 employer-employee relationship under the usual common law  
24 rules, and who is not an independent contractor.

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

33 "Quasi-adjudicative body" means an administrative body  
34 charged by law or ordinance with the responsibility to

1 conduct hearings, receive evidence or testimony and make  
2 determinations based thereon, but does not include local  
3 electoral boards when such bodies are considering petition  
4 challenges.

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

10 (f) Exemption. When the public body has 5 or fewer  
11 members, any 2 members may meet to discuss legislative,  
12 executive, or administrative responsibilities without  
13 violating the provisions of this Act.

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