

COUNCIL POLICY STATEMENT

Policy No. 39
General Subject: General
Specific Subject: Open Meetings Act – Verbatim Records of Closed Meetings for
City Boards, Committees and Commissions
Date Approved: April 19, 2004

PURPOSE

The purpose of this policy is to set forth the procedure for compliance by City, board, committee and commission meetings with Senate Bill 1586 which went into law as Public Act 93-0523. The Act requires that a verbatim record of all closed meetings of public bodies be kept in the form of an audio or video recording.

RATIONALE

To provide for a written procedure that will guide staff, elected and appointed officials in complying with the requirements of the amendment to the Open Meetings Act – SB 1586.

POLICY STATEMENT

1. A verbatim record of all closed meetings of any City board, committee and commission of the City of Park Ridge shall be kept in the form of an audio tape recording. The local public body shall provide the recording device and only one recording device will be allowed to record the meeting. Individuals shall not be allowed to bring their own recording device to closed meetings.

2. The City Clerk, the Deputy Clerk or the Secretary of the committee or commission, 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 committee. For any committee or commission of the City that does not have an appointed Secretary, prior to conducting a closed session, the body shall designate an individual responsible for recording closed meetings and submit such designation in writing to the City Clerk along with the audio tape as soon as practicable after the final adjournment of the closed meeting. The individual designated by any City committee or commission to record said meetings may be a member of the committee or commission.

3. The City Clerk shall maintain all audiotapes for each closed session meeting in a safe and secure location under lock and key. The person designated to record the closed meeting shall be responsible for delivering the audio tape to the City Clerk or Deputy Clerk as soon as practicable after the final adjournment of the closed meeting. Access to unreleased audiotapes of the City Council shall be limited to each member of the City Council, the City Clerk, the Deputy Clerk, the City Manager and the City Attorney, unless otherwise directed in writing by the corporate authorities of the City of Park Ridge. Access to unreleased audiotapes of any committee or commission shall be limited to members of the respective committee or commission and all elected officials, the City Clerk, the Deputy City Clerk, the City Manager and the City Attorney, unless otherwise directed in writing by the Corporate Authorities of the City of Park Ridge. Individuals allowed access to audiotapes shall sign a log, maintained by the City Clerk's office, indicating the date and time he or she listened to a particular tape and identifying the audiotape. Individuals allowed access to audiotapes shall listen to a tape only under supervision of the City Clerk, the Deputy Clerk, the City Manager, or the City Attorney or a designee. No copies shall be made of any released audiotape.

4. The verbatim record of a closed meeting may be destroyed eighteen (18) months after the final adjournment of the meeting if the local public body approves by a simple majority vote of its members the destruction of the particular recording and if it approves written minutes for the particular closed meeting that contain the following, as required by Section 2.06 of the Open Meetings Act:
 - (1) the date, time and place of the meeting;
 - (2) the members of the public body recorded as either present or absent;and
 - (3) a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken.

5. The City Clerk or Deputy Clerk shall, on a periodic basis, but not less frequently than quarterly, inspect the recordings on the audio tapes to check quality and completeness, and report on any problems to the appropriate local public body.

6. Unless the local public body has determined that a recording on an audio tape no longer requires confidential treatment, or otherwise consents to disclosure, the verbatim recordings of closed meetings made pursuant to Paragraph 1 above shall not be 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, a duplicate audio tape containing the recording at issue or original audio tape (as ordered by the court) 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, a duplicate audio tape containing the recording at issue or the original audio tape (as ordered by the court) will be made available to the court for 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.