

OUTRAGE

Organization To Reverse All Governments' Excesses

Government Oversight Checklist

- _____ Was the meeting and agenda posted openly at the governmental office or site of meeting (48 hour advance posting required) Agenda (5 ILCS 120/2(A).)
- _____ Was a member of the press in attendance? Ask if they were notified.
- _____ Was an executive session on the agenda?
- _____ Write exactly how it was listed on the agenda_____
- _____ Were copies of the agenda available for all the public?
- _____ Ask if a citizen packet was available for review 48 hours in advance?
- _____ Was the executive session properly entered on the agenda?
- _____ Was any item, not listed on the agenda, introduced?
- _____ Was said unlisted item acted upon at that meeting. If so, such action is Illegal. Appellate Court ruled that an item not listed on agenda can not be acted upon at that meeting: ***Rice v. Board of Trustees of Adams County, Illinois(4th District). 326 Ill; 3d 1120***
- _____ Was there a majority of a quorum present? Example: If the body has 7 members a quorum is 4, a majority of a quorum is 3.
- _____ Was public comment on the agenda?
- _____ Did the body meet privately before the beginning of the public meeting?
- _____ Was that private pre public meeting on the agenda as an executive session?

If an executive session was held prior to a public meeting, it was illegal. All executive sessions must be initiated from a public meeting. The vote to close a meeting must be taken at an open meeting. 5 ILCS 120/2a.

- _____ Was meeting listed properly on the agenda in compliance with the open meetings act wording?
- _____ If it was not shown on the agenda, ask by what authority the meeting was held?
- _____ Ask if the meeting was closed by roll call.
- _____ Ask for a report of how each member voted.

Enforcement

_____ Remind members of the punishments for violations!
Violators may be punished with civil and criminal penalties: up to \$1500 in fines and up to 30 days of imprisonment for each offense. In addition the courts may make any action taken in an illegal meeting null and void. 5 ILCS 120/3©

Allowable Reasons for Closed Meetings if Properly Closed

1) Each body must review all executive session minutes at least every 180 days and release all minutes covering actions that have been completed. They must call an executive session to review said minutes for release into the public domain. **5 ILCS 120/2©(21).**

All executive sessions must now be taped by law.

There are 23 allowable reasons for closing a meeting. This does not mean that the body must close all meetings falling in these categories. Further, the meetings must be closed in strict compliance with the law.

- A) Closing a meeting must be done at a public meeting. **(5 ILCS 120/2a.)**
- B) Roll call vote to close required.
- C) The public statement and citation should recite the language of the exception to the open meeting, not a popular local description. **5 ILCS 120/2(a).**
- D) No actions may be taken in the closed meeting. They must be done in public. **5 ILCS 120/2(E).**
- E) Only topics specified in the vote to close under this Section may be considered during closed meeting

2) Allowable subjects for closing meetings:

- A) Appointment , employment, compensation, discipline, performance or dismissal of specific employees **5 ILCS 120/2©(1).** Independent contractors don't qualify.
Example of proper: **Executive Session: personnel appointment 5 ILCS 120/2©(1).**
- B) Hearing testimony on a complaint lodged against an employee to determine its validity.
Example: **Executive Session: List above reason followed by 5 ILCS 120/2©(1).**
- C) Collective negotiating matters between the public body and its employees or the representatives.
No closed unilateral meetings allowed
Example: **Executive Session: Collective Bargaining Negotiations with FOP : 5 ILCS 120/2©(2).**
- D) Deliberations concerning salary schedules for one or more classes of employees.
Example: **Executive Session: Salary Schedule Deliberations for Maintenance Employees: 5 ILCS 120/2©(2).**
- E) The selection of a person to fill a public office including a vacancy in a public office. Also may close under this section for discipline, performance and removal of the occupant of a public office when the body is empowered by law or ordinance to do so.
Example: **Executive Session: Disciplinary action against an employee: 5 ILCS 120/2©(3).**
- F) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law , to a quasi adjudicative body as defined for public inspection a written decision setting forth its determinative reasoning. This exception is really only applicable to Bodies such as the Illinois Pollution Control Board and the Illinois Commerce Commission..
Example: **No example presented because this exception does not apply to local governments.**

- G) Litigation: when an action against, affecting, or on behalf of the particular public body. Has been filed and is public and is pending in a court or administrative tribunal, or when the public body finds that such an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. 5 ILCS 120/2©(11).) Just because an attorney is present is no reason to call an executive session. Legal action must be probable or imminent or likely to occur. 5 ILCS 120/2 ©(4).)
Example: **Executive Session: Possible Litigation: 5 ILCS 120/2©(4).**)
- H) The Purchase of real property for the use of the Public Body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. The Appellate Court has limited the scope of the prior version of the exception to “formulating the terms of an offer to purchase specific real estate or discussing the seller’s terms and to considering strategy for obtaining specified real estate.
Example: **Executive Session: To Discuss Purchase of Real Property 5 ILCS 120/2©(e)(5).**)
- I) Setting Sale of a price for sale or lease of property owned by a public body.
Example: **Executive Session: Repeat above and add 5 ILCS 120/29©(7).**)
- J) Sale or purchase of securities investments, or investment contracts. Does not apply to the sale of Bonds which requires open meeting action.
Example: **Executive Session: Repeat above and add 5 ILCS 120/2©(7).**)
- K) Operation of an public utility by a municipality: contracts relating to the purchase of sale or delivery of electricity or natural gas or the results of conclusions of load forecast studies.
Example: **Executive Session to Discuss Sales Forecast of Electrical Generation Center: 5 ILCS 120/©(23).**)
- L) Security procedures and the use of personnel and equipment to respond to an actual, threatened, or a reasonably potential danger to the safety of employees, students, staff or public property.
Example: **Executive Session: repeat above and add 5 ILCS 120/2©(8).**)
- M) Informant Sources, the hiring or assignment of undercover personnel or equipment, on ongoing , prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.
Example: **Executive Session: Hiring of undercover personnel: 5 ILCS 120/2©(4).**)
- N) Student Disciplinary Cases.
Example: **Executive Session: Student Disciplinary Case: 5 ILCS 120/2©(9).**)
- O) The placement of individual students in special education programs and other matters relating to individual students.
Example: **Executive Session: Placement of student(s) in special education program 5ILCS120/2©(10).**)
- P) Conciliation of complaints of discrimination in the sale or rental of housing.
Example: **Executive Session: repeat above, add 5 ILCS 120/2©(13).**)
- Q) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body’s field of competence.
Example: **Executive Session: Professional ethics evaluation: 5 ILCS 120/2©(15).**)

- R) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.
Example: **Self evaluation of professional practices with the Illinois Department of Parks and Recreation: 5 ILCS 120/2©(15).**)
- S) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated b the public body.
Example; **Executive Session: Recruitment of health care professional; 5 ILCS 120/2©(16).**)
- T) Review or discussion of applications received under experimental Organ Transplantation Procedures Act.
Example: **Executive Session: Review of Organ Transplantation Applications: 5 ILCS 120/2©(19).**)
- U) Discussion of minutes of meetings lawfully closed under this Act , whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 of the Act.
Example: **Executive Session: Review of Executive Session Minutes for release to the public. 5 ILCS 120/2©21.**)
- V) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.”
Example: **Executive Session: Repeat above, add: 5 ILCS 120/2©(22).**)

Body observed _____ Monitor _____

Date of meeting _____

Comments: