

ORDINANCE NUMBER 782

**AN ORDINANCE ESTABLISHING PROCEDURES
FOR THE RECORDING OF CLOSED SESSIONS
AND REVIEW OF CLOSED SESSION MINUTES
FOR GLENCOE PARK DISTRICT,
COOK COUNTY, ILLINOIS**

WHEREAS, the Glencoe Park District is an Illinois unit of local government operating under the laws of the State of Illinois; and

WHEREAS, Section 2.06 of the Open Meetings Act, 5 ILCS 120/2.06, requires public entities to audio or video record their closed or executive session meetings; and also requires public entities to review closed session minutes no less frequently than semi-annually; and

WHEREAS, the Illinois General Assembly enacted such legislation to have a mechanism by which to review whether Illinois public entities have violated the provisions of the Illinois Open Meetings Act while conducting their closed sessions; and

WHEREAS, the Board of Commissioners of Glencoe Park District seeks to establish procedures by which the Park District can comply with the provisions of the law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF GLENCOE PARK DISTRICT, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: Recording Closed Sessions: Glencoe Park District shall keep a verbatim record of all Closed Session meetings (also referred to as executive session meetings) of the Board of Commissioners or any subsidiary “public body” as defined by the Illinois Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the Board of Commissioners.

SECTION 2: Responsibility for Recording Closed Sessions and Maintaining Recordings: The Board Secretary or his/her designee shall be responsible for arranging for the recording of such closed sessions. In the absence of the Board Secretary or his/her designee, the Executive Director will arrange for the audio or video recording of the closed session of the Board of Commissioners. Each subsidiary public body of the Park District shall designate an individual who will be responsible for the recording of any and all closed sessions of the subsidiary body and for providing the Board Secretary with a copy of such recording. The Board Secretary, or his/her designee, shall securely maintain the verbatim recordings of all closed sessions of the Board of Commissioners and all subsidiary public bodies of the Park District.

SECTION 3: Closed Session Minutes: In addition to the recordings of the closed session as addressed in this Ordinance, the Park District will keep minutes of all

closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/2.06. In accordance with that section of the Act, the Board, Board committees, and subsidiary bodies will meet in closed session no less frequently than semi-annually to review the minutes of all closed meetings. At such meetings, a determination shall be made, and reported in open session that (a) the need for confidentiality still exists as to all or part of those minutes, or (b) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. With respect to minutes of the Board, the Executive Director shall, with advice from Legal Counsel, review those minutes (or portions thereof) that have not been released to the public to determine whether any sufficient basis exists for continuing to withhold the minutes from release and the Executive Director shall make a recommendation to the Board of Commissioners concerning whether to release or withhold those minutes. The determination of the Board shall be recorded in the minutes of the open meeting.

SECTION 4: Procedure for Recording. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

SECTION 5: Back-Up Equipment/Procedure for Equipment Malfunction. The Park District will maintain sufficient tapes, batteries and equipment for the Park District to comply with this Ordinance. The Board Secretary or his/her designee will periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as time as the closed session may proceed with a functioning recording device.

SECTION 6: Maintenance and Public Release of Recordings and Access to Tapes. The audio or video tape recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the Board of Commissioners. Members of the Board may listen to the closed session recordings in the presence of the Board Secretary or his/her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the Board.

SECTION 7: Procedure for Destruction of Recordings. The Board Secretary or his/her designee is hereby authorized to destroy the particular audio and video recordings of those closed sessions for which:

- A. The Board of Commissioners has approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review; and

- B. More than 18 months have elapsed since the date of the closed session; and
- C. There is no court order requiring the preservation of such recording; and
- D. The Board of Commissioners has not passed a motion requiring the preservation of the verbatim recording of that meeting.

SECTION 8: If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

SECTION 9: All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 10: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

ADOPTED this 17th day of July, 2012.

AYES: Lerman, Lee, Cornell, Retsky

NAYS: None

ABSENT: Kimble

Maxine Lans Retsky, President
Board of Park Commissioners

ATTEST:

Steven T. Nagle, Secretary
Board of Park Commissioners