

## **3.22 VERBATIM RECORD OF CLOSED MEETINGS**

### **POLICY OF THE NILES-MAINE DISTRICT LIBRARY REGARDING VERBATIM RECORD OF CLOSED MEETINGS**

Pursuant to the applicable provisions of the Illinois Open Meetings Act, the Board of Library Trustees of the Niles-Maine District Library adopt the following policy concerning verbatim records of closed meetings. This policy applies to the Board of Library Trustees, all committees and subcommittees of the Board of Library Trustees, and all other boards and commissions of the Niles-Maine District Library which are subject to the provisions of the Illinois Open Meetings Act (hereinafter referred to in the aggregate as “public body” or “public bodies”).

1. A verbatim record of all closed meetings of the Board of Library Trustees of the Niles-Maine District Library, Cook County, Illinois (“Board of Trustees”) and other public bodies of the Niles-Maine District Library shall be kept in the form of an audio recording. The Board of Trustees shall provide and make available a recording device for use during closed meetings and only one recording device will be allowed. Individuals shall not be allowed to bring their own recording device to closed meetings.
2. The Library Director, 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 Board of Trustees and all other public bodies of the Niles-Maine District Library, provided, however, that in the event that the Board of Library Trustees (or the person presiding over the public body meeting) has asked the Library Director not to attend or participate in the closed meeting or a portion thereof, then the Board Secretary of the Board of Library Trustees or his or her designee will be responsible for operating the recording device for that closed session or portion thereof for which the Director is not present. and for all other public bodies subject to the Open Meetings Act, in the absence of the Library Director, the presiding officer of that public body shall designate the person responsible for recording the closed meetings.
3. Prior to the commencement of a closed meeting, the person responsible for operating the recording device shall test it and advise the person presiding over the meeting whether the recording device is operating properly. Upon being advised that the recording device is operating properly, the person presiding at the closed meeting shall call the meeting to order and request a roll call. After the roll call, all other persons allowed to be present shall state their names and positions or reason for their presence. The person presiding shall then proceed to conduct the closed meeting.
4. The person responsible for operating the recording device shall maintain the audiotape in a safe and secure location under lock and key. That person shall properly label each tape and prepare and maintain a written index of the tapes. A copy of all indexes of tapes and their locations shall be given to and also maintained by the Board Secretary. Access to non-released tapes shall be limited to the person(s) designated as responsible for recording closed meetings, the attorneys for the Niles-Maine District Library, a duly elected or appointed member of the public body (i.e., committee) that conducted the

closed meeting, and such others as are given prior written consent by the Board of Library Trustees. Individuals allowed access shall sign a log indicating the date and time they listened to a particular tape. Individuals allowed access shall listen to a tape only under supervision. No copies of any non-released tape shall be made. No verbatim transcripts of any non-released tape shall be made. The Board further agrees that, to preserve the confidentiality of closed session recordings, and to ensure effective decision making and protect sensitive information, any notes taken while reviewing the closed session recordings must be kept at a minimum and concise.

5. Access to the verbatim recordings and minutes of the closed sessions of the meetings of the Board of Library Trustees, and other public body shall be granted in the Library's main office or official storage location, in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body (5 ILCS 120/2.06). Other than by the Board Secretary as set forth in paragraph 6 below, no verbatim recordings shall be recorded or removed from the Library's main office or official storage location, except by vote of the public body that conducted the closed meeting or by court order. Nothing in this paragraph is intended to limit the Public Access Counselor's access to those records necessary to address a request for administrative review under the Open Meetings Act. The Board of Library Trustees agrees that a reasonable request to access recordings shall be made by contacting the Board Secretary with a minimum of seventy-two hours' advance notice of the date and time being requested for review of closed session recordings. Requests will be accommodated during library operating hours for a maximum length of two hours per session, and a maximum of one session per calendar week. If the Board Secretary is unavailable to accommodate the request, the Secretary will contact the Board President or Vice President to determine if another Trustee is available to accommodate the request. If no other Trustee is available, the Library Director will be asked to accommodate the request. Once a date and time are agreed upon, the Library Director will arrange for access to the recordings.
6. The President and Board of Trustees of the Niles-Maine District Library determine that it is in the best interests of the Library that the Secretary of the Board of Library Trustees maintain, outside of the main office of the Library, temporary custody of the verbatim recordings and minutes of the closed sessions of the meetings of the Board of Library Trustees for the sole purpose of creating written minutes with the expectation that recordings and minutes will be returned to the District's main office within two weeks' time, as set forth in the Open Meetings Act, 120 ILCS 5/1 *et. seq.*
7. The verbatim record of a closed meeting may be destroyed eighteen (18) months after the completion of the meeting if the public body which held the closed meeting approves 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.

8. The Library Director and the Board Secretary, or his or her designee, shall, on a periodic basis, but not less frequently than quarterly, inspect and review the recordings in their possession to check their quality and completeness, and report any problems to the Board of Trustees.
9. Unless the public body which held the closed meeting has determined that a recording 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 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, a 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, a recording 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.

*Adopted by the Niles Public Library District Board of Trustees 2.16.06;  
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