

ILLINOIS BUDGETING FOR RESULTS COMMISSION BY-LAWS

Article I Name

Section A

The name of this organization is the Illinois Budgeting for Results Commission, and the operating name of the organization shall be BFR Commission, hereinafter referred to as the Commission.

Article II Mission and Purpose

Section A

The mission of the Commission is to advise the Governor in the implementation of performance-based budgeting in Illinois State Government, setting Statewide Result and Outcome Areas, and providing assessments and benefit cost analysis of state agency programs.

Section B

The purpose of the Commission is to provide recommendations to the Governor and the General Assembly on best practices in performance-based budgeting in Illinois State Government. The recommendations are to be contained in the Commission's annual report to the Governor and the General Assembly, which is due by each November 1st.

Section C

The purpose of the Commission is to provide recommendations on the repeal or modification of statutory mandates which are out-of-date, or unduly burdensome to operations of state government. The recommendations are to be contained in the Commission's annual report, which is due by each November 1st.

Section D

The purpose of the Commission is to provide oversight and guidance for comprehensive program assessments and benefit-cost analysis of state agency programs conducted during the prior year. The program assessments and benefit-cost analysis reports are to be contained in the Commission's annual report, which is due by each November 1st.

Section E

The Commission shall publish the annual report on the Governor’s Office of Management and Budget’s website. If the General Assembly objects to the commission’s report, it may pass a joint resolution detailing the General Assembly’s objections.

**Article III
Operation**

Section A

No later than July 31, 2024, the Governor shall establish a commission for the purpose of advising the Governor in the implementation of performance-based budgeting in Illinois State Government, setting Result and Outcome Areas, and providing oversight and guidance for comprehensive program assessments and benefit-cost analysis of state agency programs.

Pursuant to 15 ILCS 20/50-25, annually the Governor, in consultation with the Commission, shall: (i) identify Statewide Result Areas that are most important for each State agency of the executive branch under the jurisdiction of the Governor to achieve for the next fiscal year, and (ii) identify Outcome Areas, which further define Statewide Result Areas, into which state programs and associated spending can be categorized.

The Governor shall conduct performance analyses to determine which programs, strategies, and activities will be best achieve those desired outcomes. The Governor shall recommend appropriations to State agencies for the next fiscal year based on the agreed upon result and outcome areas.

Each agency may develop its own strategies for meeting those goals and shall review and analyze those strategies on a regular basis. State agencies will use the Illinois Performance Reporting System (IPRS) to collect performance data from all programs under the authority of the Governor. Performance measure and results shall be posted on the GOMB website.

**Article IV
Membership**

Section A – Commission Members

1. Voting and non-voting members shall be appointed by the Governor for a period of time as noted in Section D, Terms of Service. Non-voting members may serve on committees. Membership may include any combination of voting and non-voting members.
2. The commission shall be a well-balanced group and shall be not more than 15 and not less than 8 members.

3. Total membership of the Commission consists of the number of voting members serving on the Commission, not including any vacant positions.
4. Members shall not receive compensation for their services.

Section B – Non-voting Members

1. Non-voting members shall be appointed by the Governor as noted in Section D, Terms of Service.

Section C – Chairpersons

Two co-chairs of the commission shall be appointed by the Governor. One co-chair shall be a member of the General Assembly and the other co-chair shall not be a member of the General Assembly.

Section D – Duties and Responsibilities

The following are the major duties and responsibilities of the Commission:

1. Advise the Governor in the implementation of performance-based budgeting in Illinois State Government;
2. Advise the Governor in setting Statewide Result and Outcome Areas;
3. Provide procedures and a statewide reporting system to allow state agencies to report annual progress towards the Statewide Results and Outcomes for all programs under the authority of the Governor;
4. Provide oversight and guidance for comprehensive program assessments and benefit-cost analysis of state agency programs;
5. Review existing statutory mandates as submitted by state agencies and make recommendations to the Governor and the General Assembly for the repeal or modification of statutory mandates and funds of the State treasury which are out-of-date or unduly burdensome to the operations of State government;
6. Prepare by November 1 of each year an annual report to the Governor and the General Assembly setting forth recommendations with respect to the Governor's implementation of performance-based budgeting in Illinois State Government and highlighting the status of comprehensive program assessments and benefit cost analysis of state agency programs conducted during the prior year; and
7. Publicize Commission services and promote community involvement in the activities of the Commission.
8. The BFR Staff Director will provide direct guidance and support to the Commission. The Staff Director will liaison with leadership as necessary to ensure compliance with the Open Meeting Act and the statutory requirements of the BFR Commission.

Section E – Terms of Service

1. Members appointed by the Governor will serve a three-year term, beginning and ending on July 31st of the applicable year.
2. In the case where temporary appointments are made for terms of less than three years, the appointment shall end on July 31st immediately following the appointment.
3. Non-voting members shall serve at the will of the governor and will serve a three-year term, beginning and ending on July 31st of each year.
4. Members shall serve until their successors are appointed.
5. A Commission member may resign at any time by giving written notice to the Staff Director of the Commission or to the Co-Chairs of the Commission.
6. Attendance at Commission meetings following the Open Meetings Act is a critical factor affecting the ability of the Commission to conduct its work. Members are expected to participate in scheduled meetings. Required meeting minutes will record attendance. Members can participate in one of three ways:
 - a. Physically Present. Except as otherwise provided in these bylaws, members of the Commission must be physically present at the location of the meeting.
 - b. Virtually Present. The Commission will follow Open Meetings Act Section 7, attendance by a means other than physical presence. Prior to a meeting, a member must notify the Staff Director of the Commission or the Co-Chairs of the Commission of their need to participate virtually because they are prevented from physically attending a meeting due to: i) personal illness or disability, ii) employment purposes; iii) business of the public body; iv) a family or other emergency; or v) unexpected childcare obligations.
 - c. By Proxy. If a member is unable to attend a meeting in person and does not meet the criteria in 6. b. to participate virtually, the member may submit a proxy in writing to Commission Co-Chairs or the Commission Staff Director no later than 24 hours before a scheduled meeting. That proxy shall count towards the quorum for that meeting only. When a proxy is utilized, for all intent and purposes, the proxy shall fully represent the voting member. The proxy shall represent a participating Commissioner.
7. In accordance with the Open Meeting Act (5 ILCS 120/7(e)), Commission meetings will be held in person unless the specific conditions stated in subsection 7(e)(1) or (2) occur thereby preventing the Commission to gather in a physical location. As permitted under subsection (e), meetings of the Commission in response to a disaster declaration may be held virtually, without the physical presence of a quorum of members. At least one Co-Chair in consultation with the Staff Director, will make the determination and will ensure that at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location as required by subsection 7(e)(5). The Commission staff shall make every effort, by all means available, to communicate to members and the public that the meeting will be held virtually rather than at a physical location, at the earliest possible time.

Section F – Vacancy

A vacancy on the Commission shall be filled in the same manner as initial appointments. Appointments to fill vacancies occurring before the expiration of a term shall be for the

remainder of the term.

Section G – Conflicts of Interest

Commissioners must avoid both actual conflicts of interest and potential conflicts of interest or the appearance of impropriety. If a Commissioner has any actual or potential interest in or a conflict of interest with any proposal submitted to or any program being reviewed by the Commission, that Commissioner shall promptly disclose the nature and extent of the actual or potential conflict in writing to the Commission, shall refrain from engaging in any deliberations involving the specific matter giving rise to the conflict, and shall not vote on such matters. (Conflicts shall include, but not be limited to any personal, family, business, and/or financial interest in any matter coming before the Commission. For purposes of this section, a Commissioner’s conflicts shall include all relatives of the Commissioner of the First degree (i.e. spouse, mother, father, sister, brother, child, or in-law) that is or was employed by, consults with, or has any financial or other interest in any entity, business, matter or transaction coming before the commission).

The BFR Commission minutes must reflect any such disclosed conflict. The Commissioner must physically and verbally withdraw from any and all Commission deliberations or informal advocacy at any time that such matter is being discussed by the Commission.

Section H – Required Commissioner Trainings

All Commissioners shall timely and successfully complete: (i) the Illinois Attorney General’s Illinois Open Meetings Act training within 90 days of their appointment; and (ii) annual ethics, sexual harassment cyber security, and diversity, equity, and inclusion training as required by law or executive order. The failure to timely and successfully complete such trainings may result in suspension of the individual Commissioner’s Commission activity and voting privileges; and shall be grounds for replacement.

Article V Meetings/Quorum

Section A – Commission Meetings

The Commission will conduct regular business meetings. Meeting times, dates and locations shall be determined by the Commission in consultation with the Commission Staff Director and in accordance with the Illinois Open Meetings Act (5 ILCS 120). A minimum of one-week advance notice is required for scheduling regular business meetings.

The commission shall hold at least 2 in-person public meetings during each fiscal year. One meeting shall be held in the City of Chicago and one meeting shall be held in the City of Springfield. The commission may choose by a majority vote of its members to hold one virtual meeting, which is open to the public and over the Internet, in lieu of the 2 in-person public meetings required under this Section (15 ILCS 20/50-25(c)(5)).

Section B - Quorum

A quorum is required to conduct business of the Commission. Quorum shall be established when one half of the total number of voting members are present (personally or by proxy). In compliance with the Open Meeting Act, members participating virtually as authorized must acknowledge and meeting minutes must reflect that the individual is able to see and hear the proceedings. Commissioners participating virtually do not count towards Quorum.

If a quorum is not present at a regularly scheduled or special meeting and an emergency is declared by one of the Co-Chairs in consultation with the Staff Director in accordance with Section IV.E.7 of these bylaws, and action is required to be taken by the Commission at the gathering, the action must be ratified at the next regular business meeting at which there is a quorum present.

Section C - Proxies

A voting member may select one Commission member to exercise their proxy, when necessary, in his/her place. A written notice of proxy must be submitted to the Staff Director or the Co-Chairs of the Commission from the Commissioner no later than 24 hours before a scheduled meeting identifying which Commissioner shall exercise the proxy and specifying the date of the meeting the proxy will be exercised. The proxy shall count toward quorum for that meeting only. No more than four proxies can be assigned to any one member of the Commission for a specific meeting.

Section D - Open Meetings Act

All meetings, shall be open to the public as required by the Illinois Open Meetings Act.

Section E - Special Meetings

Special meetings may be called between regularly scheduled meetings by the Co-Chairs, the Staff Director of the Commission or at the written request of four or more members. Notice of the meeting must be sent to all members of the Commission and to the public at least 48 hours in advance of the meeting (5 ILCS 120/2.02).

Section E - Recording of Meetings

Commission meetings may be recorded by any person by tape, film, or other means, so long as such recordings do not interfere with the overall decorum and proceedings of the meetings. Placement of recording equipment shall not obstruct the public from seeing or hearing the proceedings. Recordings shall not violate the rights of Commission members and members of the public. The Chair shall order the immediate termination of any recording which is disruptive, or which distracts or disturbs the proceedings.

Section F - Public Participation

The Co-Chairs may recognize non-member attendees who wish to comment during a specific agenda item or at the end of the meeting during the public comment section. The duration of public comments shall be limited to a reasonable period of time. The Co-Chairs may terminate

non-members' comment time if the speaker is disruptive, or if their communication distracts or disturbs the proceedings.

Section G - Chair *Pro-Tem*

In the absence of both Co-Chairs at either a regularly scheduled or special meeting, the longest serving member of the Commission present shall serve as Chair *Pro-Tem*.

Article VI Committees

Section A - Make-up of Committees

In addition to the required Mandate Review Committee, there may be standing committees of the Commission if established by a majority vote of the Commission. Committee meetings shall be held during a scheduled period of time outside of the Commission's regular business meeting. Commission members and *ex-officio* members shall be asked to identify which committees they are interested in serving on at the last meeting of each calendar year. Committee chairs shall be appointed by the Co-Chairs and must be voting members of the Commission, except for the Mandate Review Committee. All committee meetings shall be conducted in accord with the Open Meetings Act and other relevant state statutes. Commissioners on standing committees may exercise proxies if they are unable to attend a scheduled committee meeting, utilizing the procedures outlined in Article V, Section C of these bylaws.

Section B - Non-Commissioners

Non-Commissioners may serve on a committee but only in an advisory, non-voting capacity. Non-Commissioners may not chair any committee.

Section C - Public Committee Members

The either of the Co-Chairs may, from time to time, appoint one or more additional persons as members of committees. Any non-Commissioner appointed to a committee shall serve in an advisory, non-voting capacity. Only a Commissioner may chair a committee.

Section D - Committee Member Conflict of Interest

No commissioner or any individual appointed to a committee of the Commission shall vote on any matter that poses an actual or potential conflict between their personal, business, and/or professional interests and the mission and activities of the Commission. See Article IV Section G. Conflicts of Interest.

Section E - Coordination of Work

Each committee shall coordinate its work with the other committees of the Commission.

Section F – Mandate Review Committee

Per statute, the BFR Commission must utilize the Mandate Review Committee annually. The

Mandate Review Committee shall be composed of no less than three voting members of the Commission. Mandate Review Committee shall have general supervision of the collection and review of statutory mandates from state agencies, universities, and Constitutional Officers who choose to participate. The Commission shall be empowered to establish *ad hoc* sub-committees to carry out the work of the Committee and shall report such appointments at the next regular meeting of the Commission.

1. The Mandate Review Committee shall review statutory mandates submitted by state agencies, universities, boards, authorities, commissions and constitutional officers and submit a report with its final recommendations to the full Commission no later than September 1st each year.
2. The Mandate Review Committee shall engage the Appropriations Directors and/or other appropriate representatives of each of the four caucuses of the General Assembly, and invite them or their designees to participate in Committee meetings to review statutory mandates before they are submitted to the full Commission for final action.
3. An objection from any of the representatives of the four caucuses of the General Assembly will result in the mandate in question not being included in the final report of the full Commission.

Article VII Parliamentary Authority

Section A

The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Commission may adopt. In the case of any conflict between these bylaws and Roberts Rules of Order, these bylaws shall control. In the case of any conflict between these bylaws and Illinois State law, then State law shall control.

Article VIII Amendment of Bylaws

Section A

The Commission Staff Director and Co-Chairs shall review the bylaws at a minimum once every two years and make recommendations for appropriate changes to the full Commission

Section B

Suggested bylaw amendments must be submitted in writing to the Commission Staff Director and Co-Chairs two months in advance of the next regular meeting. The Commission Staff Director and Co-Chairs shall review proposed amendments and send the proposals in writing to the full Commission one month prior to the next regular meeting. Each proposed amendment shall be presented to the full Commission at the next regular Commission meeting for a vote.

Section C

To be adopted, amendments to the bylaws must receive a two-thirds affirmative vote of those Commission members in attendance, once a quorum is present.