

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

District

- Resolution or Ordinance (Blue)
- Recommendations of Boards, Commissions & Committees (Green)
- Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE : September 8, 2008 **B of T** September 21, 2008

SUBJECT: Village Board Policy Regarding Verbatim Recordings of Executive Session Meetings

SUBMITTED BY: Barbara A. Johnson, Deputy Village Clerk *BJ*

BACKGROUND/POLICY IMPLICATIONS:

The Village Clerk's Office submits for your approval a Village Board Policy on the review, maintenance and destruction of Verbatim Recordings of Executive Session Minutes.

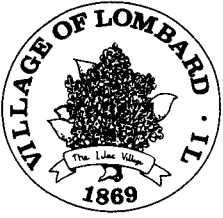
Fiscal Impact/Funding Source: NONE

Review (as necessary):

Finance Director _____ Date _____

Village Manager *David A. Hulseberg* _____ Date *9/9/08*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda distribution.



MEMORANDUM

MEMO TO: David A. Hulseberg, Village Manager

FROM: Barbara A. Johnson, Deputy Village Clerk *BJ*

DATE: June 3, 2008

RE: **Board Policy regarding Verbatim Record of Closed Meetings**

Effective January 1, 2004 the Village began keeping Verbatim Recordings of Closed or Executive Session meetings, pursuant to 5ILCS 120/2.06, which amended the Open Meetings Act to require the verbatim record.

Since that change became effective, the Village has not adopted a Village Board Policy regarding the review, maintenance and destruction of the recordings. At the advice of our Village Attorney, I submit the attached policy for the Village Board's approval.

Please place this item on the agenda for the September 21, 2008 Board of Trustees Meeting. If you have any questions, please feel free to contact me.

VILLAGE OF LOMBARD
VILLAGE BOARD POLICY

Subject: Verbatim Recordings of Executive Session Meetings

Number
September 21, 2008

I Purpose

The purpose of the policy is to establish guidelines for the review, maintenance and destruction of Executive Session Verbatim Recordings.

II Procedures/Guidelines

Pursuant to 5ILCS 120/2.06 the Village of Lombard hereinafter the "Village" adopts the following Village Board Policy concerning verbatim records of closed meetings:

1. A verbatim record of all closed meetings of the Village shall be kept in the form of an audio recording. The Village shall provide the recording device and only one recording device will be allowed. Individuals shall not be allowed to bring their own recording device to closed meetings.

2. The Village Clerk, or his or her designee if he or she is unavailable, will be responsible for operating the recording device for all closed meetings of the President and Board of Trustees of the Village hereinafter the "Village Board" . Each committee, commission or board of the Village shall designate in writing the individual responsible for recording closed meetings and submit such designation to the Village Clerk of the Village.

3. The Village Clerk, or his or her designee, shall maintain the audio recordings in a safe and secure location under lock and key. Access to non-released audio recordings shall be limited to the Village Clerk and Deputy Village Clerk, unless otherwise directed in writing by the Village Board. Individuals allowed access shall sign a log indicating the date and time they listened to a particular audio recording. Individuals allowed access shall listen to an audio recording only under supervision. No copies of any non-released audio recording shall be made.

4. The Village Board hereby authorize the Village Clerk to destroy (record over) the audio recording of a closed meeting eighteen (18) months after the completion of the closed meeting, provided that prior to any such destruction (recording over), the Village Board have approved written minutes for the closed meeting that contain the following, as required by 5 ILCS 120/2.06:

- (A) the date, time and place of the closed meeting;
- (B) the members of the Village Board recorded as either present or absent;
- (C) a summary of discussion on all matters proposed, deliberated or decided; and
- (D) a record of any votes taken.

5. The Village Clerk and/or Deputy Village Clerk shall, on a periodic basis, but not less frequently than quarterly, inspect the audio recordings to check their quality and completeness, and report any problems to the Village Board.

6. Unless the Village Board has determined that an audio recording no longer requires confidential treatment, or otherwise consents to disclosure, the verbatim recordings of closed meetings made pursuant to Section 1 above shall not be either open for public inspection or subject to discovery in any administrative proceeding other than one brought to enforce the provisions of the Open Meetings Act. In a civil action brought to enforce the provisions of the Open Meetings Act, an audio recording will be made available to the court for in camera examination for the purpose of determining whether a violation of the Open Meetings Act exists. In the case of a criminal proceeding, an audio recording will be made available to the court for an in camera examination for the purpose of determining what portion, if any, must be made available to the parties for use as evidence in the prosecution.

III Legislation

Public Act 93-0523 5ILCS 120/2.06