

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

District: All

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: December 1, 2008 **B of T December 18, 2008**

SUBJECT: Release of Executive Session Minutes

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

BACKGROUND/POLICY IMPLICATIONS:

Public Act 88-378, effective January 1, 1982 requires that minutes of closed session meetings are to be recorded in written form and 5 ILCS 120/2.06 (d) states that "Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.

Attached, please find a "Resolution authorizing the Village Clerk to make certain closed session meeting minutes available for public inspection for Village Board consideration and approval.

Fiscal Impact/Funding Source: None

Review (as necessary):

Finance Director

Village Manager

Date _____
Date 12/1/08

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.



CONFIDENTIAL MEMORANDUM

MEMO TO: The Honorable Village President and Board of Trustees
David A. Hulseberg, Village Manager

FROM: Barbara A. Johnson, Deputy Village Clerk *[Signature]*

DATE: November 21, 2008

RE: Review of Executive Session Minutes, Second Review 2008

In June of 2004 the Village Board released all Executive Session minutes from 1982 through 2002. State Statute establishes that a review be conducted periodically, but no less than twice yearly, to determine if there is still a need for confidentiality, or that the minutes, or portions thereof, no longer require confidential treatment and are available for public inspection.

According to our Attorney, minutes of a meeting should be released in their entirety, not item by item. In other words, if there is one item on a set of minutes that should not be released, that set of minutes remains closed to the public. Also, he strongly recommends that none be released that are on a tape that is still within the 18-month retention period. This would be any since June 2007.

The collection of minutes of Executive Sessions that have not yet been released, held in 2003 through June 2007, has been copied for each Village Board members' perusal prior to release. The Village Board is not *obligated* to release these minutes, only to review. During the June, 2008 review, the Village Board decided to keep the minutes confidential.

A resolution will be placed on the Village Board Agenda of December 18, 2008. Copies of Executive Session Minutes are being provided in advance to allow for Village Board consideration. If there are any minutes you would like released, please let me know prior to December 10, 2008 in order to be able to get the matter on the agenda for December 18. If the majority of members want any of the minutes released, they will be added to Exhibit D of the resolution. If you have any questions, please feel free to contact me at 620-5909.

RESOLUTION NO.

**A RESOLUTION AUTHORIZING THE VILLAGE CLERK
TO MAKE CERTAIN CLOSED SESSION MEETING MINUTES
AVAILABLE FOR PUBLIC INSPECTION
2008 SECOND REVIEW**

WHEREAS, the President and Board of Trustees of the Village of Lombard have met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act (the "Act"), a list of said executive session meeting dates being attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, as required by the Act, the Village Clerk has kept written minutes of all such executive sessions; and

WHEREAS, pursuant to 5 ILCS 120/2.06(c), the President and Board of Trustees have met in closed session to review closed session minutes; and

WHEREAS, the President and Board of Trustees have previously made available for public inspection certain executive session minutes, a list of said disclosed executive session minutes being attached hereto as Exhibit "B" and made a part hereof; and

WHEREAS, the President and Board of Trustees have determined that a need for confidentiality still exists as to the executive session minutes from the closed session meetings set forth on Exhibit "C", attached hereto and made a part hereof; and

WHEREAS, the President and Board of Trustees have further determined that the minutes of the closed session meetings listed on Exhibit "D", attached hereto and made a part hereof, no longer require confidential treatment and should be made available for public inspection;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The executive session minutes from those meetings set forth on Exhibit "D" attached hereto are hereby released.

SECTION 2: The Village Clerk is hereby authorized and directed to make the minutes from those meetings set forth on Exhibit "D" available for inspection and copying in accordance with the standing procedures of the Clerk's office.

SECTION 3: This Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

Resolution No. _____
Closed Session Minutes

ADOPTED this _____ day of _____, 2008, pursuant to a roll call vote as follows:

Adopted this _____ day of _____, 2008

AYES:

NAYS: None

ABSENT: None

APPROVED by me this _____ day of _____, 2008.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

EXHIBIT A
EXECUTIVE SESSIONS WHICH HAVE TAKEN PLACE

June 16, 1969

January 6, 1964
January 20, 1964
February 3, 1964
March 16, 1964
April 6, 1964
May 18, 1964
November 2, 1964

1964

March 15, 1965
May 17, 1965
September 7, 1965
October 18, 1965

1966

February 21, 1966
March 21, 1966
October 3, 1966
November 7, 1966

1967

January 3, 1967
January 16, 1967
April 10, 1967
July 3, 1967

1968

May 6, 1968
May 27, 1968
June 3, 1968
June 17, 1968
October 7, 1968
November 18, 1968

1969

January 6, 1969
January 20, 1969
February 3, 1969
March 7, 1969
March 24, 1969
April 4, 1969
April 21, 1969
May 19, 1969
May 26, 1969

1971

January 4, 1971
January 18, 1971
February 1, 1971
March 1, 1971
April 19, 1971
May 3, 1971
June 21, 1971
July 6, 1971
August 2, 1971
August 16, 1971
September 20, 1971
October 4, 1971
October 25, 1971
November 15, 1971
December 6, 1971

1970

February 2, 1970
February 16, 1970
April 6, 1970
April 20, 1970
May 4, 1970
May 18, 1970
June 1, 1970
June 15, 1970
July 6, 1970
July 20, 1970
August 3, 1970
October 19, 1970
December 7, 1970

1972

February 21, 1972
February 28, 1972

April 17, 1972
June 5, 1972
September 18, 1972
October 2, 1972
December 4, 1972
December 18, 1974
1973
February 5, 1973
March 5, 1973
March 19, 1975
April 2, 1973
April 16, 1973
June 18, 1973
August 16, 1973
October 18, 1973
November 1, 1973
November 28, 1973
1974
January 3, 1974
January 31, 1974
February 7, 1974
February 21, 1974
March 7, 1974
March 21, 1974
May 2, 1974
May 9, 1974
June 20, 1974
July 11, 1974
August 8, 1974
September 12, 1974
September 19, 1974
October 3, 1974
November 7, 1974
December 5, 1974
December 11, 1974
December 12, 1974

June 26, 1975
July 10, 1975
July 24, 1975
August 11, 1975
August 28, 1975
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February 13, 1976
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January 28, 1988	January 2, 1989
February 4, 1988	February 16, 1989
February 18, 1988	February 22, 1989
February 22, 1988	March 16, 1989
March 3, 1988	April 6, 1989
March 17, 1988	April 20, 1989
March 24, 1988	April 26, 1989
April 7, 1988	April 27, 1989
April 8, 1988	May 4, 1989
April 21, 1988	May 18, 1989
May 5, 1988	May 24, 1989
May 8, 1988	June 1, 1989
May 26, 1988	June 22, 1989
June 2, 1988	
July 7, 1988	
July 21, 1988	
August 4, 1988	
August 18, 1988	
September 1, 1988	
September 15, 1988	
September 22, 1988	
October 6, 1988	
October 20, 1988	
November 3, 1988	
November 17, 1988	
December 1, 1988	
December 15, 1988	
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July 6, 1989	July 2, 1990
July 16, 1989	July 5, 1990
July 20, 1989	July 26, 1990
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April 26, 2008
May 1, 2008
May 5, 2008
June 5, 2008
August 21, 2008
September 5, 2008
September 18, 2008

**EXHIBIT C: LIST OF
EXECUTIVE SESSION
MINUTES TO REMAIN
CONFIDENTIAL**

2003
APRIL 17, 2003
JUNE 5, 2003
2005
JULY 21, 2005
OCTOBER 6, 2005
2006
MAY 18, 2006
JUNE 1, 2006
AUGUST 17, 2006
NOVEMBER 2, 2006
NOVEMBER 14, 2006
DECEMBER 7, 2006
2007
JANUARY 4, 2007
JANUARY 18, 2007
FEBRUARY 15, 2007
MARCH 15, 2007
APRIL 5, 2007
APRIL 19, 2007
JUNE 7, 2007
JUNE 21, 2007
AUGUST 9, 2007
SEPTEMBER 6, 2007
SEPTEMBER 20, 2007
NOVEMBER 1, 2007
DECEMBER 6, 2007
2008
JANUARY 3, 2008
FEBRUARY 7, 2008
FEBRUARY 21, 2008
APRIL 3, 2008
APRIL 17, 2008
APRIL 26, 2008
MAY 1, 2008
MAY 5, 2008
JUNE 5, 2008
AUGUST 21, 2008
SEPTEMBER 5, 2008
SEPTEMBER 18, 2008

**EXHIBIT D: LIST OF EXECUTIVE SESSION
MINUTES NOT PREVIOUSLY APPROVED FOR DISCLOSURE, BUT NOW
APPROVED FOR DISCLOSURE**