

VILLAGE OF GLENCOE  
POLICE PENSION FUND BOARD

Regular Meeting  
Village Hall Conference Room  
675 Village Court

April 18, 2012  
7:00 a.m.

**A G E N D A**

The Village of Glencoe is subject to the requirements of the Americans With Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4114, or please contact the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.

1. CALL TO ORDER AND ROLL CALL

Michael Neimark, President  
Peter Neville, Trustee  
Joseph Walter, Trustee  
Christopher Pfaff, Trustee  
Chad Smith, Trustee

2. PUBLIC COMMENT TIME

*Individuals interested in addressing the Board on non-agenda items may do so during this time.*

3. APPROVAL OF THE JANUARY 18, 2012 MINUTES

4. REVIEW FINANCIAL ACTIVITY WITH GREAT LAKES ADVISORS

5. APPROVE QUARTERLY PAYMENTS AND DISBURSEMENTS

6. CONSIDER **DRAFT** CUSTODIAL BANKING AND FINANCIAL ADVISORY SERVICES REQUEST FOR PROPOSAL

7. REVIEW ANNUAL CALENDAR

8. TRAINING: OPEN MEETINGS ACT AND FREEDOM OF INFORMATION ACT

9. OTHER BUSINESS

10. ADJOURNMENT

VILLAGE OF GLENCOE  
POLICE PENSION FUND BOARD

REGULAR MEETING MINUTES  
January 18, 2012

1. CALL TO ORDER

A regular meeting of the Police Pension Fund Board was called to order by President Neimark at 7:10 a.m. on Wednesday, January 18, 2012 in the Village Hall Conference Room.

2. ROLL CALL

The following members were present:

Michael Neimark, President  
Peter Neville, Trustee  
Chad Smith, Trustee

The following were also present:

David A. Clark, Treasurer  
Bill Gregg, Director of Fixed Income, Great Lakes Advisors, LLC  
Jason Turner, Asset Allocation Manager, Great Lakes Advisors, LLC

Absent:  
Christopher Pfaff, Trustee  
Joseph Walter, Trustee

3. APPROVAL OF MINUTES FROM THE OCTOBER 19, 2011 MEETING

Upon motion made and seconded, the minutes of the October 19, 2011 minutes were approved by unanimous vote.

4. PUBLIC COMMENT TIME

No comment from the public.

5. Review Financial Activity with Great Lakes Advisors

Bill Gregg and Jason Turner presented a portfolio report for the period ended December 31, 2011. Since September 30, 2011, the value of the portfolio increased from \$21.89 Million (plus 113,881.11 accrued interest) to \$23.12 Million (plus \$110,145.00 accrued interest). Cash and equivalents represented 4.1% of the assets, equities represented 44% of the assets and 51.9% of the assets.

Following discussion, the following recommendations were made:

Following discussion, the following recommendations were made:

Sources

\$1,459,000 – Sale of all Vanguard Total Stock Market Index Fund  
\$600,000 – Cash on Hand  
\$100,000 – Corporate Bond Maturity on 3/15/2012  
\$100,000 – FHLB Maturity on 2/15/2012  
\$250,000 – FHLB Maturity on 3/9/2012

\$2,509,000 – TOTAL SOURCES

Investments

\$850,000 – Short term corporate bonds with 3 to 5 months maturity  
\$750,000 – Vanguard 500 Index Fund  
\$709,000 – Vanguard Value Index Fund  
\$100,000 – Fidelity Diversified International  
\$100,000 – Best of Corporate Bonds 1-10 years from Corporate Maturity

\$2,509,000 – TOTAL INVESTMENTS

Trustee Smith moved, seconded by Trustee Neville to approve the investment instructions with investments totaling \$2,509,000. Said motion was adopted by the following vote:

AYES: Neville, Smith, Neimark (3)  
NAYES: None (0)  
ABSENT: Pfaff, Walter (2)

The Board next considered a second set of recommendations presented by the financial advisors. These recommendations included:

Sources

\$100,000 – Vanguard Emerging Markets  
\$82,600 – Sale of all Vanguard Developed Market Index Fund

\$182,000 – TOTAL SOURCES

Investments

\$182,000 – Credit Swiss Commodity Fund

\$182,000 – TOTAL INVESTMENTS

The Board directed the financial advisors to provide additional information prior to approving the additional investment of \$182,000. Trustee Smith moved, seconded by Trustee Neville to conditionally approve the investment instructions with investments totaling \$182,000 subject to receiving further information. Said motion was adopted by the following vote:

AYES: Neville, Smith, Neimark (3)  
NAYES: None (0)

ABSENT: Pfaff, Walter (2)

6. Review Financial Activity and Disbursement Report

Treasurer David Clark reviewed \$13,004.64 in accounts payable disbursements since October 1, 2011 and \$378,240.93 in annuities paid since October 1, 2011. The report also included a list of bank transfers made. Upon motion made and seconded, the accounts payable and disbursement report was unanimously approved as submitted.

7. Approve Annual Budget

Trustee Neville moved, seconded by Trustee Smith, to approve the Fiscal Year 2013 Annual Budget with annual revenue of \$2,554,118 and annual expenditures of \$1,649,954. Said motion was approved by the following vote:

AYES: Neville, Smith, Neimark (3)

NAYES: None (0)

ABSENT: Pfaff, Walter (2)

8. Review Annual Calendar

The Board reviewed the 2012 annual calendar. The Board suggested that a rolling calendar be included in future agendas. The next meeting is April 18, 2012.

9. Conduct Training on Duties and Liabilities of Pension Fund Fiduciaries

The training topic was addressed in accordance with the Police Pension Board's Training Policy.

10. Other Business

The following other business was addressed:

1. Unanimously adopt motion to approve a retirement pension for Thomas Bak with an initial annual benefit of \$46,914.59.
2. Ask Public Safety Director Michael Volling to arrange annual disability confirmation medical examination for Matthew Sachtleben
3. Follow up with meeting confirmation one month in advance by email, and a phone confirmation one week prior to the meeting.

11. Adjournment

There being no further business to come before the Police Pension Fund Board, upon motion made, seconded and unanimously adopted, the meeting was adjourned at 9:45 a.m.

APPROVE QUARTERLY PAYMENTS AND  
DISBURSEMENTS

Village of Glencoe Police Pension Fund  
Quarterly Disbursement Report  
January 1, 2012 through March 31, 2012

Check	Name	Check Amount	Check Date	Check Status	Item Desc
40043	NORTHERN ILLINOIS UNIVERSITY	250.00	02/24/2012	Outstanding	PENSION TRUSTEE TRAINING - NEIMARK
40043	NORTHERN ILLINOIS UNIVERSITY	250.00	02/24/2012	Outstanding	PENSION TRUSTEE TRAINING - NEVILLE
40044	GREAT LAKES ADVISORS, LLC	12,486.28	03/15/2012	Outstanding	4TH QTR MANAGEMENT FEE
40045	TIMOTHY W. SHARPE	2,000.00	03/15/2012	Outstanding	MARCH 1 2011 ACTUARIAL VALUATION

DATE: 04/11/12

TIME: 08:53:49

VILLAGE OF GLENCOE  
EARNINGS ANALYSIS REPORT

PAGE NUMBER: 1  
EARNRPT3

SELECTION CRITERIA: employee.home\_orgn="376" and checkhis.iss\_date between "01/01/2012" and "03/31/2012"

EMPLOYEE NO	NAME	PAY CODE	-----REGULAR-----		-----OVERTIME-----	
			HOURS	EARNINGS	HOURS	EARNINGS
95301	AYLWARD, NED	131	3.00	18,475.02	.00	.00
	TOTAL FOR EMPLOYEE: 95301		3.00	18,475.02	.00	.00
300256	BAK, THOMAS	131	3.00	11,728.65	.00	.00
	TOTAL FOR EMPLOYEE: 300256		3.00	11,728.65	.00	.00
20026	BATT, PAULA	131	3.00	6,584.01	.00	.00
	TOTAL FOR EMPLOYEE: 20026		3.00	6,584.01	.00	.00
20017	BONNEVILLE, ROBERT B	131	3.00	17,182.95	.00	.00
	TOTAL FOR EMPLOYEE: 20017		3.00	17,182.95	.00	.00
20018	CLARK, JAMES	132	3.00	8,159.94	.00	.00
	TOTAL FOR EMPLOYEE: 20018		3.00	8,159.94	.00	.00
300182	FAY, ANNE T.	139	3.00	7,997.82	.00	.00
	TOTAL FOR EMPLOYEE: 300182		3.00	7,997.82	.00	.00
300183	FAY, JOHN	131	3.00	11,448.87	.00	.00
	TOTAL FOR EMPLOYEE: 300183		3.00	11,448.87	.00	.00
20005	FEIL, WILLARD B	131	3.00	4,967.01	.00	.00
	TOTAL FOR EMPLOYEE: 20005		3.00	4,967.01	.00	.00
94501	GALFORD, JOHN D	131	3.00	20,963.34	.00	.00
	TOTAL FOR EMPLOYEE: 94501		3.00	20,963.34	.00	.00
300208	GARY GIBE, SHAPIRO DEVELOPMENTAL CNTR FOR	137	3.00	2,706.90	.00	.00
	TOTAL FOR EMPLOYEE: 300208		3.00	2,706.90	.00	.00
20020	GIBE JR, JERRY	137	3.00	2,706.90	.00	.00
	TOTAL FOR EMPLOYEE: 20020		3.00	2,706.90	.00	.00
20002	HALLEN, SHIRLEY	131	3.00	4,050.33	.00	.00
	TOTAL FOR EMPLOYEE: 20002		3.00	4,050.33	.00	.00
95601	HARLOW, PAUL	131	3.00	22,162.59	.00	.00
	TOTAL FOR EMPLOYEE: 95601		3.00	22,162.59	.00	.00
20027	HENDRIX, CAROL I	131	3.00	14,200.32	.00	.00
	TOTAL FOR EMPLOYEE: 20027		3.00	14,200.32	.00	.00
20021	IVINS, JOHN	131	3.00	11,002.47	.00	.00
	TOTAL FOR EMPLOYEE: 20021		3.00	11,002.47	.00	.00
95101	JESSE, DANIEL	131	3.00	16,790.58	.00	.00
	TOTAL FOR EMPLOYEE: 95101		3.00	16,790.58	.00	.00
20022	LINOWIECKI, JOHN	131	3.00	11,142.33	.00	.00
	TOTAL FOR EMPLOYEE: 20022		3.00	11,142.33	.00	.00
97203	LOPRESTI, NICHOLAS	132	3.00	14,085.51	.00	.00
	TOTAL FOR EMPLOYEE: 97203		3.00	14,085.51	.00	.00
300179	MILKS, MIKEL	131	3.00	28,872.63	.00	.00

VILLAGE OF GLENCOE  
EARNINGS ANALYSIS REPORT

SELECTION CRITERIA: employee.home\_orgn="376" and checkhis.iss\_date between "01/01/2012" and "03/31/2012"

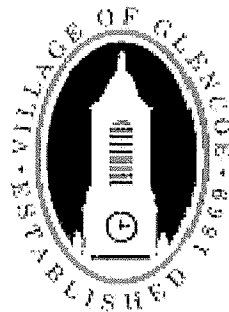
EMPLOYEE NO	NAME	PAY CODE	-----REGULAR-----		-----OVERTIME-----	
			HOURS	EARNINGS	HOURS	EARNINGS
	TOTAL FOR EMPLOYEE: 300179		3.00	28,872.63	.00	.00
300101	MILLER, LYNN	131	3.00	13,237.02	.00	.00
	TOTAL FOR EMPLOYEE: 300101		3.00	13,237.02	.00	.00
20028	MOHR, FLOYD	131	3.00	15,038.40	.00	.00
	TOTAL FOR EMPLOYEE: 20028		3.00	15,038.40	.00	.00
300248	NORRIS, ANTOINETTE E.P.	131	3.00	7,242.48	.00	.00
	TOTAL FOR EMPLOYEE: 300248		3.00	7,242.48	.00	.00
20014	POSTELNICK, THOMAS J	131	3.00	13,751.82	.00	.00
	TOTAL FOR EMPLOYEE: 20014		3.00	13,751.82	.00	.00
300118	RODSTROM, JEFFREY	132	3.00	14,224.92	.00	.00
		138	.00	547.11	.00	.00
	TOTAL FOR EMPLOYEE: 300118		3.00	14,772.03	.00	.00
300092	SACHTLEBEN, MATTHEW	132	3.00	13,412.58	.00	.00
	TOTAL FOR EMPLOYEE: 300092		3.00	13,412.58	.00	.00
20023	SEBBEN, PHYLLIS M	131	3.00	3,000.00	.00	.00
	TOTAL FOR EMPLOYEE: 20023		3.00	3,000.00	.00	.00
20001	SHARPE, DAVID D.	131	3.00	10,064.01	.00	.00
	TOTAL FOR EMPLOYEE: 20001		3.00	10,064.01	.00	.00
96701	SWEENEY JR, THOMAS J	132	3.00	11,115.45	.00	.00
	TOTAL FOR EMPLOYEE: 96701		3.00	11,115.45	.00	.00
300112	WADYCKI, THOMAS	131	3.00	22,549.53	.00	.00
	TOTAL FOR EMPLOYEE: 300112		3.00	22,549.53	.00	.00
300102	WALTER, JOSEPH	131	3.00	15,757.50	.00	.00
	TOTAL FOR EMPLOYEE: 300102		3.00	15,757.50	.00	.00
300221	WEPPLER, KATHRYN A.	139	3.00	8,337.18	.00	.00
	TOTAL FOR EMPLOYEE: 300221		3.00	8,337.18	.00	.00
95401	WEPPLER, TERRY	131	3.00	11,560.65	.00	.00
	TOTAL FOR EMPLOYEE: 95401		3.00	11,560.65	.00	.00
TOTAL REPORT			96.00	395,066.82	.00	.00



**CONSIDER DRAFT CUSTODIAL BANKING AND  
FINANCIAL ADVISORY SERVICES REQUEST FOR  
PROPOSAL**

DRAFT

GLENCOE POLICE PENSION FUND  
REQUEST FOR PROPOSAL  
FOR  
INVESTMENT MANAGEMENT SERVICES AND  
MASTER CUSTODIAL SERVICES



April 30, 2012

**VILLAGE OF GLENCOE POLICE PENSION FUND  
FINANCIAL SERVICES REQUEST FOR PROPOSAL (RFP)**

**I. INTRODUCTION**

**A. General Information**

The Board of Trustees of the Glencoe Police Pension Fund ("Pension Fund") is requesting response to this consolidated request for proposal to 1) provide master custody services and 2) provide professional advice and manage the assets of the Glencoe Police Pension Fund. Firms or institutions submitting proposals must meet the minimum eligibility requirements for financial institutions, investment advisors and investment managers as set forth in the Illinois Pension Code and with any other applicable state and federal laws for vendors doing business with a public entity. All related practices and procedures must comply with Illinois law and the Pension Fund's investment policy.

The purpose of the Request for Proposal (RFP) is to identify investment management firms and master custodial banking services that can offer the highest quality service at the lowest cost. A consolidated fee proposal is expected to cover both the investment management services and custodial banking services. The anticipated term of the agreement with successful bidders is five (5) years.

**B. Instructions**

1. Responses to this RFP will be submitted in a sealed envelope, clearly identified as:

**PROPOSAL POLICE PENSION FINANCIAL SERVICES**

and mailed to: David A. Clark  
Finance Director  
Village of Glencoe  
675 Village Court  
Glencoe, IL 60022

or delivered to: David A. Clark  
Finance Director  
Village of Glencoe  
675 Village Court  
Glencoe, IL 60022

or emailed to: [davec@villageofglencoe.org](mailto:davec@villageofglencoe.org) and [mneimark@villageofglencoe.org](mailto:mneimark@villageofglencoe.org)

2. Response: Each proposer shall mail or deliver three proposals and provide an electronic copy (PDF) of the complete proposal by the required deadline. The electronic version of the proposal can be submitted via email to meet the filing deadline.
3. Questions and Additional Information: Requests for clarification or additional information should be emailed to [davec@villageofglencoe.org](mailto:davec@villageofglencoe.org) and [mneimark@villageofglencoe.org](mailto:mneimark@villageofglencoe.org).

Responses to requests/questions will be furnished to all potential proposers that email a *Notice of Intent*.

4. The *Notice of Intent* is an email delivered to [davec@villageofglencoe.org](mailto:davec@villageofglencoe.org) and to [mneimark@villageofglencoe.org](mailto:mneimark@villageofglencoe.org) with the subject title "NOTICE OF INTENT". An electronic version of the RFP will be available to all of the prospective bidders that provide their email address via their Notice of Intent. Also, individuals submitting a notice of intent will receive the responses to all questions submitted by all prospective bidders. Cutoff date to receive RFP in writing will be May 15, 2012. Requests received after May 15, 2012, will not be answered.
5. Schedule: The following schedule will be adhered to:

<u>Date</u>	<u>Item</u>
April 30, 2012	Distribution of Request for Proposals
May 15, 2012	Notice of Intent Due via email. Deadline for requests/inquiries/questions/clarifications
May 20, 2012	Response to requests, inquiries, questions, clarifications sent via email.
June 10, 2012	Proposals must be in the possession of the Village by 4 p.m. this date. No exceptions!
July 18, 2012	Recommendations reviewed by the Pension Fund. Interviews with finalists may be scheduled.
August 1, 2012	Implementation date for investment management services

The Village intends to adhere to the proposed schedule, however, it is expressly understood that your proposal will be valid for a period of ninety (90) days after June 10, 2012. The Pension Fund may narrow their scope of Investment Managers and request a meeting prior to making a final decision.

## II. GENERAL INFORMATION

### A. Description of Entity

The Glencoe Police Pension Fund has total assets of approximately \$24 Million, with approximately 46% allocated to equity and 54% allocated to fixed income/money market. The fixed income portion of the portfolio is the subject of this request for proposal

### B. Description of System

The Pension Fund is a defined-benefit, single-employer defined system, covering only Public Safety Officers (both active and retired) that are or were employed full time by the Village of Glencoe. The fund provides eligible members and their spouses: service, disability, and death benefits. It is managed by a Board of Trustees (the Board) consisting of appointed trustees and trustees by virtue of employment position with the Village of Glencoe.

### C. Scope of Services

See Exhibit A – Investment Management Services and Exhibit B – Master Custody Services.

**D. Documentation**

The following enclosed documents provide more information about the Village of Glencoe's Police Pension Fund:

1. Glencoe Police Pension Fund Report for Period Ending March 31, 2012; and
2. Actuarial Valuation Report for the Year Beginning March 1, 2010 and Ending February 28, 2011.
3. Copy of the current Glencoe Police Pension Fund Investment Policy

Other information including the Village of Glencoe annual financial report can be found at [www.villageofglencoe.org](http://www.villageofglencoe.org).

**E. Notice**

The Village will not reimburse responding firms for an expenses incurred in preparing proposals to this request.

All respondents are advised that the pension fund is not permitted by Illinois law to INDEMNIFY third parties for any reason. Venue for any action arising from this RFP or any resulting proposal or agreement shall be Cook County, Illinois.

The pension fund reserves the right to reject for any reason any proposal received as a result of this RFP and to accept the proposal deemed by the pension funds to be most advantageous. The successful respondent will be the one that has the staff, experience, expertise, resources and facilities that most satisfy the pension funds' criteria. Failure to comply with any of the requirements of this RFP may, at the sole discretion of the pension funds, be grounds for rejection.

The respondent should be prepared to enter into a multi-year contract with an option to renew that is mutually agreed upon with the pension funds. Any fees, costs, services, or other statements submitted in response to the RFP will be binding upon the respondent.

The bidder's principal contact with the Village will be Finance Director, David A. Clark or Assistant to the Finance Director, Denise Joseph, who will coordinate the assistance to be provided by the Village to the bidder.

**III. CONTENT OF PROPOSALS**

**A. Rules for proposals.**

The following material is required to be submitted for proposing firms to be considered:

1. Title Page. The title page shall show the request for proposal's subject; the company name and address; the name and telephone number of a contact person; and the date of the proposal.
2. Table of Contents.
3. Transmittal Letter. A signed letter of transmittal briefly stating the bidders understanding of the service to be provided, a statement why the company believes itself to be the best qualified to perform the requested services and a statement that the proposal is a firm and irrevocable offer for 90 days.

4. Detailed Proposal. The detailed proposal should answer all questions that are provided in the related exhibits to this RFP. In addition to the response to the questionnaire, the Pension Funds request that you provide the following:
  - a. Evidence of professional liability insurance for errors and omissions.
  - b. A resume for each of the members of your team.
  - c. A description and history of all corporate partners included in your proposal
  - d. A list of affiliated companies of the firm.
  - e. A proposed services agreement. The term of the agreement should be three years with the option of renewing for subsequent one-year terms unless 90 days' advance written notice is provided by either party.
  - f. The signature of an officer of the proposing firm empowered to make the financial commitment to their proposal on the firm's behalf.
5. Fee Proposal. The proposed interest and fees should be presented as one fee (or ladder fee) per portfolio value. Fee proposal shall not be the sole method of determining the successful bidder, the Board shall have the sole right to choose which fee proposal accept. See the CONSOLIDATED FEE PROPOSAL form at the end of this document.
6. Proposals Due. Bidders must send the completed proposal on or before 4:00 p.m. on June 10, 2012 to the following address:

David A. Clark, Director of Finance  
Village of Glencoe  
675 Village Court  
Glencoe, Illinois 60022

OR

EMAIL TO: [davec@villageofglencoe.org](mailto:davec@villageofglencoe.org) and [mneimark@villageofglencoe.org](mailto:mneimark@villageofglencoe.org)

**No late proposals will be considered. Failure of email to be delivered by the required deadline for whatever reason will be considered grounds to reject proposals. It is strongly suggested that proposals be delivered in advance of the due date.**

DRAFT

### CONSOLIDATED FEE PROPOSAL

The Pension Board requires that the proposal include annual fee amounts for each of five years. The Contract commencement date and the final contract terms will be determined at a later date. The respondent must complete both of the following fee methods:

Option 1. Flat Fee

Contract Year	Amount
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1	\$ _____
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2	\$ _____
---	----------

3	\$ _____
---	----------

4	\$ _____
---	----------

5	\$ _____
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Option 2. Services on a point basis of portfolio:

Range	Rate
\$ _____ to \$ _____	_____
\$ _____ to \$ _____	_____
\$ _____ to \$ _____	_____
\$ _____ to \$ _____	_____
\$ _____ to \$ _____	_____

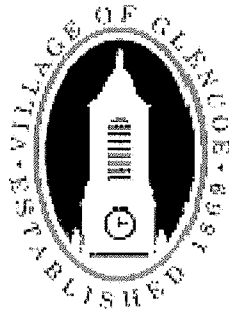
Please note that the above includes the only fee that the Pension Board will pay for services specified in the preceding pages of this Request for Proposal. The Pension Board will not accept any other separate billing for any of the services mentioned or outlined in this proposal. Unless respondent separately quotes fees for supplemental services, it will be understood that the flat fee is all-inclusive and reflects respondent's bid for all services herein.

Proposed by: \_\_\_\_\_

DRAFT

EXHIBIT A

GLENCOE POLICE PENSION FUND  
REQUEST FOR PROPOSAL  
FOR  
INVESTMENT MANAGEMENT SERVICES



April 30, 2012



## **VILLAGE OF GLENCOE INVESTMENT MANAGEMENT SERVICES**

### **I. SCOPE OF SERVICE**

The investment management services shall furnish all services, materials and personnel necessary to provide investment management services for the pension funds in compliance with those professional standards established as reasonable and customary by the industry for similar services. The investment manager shall also conform to the specific standards and requirements of any and all agreement(s) that may result from this RFP. The investment manager shall conform to all local, state and federal laws, rules and regulations governing such services as they may apply to services performed for the pension funds.

The board is accepting proposals from qualified firms to provide investment management services to the Police and Firefighter Pension Funds. Specifically, the board requires the following services:

- a. Attend quarterly meetings of the board.
- b. Attend special meetings of the board upon request.
- c. Monitor the performance of the investments and their compliance with the fund's investment policy.
- d. Provide reports of investment performance to the board. Recommend changes in asset allocations, as appropriate.
- e. Advise the board on all matters related to the management of the fund's investments.
- f. Conduct investment transactions within the scope of approved investment instructions.

### **II. REQUIRED ELEMENTS OF YOUR PROPOSAL**

1. Provide a brief history of your organization.
1. Please provide a brief history of your firm's experience with investment management services. Include a detailed discussion of special expertise and unique capabilities.
2. Briefly describe the philosophy and methodology of your security selection for equities and fixed income.
3. Describe your capabilities in developing, implementing and modifying investment objectives, guidelines and investment policies on behalf of your clients.
4. Explain your views on passive versus active management. What is your recommended allocation between active and passive management?
5. To what extent does your firm manage individual fixed income and equities, as opposed to mutual funds or other managers as sub-advisors?
6. Describe your policies regarding confidentiality of client information.
7. Provide organization charts which clearly show the operating interrelationships and authorities within the entire organization.
8. Attach an organizational chart which clearly shows the operating interrelationships and reporting responsibilities within the investment management department in relation to services provided to the pension funds. Also, provide profiles of the key management personnel who will be assigned this account.

- a. Portfolio Managers, Relationship Manager and Administrators who would have primary responsibility for the management of this account, please include the following:
  - i. Name, title and years of service with your firm
  - ii. Biographies of key personnel
  - iii. Number of total accounts (including police and fire fighter pension funds) under management for the firm, portfolio manager and assigned to the administrator
  - iv. Years of experience managing an Illinois Police or Firefighter Pension Fund
  - v. Names, responsibilities and tenure of key members of the management team that have left the firm within the last five years

### **III. CLIENT SERVICE**

1. Describe your approach to client service.
2. Describe any ongoing educational programs, client conferences, publications or other means you provide to keep your clients informed of new industry practices, techniques, and other trends.

### **IV. REFERENCES**

1. Provide a reference list of current clients, including account size, municipality, effective date and contact person.
2. Provide a list of all clients that have discontinued services in the last three years, with date of termination, duration of the engagement, asset size, contact person, phone number, and reason for discontinuance.
3. Provide a list of new clients in the past three years, with the date of addition, size, contact person, municipality and phone number.

### **V. DISCLOSURES**

1. Please describe all sources of income you receive in connection with investment advisory services to Illinois Police and Firefighter Pension Funds, either direct or indirect.
2. What third parties will you receive compensation from, including but not limited to commissions, 12(b) 1 fees, referral fees, etc.?
3. Disclose any legal proceedings and or claims of malfeasance, misfeasance or nonfeasance alleged against any parties to your proposal or any former parties of your organization within the last year..

DRAFT

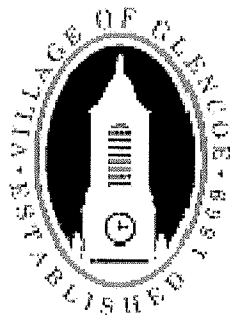
EXHIBIT B

GLENCOE POLICE PENSION FUND

REQUEST FOR PROPOSAL

FOR

MASTER CUSTODY SERVICES



April 30, 2012

## **I. SCOPE OF SERVICE**

The master custodian shall furnish all services, materials and personnel necessary to provide master custodial services for the pension funds in compliance with those professional standards established as reasonable and customary by the industry for similar services. The custodian shall also conform to the specific standards and requirements of any and all agreement(s) that may result from this RFP. The custodian shall conform to all local, state and federal laws, rules and regulations governing such services as they may apply to services performed for the system.

## **II. MASTER CUSTODY QUESTIONNAIRE**

- A. Provide a brief history of your organization.
- B. Please provide a brief history of your firm's experience with master trusts, custody, safekeeping, clearing, and securities lending services. Include a detailed discussion of special expertise and unique capabilities.
- C. Provide a statement of your organization's commitment to the Master Custody business. Include issues that you consider most relevant and important.
- D. Discuss the overall business objectives of your firm with respect to future growth. Comment on any present or planned areas of emphasis over the next three years.
- E. Describe your policies regarding confidentiality of client information.
- F. Provide organization charts which clearly show the operating interrelationships and authorities within the entire Bank.
- G. Attach an organizational chart which clearly shows the operating interrelationships and reporting responsibilities within the Master Custody department in relation to services provided to the pension funds. Also, provide profiles of the key management and trust officers who will be assigned this account.

## **III. REFERENCES**

- A. Provide a reference list of current custody clients, including account size, type of trust, effective date and contact person.
- B. Provide a list of all clients that have discontinued custodial services in the last three years, with date of termination, duration of the engagement, asset size, contact person, phone number, and reason for discontinuance.
- C. Provide a list of new clients in the past three years, with the date of addition, size, contact person, and phone number.

## **IV. CLIENT SERVICE**

- A. Describe your approach to client service.
- B. Describe any ongoing educational programs, client conferences, publications or other means you provide to keep your clients informed of new industry practices, techniques, and other trends.

## DRAFT

- C. Describe how information requests are handled. What is the typical response time for various types of projects?
- D. Are you able to issue notices to the Village confirming securities matured, sold, and purchased as well as interest payments received on the same day as the transaction. The notices may be faxed or sent via the Internet. The following information pertaining to the transactions should be reflected in the notices:
  - 1. Type of security.
  - 2. CUSIP number.
  - 3. Date of purchase, sale, or interest payment, as applicable.
  - 4. Maturity date.
  - 5. Coupon rate, if applicable.
  - 6. Bond-equivalent yield of any security purchased.
  - 7. Price of any security purchased or sold.
  - 8. Amount of the interest payment concerned, as applicable.
  - 9. Par value.

## V. INVESTMENT MANAGER LIAISON GROUP

- A. Describe how your organization interacts with investment managers.
- B. What is the typical background of the trust officer who interacts with the manager?
- C. Describe the effort within your organization to assure the integrity of the data transmitted to you by an investment manager.

## VI. CASH MANAGEMENT

- A. Describe your procedure for processing wire transfers.
- B. Describe your policies and procedures concerning:
  - 1. Collection, monitoring and crediting of interest and dividend income.
  - 2. Automatic investment of cash balances (Include cutoff times).
- C. Can your systems accommodate automated investment of cash balances through a third party? If so, provide a detailed description of your systems, controls and requirements.
- D. When does income become available for investment? Be specific as to income from each type of security if there are any differences.

## VII. DATA PROCESSING/COMPUTER SYSTEMS

- A. Describe on-line editing, downloading and report writing capabilities. Describe what measures are taken to assure the accuracy and timeliness of information available to your clients on-line.
- B. Does your current system have the ability to export account information to a .csv or excel file? If yes, what information is available to be exported?

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- C. Can your system provide reports/files that can be easily imported into Microsoft Money? Can these reports/files accommodate the level of detail that is need for Illinois Public Pension Internet Filing (to include CUSIP number or account number and detailed security description for each investment)?
- D. Is your system flexible enough to accommodate tailored reporting requirements?
- E. What controls assure data entry accuracy and completeness?

**VIII. ACCOUNTING ISSUES**

- A. What steps are taken to ensure the accuracy of your reports? What reconciliations are performed? Are reports reconciled before they are mailed to clients? If so, by whom?
- B. What reports are provided as part of your standard master custody package? How frequently are they produced, and how quickly are they distributed after the end of each reporting period? Please list and describe each report separately along with the date mailed to the client and provide examples of these reports.

**IX. PROCEDURES AND CONTROLS**

- A. Is there a general audit system in place? Is it certified by a major public accounting firm? Discuss frequency and scope of review performed.
- B. What internal audit procedures and controls exist to assure that the following data are reported correctly, accurately, and that transactions are authorized?
  - 1. Trade settlement receipts and disbursements.
  - 2. Interest and dividend receipts.
  - 3. Contribution receipts.
  - 4. Income accruals and reversals.
  - 5. Fee payments.
  - 6. Interest and dividends received.
- C. What controls are in place to ensure that account activity complies with policies established by the client?
- D. What type of insurance coverage is carried by your institution with respect to any acts or omissions of directors, officers and other personnel resulting in loss of funds? Include a copy of the certificate of insurance.
- E. Describe your firm's physical safekeeping facilities and procedures.

**X. TRANSITION TO NEW CUSTODIAN**

- A. Assuming your firm was appointed master custodian for the pension funds, enclose a detailed conversion plan, specific time tables for measurable benchmarks, responsibilities and an outline of the process.
- B. Please specify if you have a dedicated "conversion team." If so, please include names, titles and brief biographies.

## DRAFT

- C. What amount of lead time is necessary to proceed with the conversion? Describe the time frame associated with the conversion process.
- D. How would the relocation process impact or impair the investment managers ability to trade securities?
- E. Summarize the operation of transferring the account from our present custodian. How long should this take? Describe fully the level of participation that would be required from the client.
- F. Describe your capability to successfully do a mid-year conversion and any special efforts that would be required.
- G. How do you conduct the transfer of securities and cash from a prior custodian to control the risk of loss of assets and assure that all are received and accounted for properly?
- H. Please include with your proposal a draft copy of the contract for this engagement.

## **XI. INTEREST FORMULA**

What commitment can you make to interest earnings on available cash on account?

## **XII. FEES**

See document with instructions.

# REVIEW ANNUAL CALENDAR



VILLAGE OF GLENCOE  
GLENCOE POLICE PENSION FUND

ROLLING CALENDAR

April Meeting April 18, 2012

1. Review financial activity with Great Lakes Advisors.
2. Review quarterly payments and disbursements
3. Consider custodial banking and financial advisory services draft RFP.
4. Approve quarterly payments and disbursements.
5. Training: Illinois Open Meetings Act and Freedom of Information Act.

July Meeting July 18, 2012

1. Certify Election of Retired Pension Fund Member (Biennial)
2. Select President, Vice President, Secretary and Assistant Secretary
3. Consider Proposal to Manage Corporate Bond Portfolio
4. Review financial activity with Great Lakes Advisors
5. Review quarterly payments and disbursements
6. Rebalance equity portfolio to State of Illinois limits.
7. Begin Review Actuarial Assumptions for 2011 Tax Levy
8. Approve quarterly payments and disbursements.
9. Training: Basic accounting and actuarial training.

October Meeting October 17, 2012

1. Review financial activity with Great Lakes Advisors.
2. Review quarterly payments and disbursements
3. Receive municipal compliance report.
4. Receive copy of Village Comprehensive Financial Report
5. Continue Review of Actuarial Assumptions for 2011 Tax Levy
6. Approve quarterly payments and disbursements.
7. Training: Trustee ethics.

January Meeting January 16, 2013

1. Review financial activity with Great Lakes Advisors.
2. Review investment policy.
3. Review quarterly payments and disbursements.
4. Approve annual budget.
5. Review Annual Calendar
6. Training: Duties and liabilities of pension fund fiduciaries.

**TRAINING: OPEN MEETINGS ACT AND FREEDOM  
OF INFORMATION ACT**

## Illinois Open Meetings Act

### Sources:

Village of Glencoe Village Attorney  
Illinois Attorney General's Office

## Memorandum

Date: 13 December 2000  
Updated 28 April 2005

Victor P. Filippini, Jr.  
312 578 6560  
victor.filippini@hklaw.com

To: Paul Harlow  
Village Manager  
Village of Glencoe

From: Victor P. Filippini, Jr.  
Julie A. Tappendorf

RE: Open Meetings Act

### CONFIDENTIAL/ATTORNEY-CLIENT PRIVILEGE

Although you no doubt have at least passing familiarity with the Illinois Open Meetings Act, we have prepared this memorandum as a ready guide and general overview of the Open Meetings Act's requirements and procedures. It may be helpful as a guide to Village officers and officials as they perform their Village duties. All persons serving on a public body of the Village and those Village staff members who act as liaisons to such bodies should be familiar with the Act because of its importance and the potentially significant penalties for its violation.

#### I. Overview

The Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.*, generally requires that all meetings of municipal bodies be open to the public. The purpose of the Open Meetings Act is to ensure that public bodies deliberate and act openly. There are a number of exceptions to the general rule, pursuant to which certain meetings or portions of meetings may be closed to the public. In addition, the Open Meetings Act sets out the requirements for notice and minute taking for such meetings.

#### II. Who Must Comply?

The Open Meetings Act applies to all legislative, executive, administrative, or advisory bodies of the State, counties, townships, cities, villages, and other municipal corporations and all subsidiary bodies of such entities. 5 ILCS 120/1.02. Thus, the Open Meetings Act would apply to, among others, the Village Board, the Zoning Board of Appeals, the Plan Commission, the Police and Fire Pension Boards, and the Public Safety Commissioners. The Open Meetings Act does not apply to staff meetings (unless a majority of a quorum of a public body attends the staff meeting and public business is discussed), political rallies, news conferences, or internal committees not formally appointed by, or accountable to, any public body.

### **III. What is a Meeting?**

The Open Meetings Act applies only to *meetings* of public bodies. A meeting is defined as a "gathering of a majority of a quorum for the purposes of discussing public business." 5 ILCS 120/1.02. A gathering may occur either in person or by telephone; however, the Open Meetings Act applies only to those gatherings held for the purpose of discussing public business. Thus, the Open Meetings Act does not apply to purely social gatherings. A quorum is the minimum number of members required to take action on behalf of the public body. The number of members constituting a quorum depends on the number of members of the public body. For example, the Village Board consists of seven members, and a quorum of that body is four. A majority of the quorum for the Board would therefore be three. Thus, the Open Meetings Act would apply to a gathering of three or more of the members of such public body (provided that the gathering was held for the purpose of discussing public business).

### **IV. What Meetings May be Closed to the Public?**

A. Topics that May Be Considered in Closed Session. Meetings or portions thereof relating to certain topics may be closed to the public. 5 ILCS 120/2(b). For example, the Village may hold a closed meeting to discuss the following topics:

- **Employment or Appointment Issues**

- a. Appointment, employment, compensation, discipline, performance, and dismissal of individual employees.
- b. Collective bargaining negotiations.
- c. Discipline or removal of public officers or appointment of members to fill public offices.

- **Legal Matters**

- a. Pending or imminent litigation affecting or on behalf of the public body.
- b. Evidence or testimony in public or closed hearing where a written decision is made.
- c. Settlement of claims and communications with the insurer of the public body.

- **Business Matters**

- a. Purchase or lease of real property for use by public body.
- b. Setting a price for the sale or lease of real property owned by the public body.
- c. Selling or purchasing securities, investments, or investment contracts.

- **Security/Criminal Matters**

- a. Emergency security procedures.

- b. Criminal investigations.

- **Miscellaneous Matters**

- a. Proceedings under the Gift Ban Act.
- b. Review of minutes of lawfully closed meetings.

B. Procedure for Holding a Closed Meeting. A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present. 5 ILCS 120/2a. The vote must be taken by roll at a meeting open to the public and for which notice was provided. The motion to adjourn to a closed session must indicate the purpose or purposes of the closed session. Only matters specified in the vote to close the session to the public may be discussed in the closed session. At the end of the closed session, a motion should be made, and a vote taken, to adjourn the closed session and return to the open session.

C. Verbatim Record of Closed Meetings. As of 1 January 2004, a public body must make a verbatim record of any closed session in the form of a video or audio tape. Access to such tapes is intended to be limited to courts reviewing whether a public body complied with the requirements of the Act. Such tapes must be preserved for at least 18 months, but may thereafter be routinely destroyed or taped over. The verbatim record should be made from the commencement of the closed session, at which time all persons in attendance should be identified and the purposes of the closed session stated for the record.

## **V. Notice of Meetings**

The Open Meetings Act requires that notice of all meetings of public bodies, whether open or closed, be given. 5 ILCS 120/2.02.

A. Regular Meetings. Notice of the date, time, and place of a public body's regular meetings must be given at the beginning of each calendar or fiscal year. Additionally, at least 48 hours prior to each regular meeting, the public body must post the agenda for such meeting at its principal office and at the location of the meeting. Importantly, if a public body intends to take final action on a matter at a meeting, the agenda for such meeting should include that matter.

B. Special Meetings. Notice of special meetings, rescheduled regular meetings, and reconvened meetings must be given at least 48 hours in advance. However, the requirement of public notice of reconvened meetings does not apply to any case where the original meeting was open to the public and (i) is to be reconvened within 24 hours; or (ii) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. 5 ILCS 120/2.02(a)

C. Emergency Meetings. Notice of emergency meetings shall be given as soon as practicable prior to the holding of the meeting to any news medium that has filed an annual request for notice.

D. Manner of Notice. If the public body has an office, the notice must be posted at such office; otherwise, the notice must be posted at the location of the meeting. In addition, a schedule of the regular meetings must be made available to the public. The public body must also provide a copy of the notice of its regular meetings and the notice of any special, emergency, rescheduled, or reconvened meetings to any news medium that has made an annual request for such notices.

## **VI. Minutes**

The Open Meetings Act requires that minutes be kept of all meetings of public bodies, open or closed. 5 ILCS 120/2.06. All minutes of meetings, whether open or closed, must include a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken. Executive session minutes must also include a reference to the particular matter discussed and not just the general topic. For example, executive session minutes regarding pending or threatened litigation should include basic information about the litigation matters discussed, such as "The Village Board discussed pending litigation regarding [name of matter]." In addition, if imminent litigation is to be discussed, the public body must make a finding regarding the imminent nature of such litigation, and that finding should be noted in the minutes of the closed session. Similarly, executive session minutes regarding disposition of property may read as follows: "The Village Board discussed the sale price and conditions of sale for the [name of property]."

Within seven days after minutes are approved by the public body, minutes of all open meetings are required to be made available for public inspection.

Minutes of closed meetings are required to be made available to the public only after the public body determines that it is no longer necessary to keep such minutes confidential. Under Section 2.06(c) of the Open Meetings Act, the Village Board must review its confidential, executive session minutes on a semi-annual basis to determine which minutes may be released to the general public. The Village Board may conduct this review in closed session, but upon completion of such review, must report at an open meeting its decision regarding the minutes of each executive session, indicating either (i) that the need for confidentiality still exists as to all or part of the executive session minutes or (ii) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. Criteria to consider include, but are not limited to, the following:

- Is the matter still pending?
- Are there any related issues or actions still pending?
- Does the public body have a duty to maintain the confidentiality of the minutes, or portions thereof, pursuant to court order?
- Will disclosure of the minutes, or portions thereof, prejudice the public body in any future transaction or proceeding?
- Will disclosure of the minutes, or portions thereof, harm the reputation of an officer, employee, agent, or resident of the public body?
- Will disclosure disadvantage the Village, particularly if there are risks of litigation?

- Will disclosure breach any privilege (e.g., attorney-client privilege) that the public body may want to assert in the future?

Upon completing its review, the Village Board should reach a consensus regarding whether such minutes should remain confidential or be made available for public inspection. The actual motion and Village Board vote on the release or retention of such minutes must be made in open session.

## **VII. Electronic Communications**

The emergence and widespread use of e-mail and other electronic communications have presented challenging questions regarding compliance with the Act. To date, neither the General Assembly nor the courts in Illinois have expressly addressed electronic communications in the context of the Act. Although Illinois courts have found that one's physical presence is not required to attend a meeting, those cases involved telephonic participation at meetings and required that such participation be accomplished through devices allowing the members of the body to hear and be heard by the public. As such, these cases offer only imperfect lessons on whether, and under what circumstances, a "gathering of a majority of a quorum" can result from discussions held via electronic communications.

In light of the purpose of the Act (the open deliberation and action of public bodies) and the risk of criminal penalties for its violation, we urge restraint in the use of electronic communications for exchanging views on public issues among members of a public body. We also offer the following rules of thumb:

- Avoid chat rooms.
- If members of a public body wish to discuss matters of public business informally via e-mail, such e-mails should be confined to fewer than a majority of a quorum of the public body's membership. Thus, for a seven-member board, not more than two members of the public body should be exchanging such e-mails.
- If e-mail is used to distribute information to members of the public body, be sure to limit any replies to the original sender of the e-mail (in other words, do not "Reply to All").

Until the General Assembly or the courts better define how electronic communications interplay with the Act, uncertainty will remain.

## **VIII. Enforcement**

Any person, including the State's Attorney of the relevant county, may sue a public body for failure to comply with the Open Meetings Act. 5 ILCS 120/3. Furthermore, a violation of the Open Meetings Act constitutes a Class C misdemeanor and is punishable by a fine of up to \$1,500 and imprisonment for up to 30 days. 5 ILCS 120/4.

Please feel free to contact us if you have any questions about this memorandum or the Open Meetings Act in general.

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**GUIDE TO THE  
ILLINOIS OPEN MEETINGS ACT  
5 ILCS 120**

**LISA MADIGAN  
Attorney General  
State of Illinois**

**REVISED  
8/2004  
Printed by Authority of the State of Illinois**

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## A PERSONAL MESSAGE FROM ATTORNEY GENERAL LISA MADIGAN

Open and honest government is the cornerstone of American democracy, and it can only be achieved through the free exchange of information between the government and its citizens.

The Office of the Attorney General is committed to supporting and enforcing the principle of open government embodied in two important Illinois laws: the Freedom of Information Act (5 ILCS 140) and the Open Meetings Act (5 ILCS 120). Both are critical tools in shining light on government action, and ultimately strengthening our democracy.

As Attorney General, I feel so strongly about the role these Acts play in our government, that, for the first time in Illinois history, I have established the position of Public Access Counselor within my office. The Public Access Counselor will take an active role in assuring that public bodies understand the requirements of these laws and conduct their business openly and that the public has access to the governmental information to which they are entitled.

While statutes allowing members of the public to attend meetings of public bodies can be traced to the 1860s, the Illinois Open Meetings Act did not debut until 1957, and was revised over the years.

In its present form, the Act is designed to ensure that public business is conducted in public view, by prohibiting secret deliberations and actions on matters that should be discussed in a public forum. It also balances the competing interests of government officials to discuss sensitive matters candidly with the public's right to be informed about how its government operates.

The purpose of this *Guide to the Illinois Open Meetings Act* is intended to be a helpful contribution in ensuring open and honest government in every corner of Illinois.

The Office of the Attorney General is pleased to offer this revised guide to foster accountability of government to its citizens, which is the bedrock of a democratic society.

A handwritten signature in black ink, reading "Lisa Madigan". The signature is fluid and cursive, with the first name "Lisa" and last name "Madigan" clearly distinguishable.

LISA MADIGAN  
Attorney General  
State of Illinois

## RECENT CHANGES INCORPORATED INTO THIS EDITION

Since this guide was last revised, there have been several significant changes in the Act and additional reported cases interpreting its provisions. These include:

(1) A statutory amendment requiring all public bodies to audiotape or videotape record their closed meetings (Public Act 93-523, as amended by Public Act 93-974, effective January 1, 2005). *See* p. 31.

(2) An expanded statutory exception allowing a public body to discuss the appointment, employment, compensation, discipline, performance, or dismissal of the public body's legal counsel in a closed meeting. (Public Act 93-57.) *See* p. 21.

(3) A statutory amendment that allows discussion of security procedures and strategies to respond to threats to the security of the public. *See* p. 26.

(4) A case discussing the meaning of the requirements that public meetings be held at times and places "convenient and open to the public." *See* p. 35.

(5) A case summarizing the factors that should be considered in determining whether an organization is a public body which is subject to the Open Meetings Act. *See* p. 15.

## INTRODUCTION: HOW TO USE THIS GUIDE

The Illinois Open Meetings Act is designed to prohibit secret deliberations and action on matters which, due to their potential impact on the public, properly should be discussed in a public forum. *People ex rel. Difanis v. Barr*, 83 Ill. 2d 191, 202 (1980). It is a strong, effective law, but questions are frequently raised about what its provisions mean and how they can be enforced.

This guide answers the questions most commonly asked. It is designed to help public officials, media representatives and members of the public relate the Act's requirements to situations arising in the conduct of government.

The explanations in this guide are based on the Act itself and on interpretations of it by the Illinois courts and by the Attorneys General. A word about each of these three sources is in order:

1. The Act is codified at 5 ILCS (Illinois Compiled Statutes) 120/1 through 120/6 (formerly Illinois Revised Statutes, chapter 102, paragraphs 41-46). It is formally entitled "An Act in relation to meetings," but its short title is the "Open Meetings Act." 5 ILCS 120/1.01. It was enacted on July 11, 1957, and has been strengthened or modified by subsequent amendments, most significantly in 1967, 1981, 1994, and 2003. The text of the Act, incorporating all amendments, appears at p. 40 of this guide.

2. A number of opinions interpreting the Act have been handed down by the Appellate Court of Illinois. While an appellate court decision in one district is not binding as legal precedent on an appellate court in another district (there are five appellate court districts in Illinois), decisions of the appellate court in any district are binding precedent on all circuit courts in the district and, as long as there are no contrary decisions in another district on the same issue,

on all circuit courts in the State. *State Farm Fire and Casualty Co. v. Yapejian*, 152 Ill. 2d 533, 539-40 (1992); *People v. Collings*, 95 Ill. App. 3d 325, 329 (Fourth Dist. 1981). Therefore, an appellate court decision is, in the absence of a contrary decision, persuasive legal authority throughout the State. The Illinois Supreme Court has construed the Open Meetings Act only once.

3. The Attorneys General of Illinois have issued many opinions interpreting the Act. By law, the Attorney General is authorized to issue opinions on legal questions submitted by State officers, officers of the General Assembly and State's Attorneys. Many questions have been asked over the years about the Open Meetings Act, and the Attorneys General have consistently supported strict application and rigorous enforcement of the Act.

Like a court opinion, an opinion of the Attorney General is carefully researched and written and, although issued in the form of a letter to the inquiring official, is public information. Most opinions of the Attorney General issued through 1991 were published, under the title *Attorney General's Opinions*, in annual or periodic volumes. These volumes are available in county and other law libraries, some public libraries and, of course, in the Attorney General's offices in Springfield, Chicago and Carbondale. Opinions issued after January 1, 1995, are available on the Attorney General's Web site at [www.illinoisattorneygeneral.gov](http://www.illinoisattorneygeneral.gov). Opinions that have not been published or made available on the Internet are available from the Attorney General's Opinions Bureau, located in the Springfield office (217/782-9070). Although Attorney General's opinions are advisory in nature, they are considered highly authoritative interpretations of Illinois law. See *City of Springfield v. Allphin*, 74 Ill. 2d 117 (1978).

To assist you in using this guide, these three sources--the Act, court rulings and Attorney General's opinions--are cited in parentheses to indicate the bases for statements about or

interpretations of the Act's requirements. For convenience, full ILCS references to the Act are included. The year of each court opinion and Attorney General's opinion is also given. In the citation of Illinois Supreme and Appellate Court decisions, the first number indicates the volume and the last number the page of the official *Illinois Reports* (Ill.) or *Illinois Appellate Court Reports* (Ill. App.), also available in most law libraries, where the referenced court opinions may be found.

Using the information in this guide, you can help increase understanding of the Open Meetings Act, and help carry out its intent--that public business be conducted in the public view.

## 1. QUICK SUMMARY OF THE ACT

**Intent of the Act:** The public policy provision states that "[i]t is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly." 5 ILCS 120/1. Advance notice is a part of this public policy, as is the principle that exceptions to openness requirements are to be interpreted narrowly. 5 ILCS 120/1. As the Appellate Court has stated, "[t]he clear intention of the legislature expressed in the Act favors, of course, open *deliberation* as well as open action." *People ex rel. Hopf v. Barger*, 30 Ill. App. 3d 525, 536 (Second Dist. 1975).

**Coverage:** "All meetings of public bodies shall be open to the public unless excepted in subsection (c) [5 ILCS 120/2(c)] and closed in accordance with Section 2a [5 ILCS 120/2a]." 5 ILCS 120/2(a). "Meeting" is defined as "any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business." 5 ILCS 120/1.02. "Public



body" is defined to include "all legislative, executive, administrative or advisory bodies of the state, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof." 5 ILCS 120/1.02. The definition of "public body" excludes some bodies that might otherwise be subject to the Act. They are: (1) "a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act" (20 ILCS 515); and (2) ethics commissions established under the State Officials and Employees Ethics Act (5 ILCS 430) and ultimate jurisdictional authorities acting pursuant to its provisions.

**Exceptions:** Twenty-four exceptions authorizing the closing of meetings are set forth at 5 ILCS 120/2(c). Consistent with the public policy of the Act, the exceptions relate to protecting public interests and safeguarding personal privacy. The exceptions "are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope." 5 ILCS 120/2(b). "The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception." 5 ILCS 120/2(b).

**Taping and Filming:** Section 2.05 of the Act (5 ILCS 120/2.05) provides that any person may record a public meeting "by tape, film or other means." The section also provides that "[t]he authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings."

**Closing Meetings:** "A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. \* \* \* The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting." 5 ILCS 120/2a.

**Minutes of open meetings:** "(a) All public bodies shall keep written minutes of all their open meetings \* \* \*. Minutes shall include, but need not be limited to:

- (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.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body." 5 ILCS 120/2.06.

Effective January 1, 2005, the requirement that minutes be kept of all closed meetings will be reinstated by Public Act 93-974.

**Verbatim record of closed meetings:** "(a) All public bodies shall keep \* \* \* a verbatim record of all their closed meetings in the form of an audio or video recording." 5 ILCS 120/2.06. The recording may be kept confidential and may be destroyed no less than 18 months after completion of the recorded meeting. 5 ILCS 120/2.06(e), (c). A particular recording may be destroyed only after the public body approves its destruction and approves minutes of the closed meeting that meet the requirements applicable to the minutes of open meetings. 5 ILCS

120/2.06(c). Until January 1, 2005, public bodies are required to review withheld minutes and recordings of closed meetings on a semi-annual basis; thereafter, they need only review the minutes. Public bodies must make a determination and report in an open meeting on the question of whether a need for confidentiality still exists with respect to all or part of the minutes and recordings reviewed. 5 ILCS 120/2.06(d), as amended by Public Act 93-974.

**Public Notice:** Public notice must be given for all meetings, whether open or closed to the public. 5 ILCS 120/2.02. Public notice is given "by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held." 5 ILCS 120/2.02(b).

"Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings." 5 ILCS 120/2.02(a). An agenda for each regular meeting is required to be posted 48 hours in advance of such meeting "at the principal office of the public body *and* at the location where the meeting is to be held." (Emphasis added.) The Act provides that this requirement "shall not preclude the consideration of items not specifically set forth in the [regular meeting] agenda." [Note: "consideration of" has been construed to exclude action on a topic – *see* discussion below.] 5 ILCS 120/2.02(a).

"Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the \* \* \* meeting." 5 ILCS 120/2.02(a). "Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has

filed an annual request for notice" under subsection 2.02(b) of the Act (5 ILCS 120/2.02(b)). 5 ILCS 120/2.02(a).

"If a change is made in regular meeting dates, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions." 5 ILCS 120/2.03. Public bodies with a population of less than 500 where no newspaper is published may satisfy this requirement "by posting a [10 days'] notice of such change in at least 3 prominent places within the governmental unit." Notice of the change is also to be given by posting in the same manner as other notices. Notice of the regular meeting schedule, any change in that schedule, and any emergency, special, rescheduled or reconvened meeting must be provided to any news medium that has filed an annual request to receive such notice. 5 ILCS 120/2.02, 2.03.

**Enforcement:** "Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney." 5 ILCS 120/3. Violation of the Act is a criminal offense, a Class C misdemeanor, punishable by a fine of up to \$1500 and imprisonment for up to 30 days. 5 ILCS 120/4.

## 2. WHAT MEETINGS MUST BE OPEN?

### A. Types of Bodies Covered.

The Act applies whether the public body is State or local, administrative or advisory, executive or legislative, paid or unpaid. 5 ILCS 120/1.02. Home rule units are specifically required to comply with the Act. A home rule unit cannot adopt weaker standards, although it "may enact an ordinance prescribing more stringent requirements binding upon itself which would serve to give further notice to the public and facilitate public access to meetings." 5 ILCS 120/6.

The Act applies only to public bodies. It does not apply to private, not-for-profit corporations, even though such corporations administer programs funded primarily by governmental agencies and are required to comply with government regulations, if the boards of directors and employees of such corporations are free from direct governmental control. *Rockford Newspapers, Inc. v. Northern Illinois Council on Alcoholism and Drug Dependence*, 64 Ill. App. 3d 94 (Second Dist. 1978); *see also Hopf v. Topcorp, Inc.*, 170 Ill. App. 3d 85, 91 (First Dist. 1988).

Questions frequently arise about whether the Act covers meetings of various subgroups, such as committees, subcommittees and advisory bodies. The answer is yes. The statute applies to "any subsidiary bodies of any of the foregoing [public bodies] including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue." 5 ILCS 120/1.02. This language should not be interpreted to create an exception for other groups, such as advisory committees or subcommittees which do not spend or use tax revenue; they, too, are covered. Ill. Att'y Gen. Op. No. NP-585, issued May 22, 1973; 1972 Ill. Att'y Gen. Op. 177; *see also* 1971 Ill. Att'y Gen. Op. 51.

In a 1982 opinion discussing the application of the definition of "meeting" to committees of public bodies, Attorney General Fahner stated as follows: "Because each subsidiary body of a public body is a separate public body under the Open Meetings Act, the Act is applicable any time there is a gathering of a majority of a quorum of the members of such subsidiary body held for the purpose of discussing [public] business. [Citation.] Whether the Act's requirements are applicable is therefore not dependent upon the total number of members of the principal public body, but upon the membership of each subsidiary body thereof." 1982 Ill. Att'y Gen. Op. 88.

The Supreme Court of Illinois in *People ex rel. Difanis v. Barr*, 83 Ill. 2d 191, 201 (1980), in applying the Act to a "political caucus" of city council members, stated as follows: "The statute states that '[a]ll meetings of any legislative, executive, administrative or advisory bodies \* \* \* and any subsidiary bodies of any of the foregoing *including but not limited to* committees or subcommittees \* \* \* shall be public meetings \* \* \*.' (Emphasis added.) (Ill. Rev. Stat. 1977, ch. 102, par. 42.) We interpret the foregoing to mean that the Act was intended to apply to more than meetings of full bodies or duly constituted committees. Thus, 'body' must necessarily be interpreted to mean an informal gathering of nine members of a legally constituted public body."

The application of the Act to advisory groups and *ad hoc* gatherings of public officials has been a frequent source of litigation. For example, in a case regarding Springfield's advisory Human Relations Commission, the Appellate Court of Illinois stated: "The plain language of the open meetings law says public bodies, including advisory bodies to home rule units such as the Springfield Human Relations Commission, must meet publicly unless they are authorized by statute to hold closed sessions in certain instances." *I.N.B.A. v. Springfield*, 22 Ill. App. 3d 226, 228 (Fifth Dist. 1974). Similarly, it has been held that a university athletic council, appointed by

the university senate to advise the president of the university and a committee of the university senate, is subject to the Act. *Board of Regents v. Reynard*, 292 Ill. App. 3d 968 (Fourth Dist. 1997). In reaching its decision, the court concluded that the university senate, as a creature of the Board of Regents, was a subsidiary body for purposes of the Act, and that the council was subject to the Act as a subsidiary body of the senate. *Board of Regents v. Reynard*, 292 Ill. App. 3d at 978.

On the other hand, assuming that a majority of a quorum of a public body is not included among the participants, a meeting or conference of department heads or other employees is not covered by the Act (*see Cooper v. Carlson*, 28 Ill. App. 3d 569, 572 (Second Dist. 1975); *G.M. Harston Construction Co., Inc. v. City of Chicago*, 209 F. Supp. 2d 902, 906 (N.D. Ill. 2002)), nor does the Act apply to meetings of an informal advisory committee appointed by, or made up of, public officials, but not appointed by or accountable to a public body. This principle was set forth in *Pope v. Parkinson*, 48 Ill. App. 3d 797, 799 (Fourth Dist. 1977), a case involving the University of Illinois Assembly Hall Advisory Committee appointed by the university chancellor. In holding that the committee was not a "subsidiary body" of a public body for purposes of the Act, the court stated: "the Committee is an internal committee within the University whose sole function is to advise University administrators on matters pertaining to internal university affairs," and "is not formally appointed by, or accountable to, any public body of the State."

A similar conclusion was reached with respect to the Council of Presidents, an organization of presidents and chancellors of various State universities in Illinois formed by its members to give advice and make recommendations to the Illinois Board of Higher Education. *University Professionals of Illinois v. Stukel*, 344 Ill. App. 3d 856 (First Dist. 2003). After reviewing prior cases, the court set out a list of factors that should be considered in determining

whether a given entity is a public body, including: "who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes." *University Professionals v. Stukel*, 344 Ill. App. 3d at 865.

A meeting of a political party committee is not subject to the Open Meetings Act (1975 Ill. Att'y Gen. Op. 322), even when the meeting is to select a person to fill a vacancy in a public office until the next election. Ill. Att'y Gen. Op. No. NP-1091, issued May 13, 1976. Where, however, a majority of a quorum of an incumbent city council met privately with incoming members of the council to discuss appointments to village offices for the next term, a violation of the Act occurred. Ill. Att'y Gen. Op. No. 96-005, issued January 31, 1996.

A news conference held by an individual public official is not subject to the Act. Ill. Att'y Gen. Op. No. NP-1021, issued December 16, 1975.

A public aid committee created and designated under the Public Aid Code to hear appeals related to the denial or termination of general assistance, or the adequacy of general assistance grants, is subject to the Act. Ill. Att'y Gen. Op. No. 96-009, issued January 31, 1996.

**General Assembly:** The Act does not apply to the Illinois Senate or House of Representatives or to legislative committees or commissions. 5 ILCS 120/1.02. However, the Illinois Constitution requires that sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions be open to the public unless



two-thirds of the members elected to a house vote to close one of its sessions or committee meetings or unless two-thirds of the members elected to each house vote to close meetings of joint committees and legislative commissions. Ill. Const. 1970, art. IV, §5(c). Committees of the two houses and legislative commissions must give reasonable notice of public meetings, including a statement of subjects to be considered. Ill. Const. 1970, art. IV, §7(a); *see* Ill. Att'y Gen. Op. No. 93-001, issued March 1, 1993. [Note: For a discussion on the meaning of "commissions" in this context, *see* 1975 Ill. Att'y Gen. Op. 35.]

#### **B. Types of Gatherings Covered.**

If the law applies to virtually all types of publicly created groups, what types of gatherings of these bodies are covered? In other words, what is a meeting for purposes of the Open Meetings Act? The Act sets forth the following definition: "'Meeting' means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business." 5 ILCS 120/1.02.

The definition is a three part one. It requires that there be 1) a gathering 2) of a majority of a quorum 3) to discuss public business. The term "gathering" includes in-person, telephonic and electronic assemblages. Attorney General Fahner advised that a telephone conference call is a "meeting," for purposes of the Open Meetings Act, when a majority of a quorum of a public body participates in such a call. 1982 Ill. Att'y Gen. Op. 124. Such calls are a permissible method of conducting business as long as there is compliance with the provisions of the Open Meetings Act. *See People ex rel. Graf v. Village of Lake Bluff*, 321 Ill. App. 3d 897 (Second Dist. 2001), *reversed on other grounds*, 206 Ill. 2d 541 (2003); *Freedom Oil Co. v. PCB*, 275 Ill. App. 3d 508, 516 (Fourth Dist. 1995); *Scott v. Illinois State Police Merit Board*, 222 Ill. App. 3d 496 (First Dist. 1991). In such circumstances, the required notice must be given and the public

must be afforded an opportunity to hear, by speaker phone or other device, the proceedings at the meeting.

Questions have arisen as to whether internet forums can constitute a "gathering" for purposes of the Act. The Act exists to ensure that the actions of public bodies are taken openly and that their deliberations are conducted openly. E-mail or Internet chat rooms cannot be used to circumvent this policy. Exchanges of e-mail and chat room discussions on issues being deliberated by the public body that have as their intent the formulation of policy outside the public view violate the spirit if not the letter of the Open Meetings Act.

The second part of the definition applies it to a majority of a quorum of the body. This part of the definition is intended to reach the smallest number of members of a public body able to control action when a quorum is present. The majority of a quorum is a sliding figure, easily computed, that increases with the size of the public body. For example, if a public body has seven members, a quorum of that body is four, and a majority of the quorum is three. Therefore, three is the smallest number of members of the body to which the Act applies. [It should be noted, however, that, because the Act applies separately to committees and other subgroups, the number of members of the committee or subgroup, not the number of members of the principal body, would control the Act's application. Thus, although two members of a seven member board may discuss the board's business out of the public view, they cannot meet privately to discuss committee business if those two board members are members of a committee with five or fewer members. 1982 Ill. Att'y Gen. Op. 88.]

The third part of the definition applies it to gatherings "held for the purpose of discussing public business." This language makes it clear that the formulation of an intent to discuss public business is necessary for the Act to apply. The "intent" language was added to alleviate the fears

of some public body members and to address the concerns of the General Assembly that the Act might be applied to chance encounters and social gatherings. The Act does not apply, nor has it ever applied, to purely social gatherings. The mere presence of the requisite number of public body members at a gathering is not sufficient to bring the Act into play. What is controlling is what the public body members gather for and what they do once they have gathered. In this light it should be noted that, although a gathering may not be "held for the purpose of discussing public business" at the outset, the gathering is subject to conversion to a meeting at any point. Thus, for example, at the point that a dinner party turns to a deliberative discussion of public business upon which the attention of the requisite number of public body members present is focused, the gathering becomes a "meeting" for purposes of the Act.

The phrase "discussing public business" refers to an exchange of views and ideas among public body members, on any item germane to the affairs of their public body. It is not directed at casual remarks, but, in effectuation of section 1 of the Act (5 ILCS 120/1), at discussions that are deliberative in nature. The thrust of the Act, as set forth in the public policy statement, extends to gatherings for deliberation as well as gatherings for the taking of action. A deliberation in this context is a discussion aimed primarily at reaching a decision on a matter of concern to the public body, regardless of whether the discussion will result in the taking of an action, will set policy or is preliminary to either. The particular discussion need not be aimed at reaching an immediate decision in order to be considered a deliberative discussion of public business. [Note: "Deliberations," as referenced in the intent section (5 ILCS 120/1), are distinguishable from "deliberations for decisions," as referenced in the exception pertaining to the Prisoner Review Board (5 ILCS 120/2(c)(8)). *See* 1982 Ill. Att'y Gen. Op. 134.]

A gathering of a majority of a quorum of current members of a public body with newly-elected members who have not taken office to discuss future appointments of village officials is a meeting subject to the Act. Ill. Att'y Gen. Op. No. 96-005, issued January 31, 1996. A gathering called by a State legislator involving a majority of a quorum of the members of two county boards, although characterized as informational, was subject to the Act with respect to the participation of the two boards when they engaged in deliberative discussions pertaining to the business of the boards. Ill. Att'y Gen. Op. No. 95-004, issued July 14, 1995.

The Act has been applied to a meeting of a mayor, city council and representatives of a not-for-profit corporation formed to promote downtown redevelopment. Even though no formal action was taken, the meeting "was specifically designed for the purpose of discussing city or public business" and thus "was a deliberation coming within the meaning of that term" in the Open Meetings Act. 1974 Ill. Att'y Gen. Op. 143.

### **3. EXCEPTIONS**

The Open Meetings Act requires that all meetings of public bodies be open to the public unless the meetings fall within one or more of the exceptions contained in subsection 2(c) and are closed in accordance with section 2a of the Act. 5 ILCS 120/2(a). The exceptions to the Open Meetings Act are limited in number and very specific. Because they are contrary to the general requirement that meetings be open, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. 5 ILCS 120/2(b). *See also I.N.B.A. v. City of Springfield*, 22 Ill. App. 3d 226, 228 (Fifth Dist. 1974); *People ex rel. Ryan v. Village of Villa Park*, 212 Ill. App. 3d 187, 191 (Second Dist. 1991). The exceptions authorize but do not require the closing of a meeting falling within their scope. 5 ILCS 120/2(b), 2a.

Discussion in a closed meeting under an exception to the Act must be limited in scope to the cited exception authorizing the closed meeting. 5 ILCS 120/2, 2a; 1969 Ill. Att'y Gen. Op. 131. The taking of final action at any closed meeting is prohibited. 5 ILCS 120/2(e). A public body must disclose to the public the substance of any final action which is being taken, whether that substance has been discussed in an open or a closed meeting. 5 ILCS 120/2(e). Final action taken at a closed meeting may be voided by a court. 5 ILCS 120/3. There can be no secret ballots at public meetings. *WSDR, Inc. v. Ogle County*, 100 Ill. App. 3d 1008 (Second Dist. 1981); 1975 Ill. Att'y Gen. Op. 136.

The exceptions can be grouped under the following six headings, but it is important to emphasize that not all matters or meetings that might fall under the scope of the general headings are exempt -- only those within the scope of a specific exception. [As noted above, all exceptions to the Act are to be strictly construed. 5 ILCS 120/2(b).]

**Employment/Appointment Matters:** Public bodies may hold closed meetings to consider the following employment or appointment-related topics:

(1) "The appointment, employment, compensation, discipline, performance, or dismissal of *specific* employees of the public body or legal counsel for the public body." (Emphasis added.) 5 ILCS 120/2(c)(1). [Note: "Employee" is defined to include "a person employed by a public body whose relationship \* \* \* constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor." 5 ILCS 120/2(d). The exception does not authorize discussions concerning independent contractors other than legal counsel. It is important to note that this exception is appropriately used only with respect to discussions concerning specific employees and not with respect to classes of employees or other employment or personnel

concerns. For example, this exception cannot be used to discuss budgetary decisions even if those decisions have an impact on personnel.]

(2) "[H]earing testimony on a complaint lodged against an employee to determine its validity." 5 ILCS 120/2(c)(1).

(3) "Collective negotiating matters between the public body and its employees or their representatives." 5 ILCS 120/2(c)(2). [Note: This exception does not authorize a public body to hold a closed meeting to conduct unilateral deliberations on the extension of bargaining rights to a federation or other representative group. 1980 Ill. Att'y Gen. Op.

74. The exception does, however, authorize a public body to hold closed unilateral meetings to discuss its negotiating response when collective bargaining negotiations are ongoing. 1980 Ill. Att'y Gen. Op. 105. Section 24 of the Illinois Public Labor Relations Act (5 ILCS 315/24) and section 18 of the Illinois Educational Labor Relations Act (115 ILCS 5/18) provide that the Open Meetings Act "shall not apply to collective bargaining negotiations and grievance arbitrations conducted pursuant to" those Acts.]

(4) "[D]eliberations concerning salary schedules for one or more classes of employees." 5 ILCS 120/2(c)(2).

(5) "The selection of a person to fill a public office \* \* \* including a vacancy in a public office, *when the public body is given the power to appoint under law or ordinance*" (emphasis added) and "the discipline, performance or removal of the occupant of a public office, *when the public body is given power to remove the occupant under law or ordinance.*" (Emphasis added.) 5 ILCS 120/2(c)(3). [Note: The term "public office" is defined in subsection 2(d) of the Act. 5 ILCS 120/2(d). It excludes organizational positions existing to assist the body in the conduct of its business. Thus, selection of a

president, chair or other officer, or the committee structure of the body cannot be discussed in a closed meeting. *See* Ill. Att'y Gen. Op. No. 03-006, issued August 18, 2003, concluding that a county board's "committee on committees" could not properly hold a closed meeting to consider appointment of county board members or other persons to other committees created by the county board.]

**Legal Matters:** The following subjects may be discussed in a closed meeting:

(1) "Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning." 5 ILCS 120/2(c)(4). [Note: A quasi-adjudicative body is "an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon." 5 ILCS 120/2(d). Electoral boards considering petition challenges are excluded from the definition of "quasi-adjudicative body." The purpose of this exception is to allow bodies that function like a court, such as the Pollution Control Board, the Industrial Commission, and the Illinois Commerce Commission, to close meetings to evaluate the evidence and testimony presented to them. It promotes free discussion on issues such as the credibility of witnesses. A body using this exception must provide a written opinion setting forth the basis for its determination on the matters reviewed under the exception. A public aid committee created under provisions of the Public Aid Code is a quasi-adjudicative body that may use this exception for discussion of matters within its scope. Ill. Att'y Gen. Op. No. 96-009, issued January 31, 1996.]

(2) "Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending in a court or administrative tribunal, or when the public body finds that such an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting." 5 ILCS 120/2(c)(11). [Note: This exception operates to bring back under the Act certain gatherings which were excepted by the Appellate Court in *People ex rel. Hopf v. Barger*, 30 Ill. App. 3d 525 (Second Dist. 1975). The exception does not authorize the closing of a meeting merely because an attorney is present and/or legal issues are to be discussed. Litigation must be probable, imminent or pending before the exception can be used. The term "litigation" does not encompass deliberations of a public body acting in a quasi-judicial capacity on matters before it for decision. *See* 1983 Ill. Att'y Gen. Op. 10; *but see* 5 ILCS 120/2(c)(4). The phrase "probable or imminent" means "likely to occur." *See* 1983 Ill. Att'y Gen. Op. 82.]

(3) "Deliberations for decisions of the Prisoner Review Board." 5 ILCS 120/2(c)(18). [Note: For a discussion of the scope of "deliberations for decisions" in this context *see* 1982 Ill. Att'y Gen. Op. 134. For a discussion of the extent to which the Board can promulgate rules limiting access to hearings under the Open Meetings Act and the Open Parole Hearings Act (730 ILCS 105/30), *see* Ill. Att'y Gen. Op. No. 03-002, issued January 7, 2003.]

(4) "The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications



from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member." 5 ILCS 120/2(c)(12).

**Business Matters:** A meeting may be closed to discuss the following:

(1) "The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired." 5 ILCS 120/2(c)(5). [Note: The language of the exception makes clear that the real property discussed must be that which is to be acquired for use by the public body. The language includes specifically the lease of real property for the use of a public body. *See* 1980 Ill. Att'y Gen. Op. 105. The Appellate Court limited the scope of the prior version of the exception to "formulating the terms of an offer to purchase specific real estate or discussing the seller's terms" and to "considering strategy for obtaining specific real estate." *People ex rel. Ryan v. Village of Villa Park*, 212 Ill. App. 3d 187, 193 (Second Dist. 1991). Drafters of the language enacted in 1994 intended it to be construed to cover necessary prospective discussions on real estate acquisitions so that the market will not be able to react to information on the real estate acquisitional needs of public bodies. A 1995 amendment further clarified the exception, specifically including discussions on whether a particular parcel should be acquired.]

(2) "The setting of a price for sale or lease of property owned by the public body." 5 ILCS 120/2(c)(6).

(3) "The sale or purchase of securities, investments, or investment contracts." 5 ILCS 120/2(c)(7). [Note: This exception replaced former exception 2(A)(f) pertaining to management of investments. It was not intended to apply to issuance of bonds by a

public body, which process, of necessity, extends to issues much broader than the mere sale of securities, and would be required to be considered openly.]

(4) "The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies." 5 ILCS 120/2(c)(23).

**Security/Criminal Matters:** Meetings on the following subjects may be closed:

(1) "Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property." 5 ILCS 120/2(c)(8). Public Acts 93-79 and 93-422 added "the public" to this exemption to address concerns that the existing exemption would not allow closed meetings to discuss such things as terrorist threats to the public at large.

(2) "Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities." 5 ILCS 120/2(c)(14).

**School Matters:** Meetings on the following subjects may be closed:

(1) "Student disciplinary cases." 5 ILCS 120/2(c)(9).

(2) "The placement of individual students in special education programs and other matters relating to individual students." 5 ILCS 120/2(c)(10).

**Miscellaneous Exceptions to the Open Meetings Act:** The following subjects may be discussed in a closed meeting:

(1) "Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices

and creating a commission or administrative agency for their enforcement." 5 ILCS 120/2(c)(13). [Note: A municipality is authorized by law to enact ordinances which "provide for closed meetings for conciliating complaints of discrimination" in sale or rental of housing. 65 ILCS 5/11-11.1-1. While the Open Meetings Act is not applicable to such conciliation meetings, a Fair Housing or Human Relations Commission established pursuant to section 11-11.1-1 of the Illinois Municipal Code (65 ILCS 5/11-11.1-1) cannot take final action on imposition or recommendation of a penalty except at a meeting open to the public.]

(2) "Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence." 5 ILCS 120/2(c)(15). [Note: This exception applies to professional advisory groups appointed to assist the Department of Professional Regulation in carrying out its licensing responsibilities. The purpose of the exception is to protect persons who are subject to investigation for their professional conduct, until or unless disciplinary action is taken. 1972 Ill. Att'y Gen. Op. 177.]

(3) "Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member." 5 ILCS 120/2(c)(16).

(4) "The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body." 5 ILCS 120/2(c)(17).

(5) "Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act." 5 ILCS 120/2(c)(19).

- (6) "The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board." 5 ILCS 120/2(c)(20).
- (7) "Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 of the Act." 5 ILCS 120/2(c)(21).
- (8) "Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board." 5 ILCS 120/2(c)(22).
- (9) "Meetings of a residential health care facility resident sexual assault and death review team or the Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death Review Team Act." 5 ILCS 120/2(c)(24).

**Closed Meetings Specifically Authorized by Law:** A meeting may be closed if a State statute expressly requires or authorizes it. Section 24 of the Illinois Public Labor Relations Act (5 ILCS 315/24) and section 18 of the Illinois Educational Labor Relations Act (115 ILCS 5/18) provide that the Open Meetings Act "shall not apply to collective bargaining negotiations and grievance arbitration[s] conducted pursuant to" those Acts.

**Disclosure of Matters Discussed in Closed Meetings:** A public body cannot sanction one of its members for disclosing information or issues discussed in a closed meeting. 1991 Ill. Att'y Gen. Op. 1. The Attorney General noted that the possibility of such sanctions "would only serve as an obstacle to the effective enforcement of the Act, and a shield behind which opponents of open government could hide."

In affirming dismissal of a count alleging that a public body had violated the Act by making disclosures to the public concerning information given in a closed meeting, the Appellate

Court noted that "there is nothing in the Act that provides a cause of action against a public body for disclosing information from a closed meeting." *Swanson v. Board of Police Commissioners*, 197 Ill. App. 3d 592, 609 (Second Dist. 1990).

These observations and holdings do not, of course, indicate that members of a public body should not deal carefully with confidential information that may be brought before the body in the course of a closed meeting.

#### **4. PUBLIC TAPING AND FILMING**

The Open Meetings Act provides that "any person may record the proceedings at meetings required to be open by this Act by tape, film or other means." 5 ILCS 120/2.05. The current statute reflects the law as previously set forth in two opinions of the Attorney General. 1980 Ill. Att'y Gen. Op. 102; 1975 Ill. Att'y Gen. Op. 17.

In certain circumstances, however, taping or filming is subject to another Illinois statute, originally enacted in 1953, which provides: "No witness shall be compelled to testify in any proceeding conducted by a court, commission, administrative agency or other tribunal in this State if any portion of his or her testimony is to be broadcast or televised or if motion pictures are to be taken of him or her while he or she is testifying." 735 ILCS 5/8-701. Under section 2.05, if a witness before a "commission, administrative agency or other tribunal" refuses to testify because his or her testimony will be taped or filmed, "the authority holding the meeting shall prohibit such recording during the testimony of the witness."

Section 2.05 also provides that "[t]he authority holding the meeting shall prescribe reasonable rules to govern the right to make \* \* \* recordings." No standards for such rules are set forth in the Act, but it would be appropriate to refer to a 1975 Attorney General's opinion on tape recording in which it was advised that taping "should not be allowed to interfere with the

overall decorum and proceeding of the meeting." 1975 Ill. Att'y Gen. Op. 17. It is not appropriate for public bodies to create rules on the spot. Rather, rules should be written and published after appropriate public notice and deliberation.

## **5. PROCEDURES FOR CLOSING MEETINGS**

Section 2a of the Act sets forth the procedures for closing a meeting. 5 ILCS 120/2a. Under that section, a public body may, upon a majority vote of a quorum present, vote to close a meeting or to hold a closed meeting at a specified future date. The vote must be taken at an open meeting. Additional notice is not required prior to holding a closed meeting when such meeting is part of an open meeting for which proper notice has been given. Separate notice is required, however, for all other closed meetings.

Section 2a requires that the vote of each member on the question of holding a closed meeting, as well as a citation to the exception in subsection 2(c) authorizing the closed meeting, be publicly disclosed at the time of the vote and recorded and entered in the minutes of the meeting at which the vote is taken. The public statement and citation should recite the language of the exception and not a popular description. Discussion in a closed meeting is limited to matters covered by the exception specified in the vote to close.

Section 2a authorizes the closing of a series of meetings by a single vote as long as each meeting in the series involves the same particular matter and is scheduled to be held within three months of the vote. This language is designed specifically to deal with meetings involving ongoing negotiations. Thus, for example, should a public body need to conduct a series of meetings on a particular topic, it would need to take only one vote prior to the first closed meeting and could hold subsequent closed meetings without taking an additional vote. Such subsequent meetings, however, would be subject to the notice requirements of section 2.02.

## 6. RECORDS OF MEETINGS

Section 2.06 requires a public body to keep minutes of all open meetings. Minutes must include, but need not be limited to: "(1) the date, time and place of the meeting; (2) the members of the body recorded as present or absent; and (3) a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken." 5 ILCS 120/2.06(a).

This section formerly required that public bodies keep minutes of all closed meetings. That requirement was deleted by Public Act 93-523, effective January 1, 2004, and was replaced by the current requirement that public bodies "keep a verbatim record of all their closed meetings in the form of a video or audio recording." 5 ILCS 120/2.06(a). Effective January 1, 2005, however, the requirement that minutes be kept of all closed meetings, in addition to keeping a verbatim record of those meetings, will be reinstated by Public Act 93-974. The purpose of these provisions is twofold: (1) to ensure that public bodies keep accurate records of their proceedings for their own protection; and (2) to provide a record for a court to examine when it is trying to ascertain whether or not a violation of the Act has occurred.

To comply with these requirements, a public body must enter into its minutes a summary of all discussion held by the body on items brought before the meeting. The minutes must include sufficient data so that either the body or a court examining its minutes will be able to ascertain what, in fact, was discussed, the substance of that discussion, and what, if any, action was taken. To comply with the verbatim recording provision, the public body must record the entire closed meeting.

With respect to closed meetings held during calendar year 2004, there are compelling reasons for keeping minutes of those meetings despite the deletion of the statutory requirement. In order to address concerns that the making of a verbatim record would chill frank discussion,

section 2.06(e) provides: "Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative proceeding other than one brought to enforce this Act." 5 ILCS 120/2.06(e). [Note: The clear intention of the General Assembly was to keep verbatim recordings confidential and unavailable for use in any type of proceeding other than one brought to enforce the Act. In accordance with this purpose, effective January 1, 2005, Public Act 93-974 will amend subsection 2.06(e) to provide that a recording is not "subject to discovery in any administrative *or judicial* proceeding other than one brought to enforce this Act." (Emphasis added.)] In addition, subsection 2.06(c) provides that the verbatim record may be destroyed after 18 months without the necessity of approval from a records commission, "but only after: (1) the public body approves destruction of a particular recording; and (2) the public body approves minutes of the closed meeting that meet the written minutes requirements" applicable to open meetings. 5 ILCS 120/2.06(c). Thus, a public body will be required either to preserve its recordings of closed meetings held in 2004 in perpetuity or to create minutes of its closed meetings despite the lack of a specific requirement. Logic suggests that the simplest course is to take minutes at the time of the holding of a closed meeting which may then be substituted, in the judgement of the body, for the corresponding verbatim recordings when the statutory retention period concludes.

Subsection 2.06(b) requires that minutes of open meetings be made available for public inspection within seven days of approval of such minutes by the public body. Minutes of closed meetings are available only after a determination by the public body that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. 5



ILCS 120/2.06(f). Likewise, verbatim recordings of closed meetings can be disclosed to the public after the body determines that the recording no longer requires confidential treatment. 5 ILCS 120/2.06(e). Minutes or verbatim recordings or portions thereof may also be made available by court order pursuant to the provisions of 5 ILCS 120/3(c), when it is determined that the meeting to which such minutes pertain was closed in violation of the Act. [Note: A Federal court has characterized the language protecting the confidentiality of closed meeting minutes as a qualified privilege "which may be overcome if the necessity for the documents [in a court proceeding] outweighs the need for confidentiality." *Hartman v. Lisle Park District*, "Order on Documents Reviewed in Camera," 2002 WL 448999 (N.D. Ill. 2002).] A closed meeting may be held to approve the minutes of a prior closed meeting. 5 ILCS 120/2(c)(21). Public bodies are required to review minutes and verbatim records of closed meetings held in 2004 at least twice a year to determine whether a need for confidentiality exists with respect to all or part thereof. 5 ILCS 120/2.06(d). Public Act 93-974 eliminates the requirement of a semi-annual review of the verbatim records only as of January 1, 2005. A closed meeting may be held to conduct the mandated review. 5 ILCS 120/2(c)(21). Determinations on such minutes and recordings are to be reported in an open meeting. Minutes of closed meetings are exempt from inspection under the Freedom of Information Act (5 ILCS 140/7(1)(m)) "until the public body makes the minutes available to the public." Verbatim records of closed meetings are exempt from disclosure as information prohibited from disclosure by State law. 5 ILCS 140/7(1)(a).

## **7. PUBLIC NOTICE OF TIME AND PLACE**

Subsection 2.02 requires public bodies to give public notice, at the beginning of each calendar or fiscal year, of the dates, times and places of their regular meetings to be held during the year. The posting of an agenda for each regular meeting at least 48 hours in advance of the

meeting is also required. 5 ILCS 120/2.02(a). The regular meeting agenda "shall be posted at the principal office of the public body *and* at the location where the meeting is to be held."

(Emphasis added.) Since discussion of items of new business is allowed at regular meetings, consideration of such items is appropriate even if they are not included in the agenda. [Note: The Appellate Court has held that "consideration of" an item of new business not included on the agenda for the meeting is limited to deliberation and discussion and does not include the taking of action on such item. *Rice v. Board of Trustees of Adams County, Illinois*, 326 Ill. App. 3d 1120 (Fourth Dist. 2002).]

Public notice of any special, rescheduled or reconvened meeting must be given at least 48 hours in advance except that public notice is not necessary for a meeting to be reconvened within 24 hours or if the time and place of the reconvened meeting was announced at the original meeting and there is no change in the agenda. Notice of a meeting held in the event of a *bona fide* emergency need not be given 48 hours prior to such meeting. Notice in such a circumstance shall, however, be given as soon as practicable, and in any event prior to the holding of such meeting, to any news medium that has filed an annual request for notice under subsection 2.02(b). An agenda must be included in the notice for any special, rescheduled or reconvened meeting.

The Act requires that notice be given in two ways: (1) by posting a notice at the public body's principal office or, if it has no office, at the building in which the meeting will be held; and (2) by sending a notice to each news medium that has filed an annual request for notice. Such news media providing a local address or telephone number for notice are entitled to notice of special, emergency, rescheduled or reconvened meetings given in the same manner as it is given to members of the public body. 5 ILCS 120/2.02(b).

In addition, the schedule of regular meetings must be "available," presumably at the office of the public body. This schedule must list the times and places of regular meetings. 5 ILCS 120/2.03.

If a change is made in regular meeting dates, notice of the change must be given at least 10 days in advance by posting a notice at the public body's office or at the place of meeting and sending a notice to each news medium that filed an annual request to receive such notice. Also, notice of the change must be published "in a newspaper of general circulation in the area." If the population served by the public body is less than 500 and there is no newspaper published there, the 10 days' notice may be given by posting a notice in three prominent places within the unit served. 5 ILCS 120/2.03. [Note: This requirement appears to relate to a permanent change in the regular meeting schedule and not to the rescheduling of a single meeting, which may be done with 48 hours' notice.]

Public meetings must be held at times and places convenient and open to the public. A public meeting may not be held on a legal holiday "unless the regular meeting day falls on that holiday." 5 ILCS 120/2.01.

If a public body holds a meeting without fulfilling the public notice and public convenience requirements, it has violated the Act. In other words, a public body cannot convert a public meeting into a non-public meeting merely by ignoring the notice and convenience requirements of the Act. 1974 Ill. Att'y Gen. Op. 123. In a case of first impression, the court in *Gerwin v. Livingston County Board*, 345 Ill. App. 3d 352 (Fourth Dist. 2003), *appeal denied*, 208 Ill. 2d 536 (2004), discussed the meaning of the convenience and openness requirements of the Act. Reversing the lower court's dismissal of plaintiffs' complaint in a case in which the number of people attending a meeting far exceeded the available seating in the county board's

regular meeting place, the court held that allegations that the board gave preferential access to the meeting to agents of the company seeking to expand its landfill stated a claim that the meeting was not "open" as required by subsection 2.01. *Gerwin v. Livingston County Board*, 345 Ill. App. 3d at 358. Recognizing that a meeting could be "held in such an ill-suited, unaccommodating, unadvantageous place that members of the public, as a practical matter, would be deterred from attending it," the court also held that plaintiffs had stated a claim that the meeting was not held in a place "convenient" to the public when they alleged that the county board knew at least a week in advance that the boardroom would be too small for the numbers of citizens who wished to attend; that larger, alternative venues were available; that the county board chairman refused to hold the meeting in a larger venue because he wanted to make attendance by the public inconvenient; and that there had been preferential admissions to the meeting. *Gerwin v. Livingston County Board*, 345 Ill. App. 3d at 360-63. The case was remanded to the circuit court for a hearing on the substantive allegations.

## **8. ENFORCEMENT**

The Open Meetings Act provides for both civil and criminal enforcement.

Subsection 3 of the Act (5 ILCS 120/3) is the civil enforcement provision. Subsection 3(a) authorizes any person, including the State's Attorney of the county in which noncompliance may occur, to bring a civil action for the enforcement of the Act within 60 days after a meeting alleged to have been held in violation of the Act, or, if facts concerning the meeting are not discovered within that period, within 60 days of the discovery of a violation by the appropriate State's Attorney. The provision clearly authorizes members of the general public to institute enforcement proceedings under the Act.

A municipality is a "person" with standing to file an action under section 3. *Paxson v. Board of Education of School District No. 87*, 276 Ill. App. 3d 912, 919-21 (First Dist. 1995). There is a split of authority concerning whether the "discovery rule" applies to actions brought by persons other than State's Attorneys. The Appellate Court in the First District held that the rule inures only to the benefit of the State's Attorney (*Paxson v. Board of Education*, 276 Ill. App. 3d at 921-22), while the Second District has held that absent evidence of the State's Attorney's knowledge, an action filed later by another person may proceed. *Safanda v. Zoning Board of Appeals*, 203 Ill. App. 3d 687 (Second Dist. 1990).

The 60 day limitation on civil actions in section 3 was placed in the Act as an adjunct to the language in subsection 3(c) authorizing a court to declare null and void any final action taken at a closed meeting in violation of the Act. This provision limits the time within which a declaration of voidability can issue with respect to certain actions, such as authorizations for issuance of bonds, in order to prevent undue hardship and certification delays.

Subsection 3(b) authorizes a court in a civil action, in addition to taking other evidence, to examine *in camera* any portion of the minutes of a closed meeting at which a violation of the Act is alleged to have occurred. Subsection 2.06(e) authorizes *in camera* review of the verbatim record of a closed meeting. Additionally, under subsection 3(c), the court may grant such relief as it deems appropriate including: (1) issuing a writ of mandamus requiring that a meeting be open to the public; (2) granting an injunction against future violations of the Act; (3) ordering the public body to make available for public inspection the minutes of an improperly closed meeting; and (4) declaring null and void any *final action* taken at a closed meeting in violation of the Act. Item 4 above is a significant provision since it makes certain actions taken in violation of the Act

voidable. The court, however, is not required to void an action when the voiding of the action is not in the public interest.

It should also be noted that the language of the voidability provision refers only to final actions taken in closed meetings held in violation of the Act. Ordinarily, an action may not be voided because of a technical notice violation, nor may it be voided because it was discussed or matters related to it were deliberated in an improperly closed meeting. *See Chicago School Reform Board of Trustees v. Martin*, 309 Ill. App. 3d 924 (First Dist. 1999); Ill. Att'y Gen. Op. No. 95-004, issued July 14, 1995. In a departure from the plain language of the Act, however, in *Rice v. Board of Trustees*, 326 Ill. App. 3d 1120 (Fourth Dist. 2002), the Appellate Court voided a final action taken in an open meeting on an item of new business because it was not included in the agenda. This case has prompted serious questions concerning whether and when the courts have the authority to void final actions in circumstances other than that specified in the Act, and, if so, in which cases that remedy may properly be applied.

Subsection 3(d) authorizes the court to assess against any party, except a State's Attorney, reasonable attorney's fees and costs incurred by any other party who substantially prevails in an action brought in accordance with section 3. Assessment of fees against a private party, however, calls for an additional determination that the action brought by such party was "frivolous or malicious" in nature. The provision was drafted in this manner to encourage private actions when public officials responsible for compliance or enforcement fail to act. When this public burden is borne by private persons, such persons should have every expectation of recovering the costs which they incur in bringing good faith actions. If an action is not brought in good faith, a private party faces the possibility of having to bear legal costs of the public body as well as his or her own.

The determination of which party has substantially prevailed for purposes of section 3 is one to be made by the court. The phrase "substantially prevails" is used to make it clear that absolute success on the merits is not a necessary prerequisite to the awarding of attorney's fees and costs.

In addition to civil penalties, violators of the Open Meetings Act are subject to criminal penalties. Any criminal action must, of course, be initiated by a State's Attorney. In such an action, the court may conduct an *in camera* examination of the verbatim record of a closed meeting alleged to be in violation of the Act in order to determine what portions, if any, must be made available to the parties for use in the prosecution. 5 ILCS 120/2.06(e). Violation of the Act is a Class C misdemeanor (5 ILCS 120/4), which is punishable by a fine of up to \$1500 and imprisonment for up to 30 days. 730 ILCS 5/5-8-3, 5-9-1.

## Text of the Act

Title: An Act in relation to meetings.

Cite: 5 ILCS 120/1 *et seq.*

From: Ch. 102, par. 41 *et seq.*

Source: L. 1957, p. 2892.

Date: Approved July 11, 1957.

Short title: Open Meetings Act.

### (5 ILCS 120/1)

Sec. 1. Policy. It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

(1) It is the intent of this Act to protect the citizen's right to know; and

(2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

(Source: P.A. 88-621, eff. 1-1-95.)

### (5 ILCS 120/1.01)

Sec. 1.01. This Act shall be known and may be cited as the Open Meetings Act.

(Source: P.A. 82-378.)

### (5 ILCS 120/1.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business.



"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission acting under the State Officials and Employees Ethics Act.

(Source: P.A. 92-468, eff. 8-22-01; 93-617, eff. 12-9-03.)

**(5 ILCS 120/2)**

**Sec. 2. Open meetings.**

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts.

(8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death Review Team Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make

determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422, eff. 8-5-03; 93-577, eff. 8-21-03)

**(5 ILCS 120/2.01)**

Sec. 2.01. All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

(Source: P.A. 88-621, eff. 1-1-95.)

**(5 ILCS 120/2.02)**

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of

all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given.

(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

**(5 ILCS 120/2.03)**

Sec. 2.03. In addition to the notice required by Section 2.02, each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a schedule of all its regular meetings for such calendar or fiscal year, listing the times and places of such meetings.

If a change is made in regular meeting dates, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions. However, in the case of bodies of local governmental units with a population of less than 500 in which no newspaper is published, such 10 days' notice may be given by posting a notice of such change in at least 3 prominent places within the governmental unit. Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02.

(Source: Laws 1967, p. 1960.)

**(5 ILCS 120/2.04)**

Sec. 2.04. The notice requirements of this Act are in addition to, and not in substitution of, any other notice required by law. Failure of any news medium to receive a notice provided for by this Act shall not invalidate any meeting provided notice was in fact given in accordance with this Act.

(Source: Laws 1967, p. 1960.)

**(5 ILCS 120/2.05)**

Sec. 2.05. Subject to the provisions of "An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken", approved July 14, 1953, as amended, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may

not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of "An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken", approved July 14, 1953, as amended.

(Source: P.A. 82-378.)

**(5 ILCS 120/2.06)**

*Text effective until January 1, 2005.*

Sec. 2.06. (a) All public bodies shall keep written minutes of all their open meetings and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(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.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and

(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes and recordings 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 recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative proceeding other than one brought to enforce this Act. In the case of a civil

action brought to enforce this Act, the court may conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an in camera examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. If the court or administrative hearing officer determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

(Source: P.A. 93-523, eff. 1-1-04.)

**(5 ILCS 120/2.06)**

*Text effective January 1, 2005.*

Sec. 2.06. (a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

- (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.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

- (1) the public body approves the destruction of a particular recording; and
- (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) 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.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

(Source: P.A. 93-974, eff. 1-1-05.)

#### **(5 ILCS 120/2a)**

Sec. 2a. A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months of the vote. The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting. Nothing in this Section or this Act shall be construed to require that any meeting be closed to the public.

At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under Section 2.02, hold a closed meeting in accordance with this Act. Only topics specified in the vote to close under this Section may be considered during the closed meeting.

(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)



**(5 ILCS 120/2b)**

Sec. 2b. (Repealed).

(Source: Repealed by P.A. 88-621, eff. 1-1-95.)

**(5 ILCS 120/3)**

Sec. 3. (a) Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney.

(b) In deciding such a case the court may examine in camera any portion of the minutes of a meeting at which a violation of the Act is alleged to have occurred, and may take such additional evidence as it deems necessary.

(c) The court, having due regard for orderly administration and the public interest, as well as for the interests of the parties, may grant such relief as it deems appropriate, including granting a relief by mandamus requiring that a meeting be open to the public, granting an injunction against future violations of this Act, ordering the public body to make available to the public such portion of the minutes of a meeting as is not authorized to be kept confidential under this Act, or declaring null and void any final action taken at a closed meeting in violation of this Act.

(d) The court may assess against any party, except a State's Attorney, reasonable attorney's fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with this Section, provided that costs may be assessed against any private party or parties bringing an action pursuant to this Section only upon the court's determination that the action is malicious or frivolous in nature.

(Source: P.A. 88-621, eff. 1-1-95.)

**(5 ILCS 120/4)**

Sec. 4. Any person violating any of the provisions of this Act shall be guilty of a Class C misdemeanor.

(Source: P.A. 77-2549.)

**(5 ILCS 120/5)**

Sec. 5. If any provision of this Act, or the application of this Act to any particular meeting or type of meeting is held invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or the other applications of this Act.

(Source: Laws 1957, p. 2892.)

**(5 ILCS 120/6)**

Sec. 6. The provisions of this Act constitute minimum requirements for home rule units; any home rule unit may enact an ordinance prescribing more stringent requirements binding upon itself which would serve to give further notice to the public and facilitate public access to meetings.

(Source: P.A. 78-448.)

## **Illinois Open Meetings Act** *Frequently Asked Questions for Public Bodies*

The Illinois Open Meetings Act (OMA) is designed to ensure that the public has access to information about their government and its decision-making process. As a public servant, you have a duty to ensure that Illinois residents can obtain information about their government.

In 2009, Attorney General Lisa Madigan worked with legislators and a diverse group of individuals and organizations to strengthen transparency laws in Illinois and hold government more accountable. As of January 1, 2010, key changes to the Open Meetings Act take effect and provide Illinois residents with a more open and accountable government.

### **WHO'S WHO UNDER OMA**

**Public Access Counselor (PAC)** – An attorney in the Attorney General's Office who works to ensure compliance with OMA and the Illinois Freedom of Information Act (FOIA). The Public Access Counselor oversees the Public Access Bureau in the Attorney General's Office, which includes several Assistant Attorneys General and professional support staff members working to respond to OMA and FOIA issues raised by the public and government officials. Working under the direction and supervision of the Attorney General, the PAC has the authority to determine whether a public body has violated the Open Meetings Act. The PAC also has the authority to review requests for documents under FOIA and determine whether those documents should have been disclosed. As part of this Public Access work, the Attorney General has subpoena power, may issue advisory opinions to guide public bodies, may issue binding opinions in OMA and FOIA disputes and may sue to enforce binding opinions.

**"Public Body"** – The Open Meetings Act defines "public body" to include "all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof."

Under OMA, "public body" also includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. OMA specifically provides that "public body" does not include a child death review team, the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act, or an ethics commission acting under the State Officials and Employees Ethics Act.

**"Meeting"** – The Open Meetings Act defines a "meeting" to include "any gathering, whether in person or by video or audio conference, telephone call, electronic means (such

as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business. Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.”

## **GENERAL INFORMATION**

### **What is the Open Meetings Act (OMA)?**

The Open Meetings Act is a state law that requires that meetings of public bodies be open to the public except in certain specific, limited situations (discussed in more detail below) where the law authorizes the public body to close a meeting. OMA also provides that the public must be given advance notice of the time, place and subject matter of the meetings of public bodies.

### **What is the difference between the Freedom of Information Act (FOIA) and OMA?**

FOIA applies when a member of the public is seeking access to public records. OMA is intended to ensure that the actions of public bodies are conducted in the open, through public meetings, and that the public is able to observe the deliberations behind those actions.

### **What type of “public body” is covered by OMA?**

The “public bodies” covered by OMA include all legislative, executive, administrative or advisory bodies of:

- the State
- counties
- townships, cities, villages, or incorporated towns
- school districts
- all municipal corporations

“Public bodies” also includes all committees, subcommittees and subsidiary bodies of public bodies. Examples of “public bodies” include everything from park district boards to city councils to civic commissions. “Public bodies” includes, but is not limited to, any entity that is supported in whole or in part by tax revenue or which expends tax revenue.

### **What information is the public body required to provide to the Public Access Counselor?**

Each public body must designate employees, officers and/or members to receive OMA electronic training provided by the Public Access Counselor. The public body must provide a list of these designated individuals to the Public Access Counselor.

## **TRAINING FOR EMPLOYEES, OFFICERS OR MEMBERS DESIGNATED BY PUBLIC BODIES**

### **Who needs to complete the Public Access Counselor's electronic OMA training?**

Each public body must designate employees, officers or members to receive training on compliance with the Open Meetings Act. The Public Access Counselor must provide an electronic training program for these individuals to take. These individuals must complete the initial Public Access Counselor electronic training by June 30, 2010. After that, they must complete the training on an annual basis.

### **What does the public body need to do if it designates additional individuals after June 30, 2010, to take the Public Access Counselor training?**

At any time, a public body may designate new or additional employees, officers or members to receive training on compliance with OMA. If a public body designates new or additional individuals after June 30, 2010, those individuals must complete the training within 30 calendar days of their designation.

## **PUBLIC MEETING**

### **How many members of the public body have to be present at a "meeting" before OMA requirements apply?**

A "meeting" under OMA is a gathering of a majority of a quorum of the members of a public body for the purpose of discussing public business. For example, for a 7-member board with a quorum of 4, a majority of the quorum would be 3. Under OMA, 5-member bodies have a 3-member quorum and require the affirmative vote of 3 members to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

### **Before a public body takes a vote on an issue at a meeting, what must it do?**

Any vote, or final action, must be preceded by a public recital of the nature of the matter being considered and any other information that will inform the public of the business being conducted.

### **If an item is not listed on the posted agenda for a regular meeting, is the public body prohibited from taking action on the item at that meeting?**

Yes. OMA permits discussion during regular meetings of items not specifically set forth on the agenda. The Open Meetings Act, however, does not permit the taking of a vote on such a matter at that meeting.

### **Is a public body required to provide members of the public with a copy of its "board packet" at an open meeting?**

No. At the time of an open meeting, a public body is not required to disseminate or provide the public with copies of its "board packet" or reference information. It is important to note, however, that the information contained within a "board packet" is subject to the Freedom of Information Act and a member of the public can request copies of that material through FOIA.

## **PUBLIC NOTICE OF A MEETING**

### **What is public notice?**

Giving public notice means providing the date, time and location of a meeting.

### **When and how does a notice of a regular meeting have to be provided by a public body?**

At the beginning of each calendar or fiscal year, every public body must create and make available to the public the schedule for regular meetings that year, including the dates, times, and locations of the meetings. Notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. If the public body has a website maintained by its own full-time staff, then notice of all meetings must also be posted on that website.

If the public body changes this schedule, it must give 10 calendar days notice of the change by publicizing the change in the newspaper and by posting information concerning the schedule change at the principal office of the public body.

The public body must post an agenda (see below) for the particular meeting at the principal office of the public body, at the location of the meeting, and on the public body's website (if it has a website maintained by its own full-time staff) at least 48 hours in advance of the meeting.

## **MEETING AGENDA**

### **What is an agenda?**

An agenda is a list of the items to be acted upon or discussed during a meeting.

### **Can the agenda be changed?**

A public body cannot change the agenda less than 48 hours before the meeting.

### **Can the public body take action on items not on the agenda of regular meetings?**

No. While the public body can discuss items that are not on the agenda of a regular meeting, the public body cannot take action or make any decision with regard to items or topics not on the agenda of a regular meeting. It is important to note that at a special or emergency meeting, unlike a regular meeting, a public body cannot even discuss items that did not appear on the agenda for the special or emergency meeting.

### **Is a public body required to allow a member of the public to speak at an open meeting?**

The Open Meetings Act does not require that public bodies give members of the public an opportunity to speak at a public meeting. It is important to note, however, that some governing bodies are specifically required by law to open a portion of their meetings to public comment. If a public body provides members of the public with an opportunity to speak at a meeting, the public body can limit the time allotted for the public to speak.

## **TIME AND LOCATION OF A MEETING**

### **When and where does an open public meeting need to be held?**

A public body must hold a meeting at a specific time and place that is convenient and open to the public. A public body cannot hold a meeting on a public holiday, unless the regularly scheduled meeting falls on that holiday.

## **RECORDING OF A MEETING**

### **May a member of the public record an open meeting?**

Yes. Any member of the public can record the meeting by tape, film, or other means, subject to some reasonable restrictions.

### **Is the public body required to take minutes of its open meetings?**

Yes. The minutes must include:

- the date, time and place of the meeting;
- a list of the members present and absent from the meeting, and whether they attended in person, by phone, or by video;
- a summary of the discussion of all matters proposed, deliberated, or decided; and
- a record of any votes taken.

It is important to note that subsidiary bodies of public bodies (such as committees and subcommittees) are also required to take minutes of meetings.

A public body must make minutes of the meeting available for public inspection and post them on the public body's website (if it has one) within 7 calendar days after the minutes are approved by the public body. Typically, the minutes are approved at the next board meeting.

## **CLOSED MEETINGS – NOT OPEN TO THE PUBLIC**

### **When can a meeting be “closed”? Can a public body ever meet in private?**

Section 2(c) of the Open Meetings Act provides that a public body can close a meeting to the public only when the following topics are to be considered:

- the appointment, employment, compensation, discipline, performance, or dismissal of a specific employee or legal counsel for the public body;
- collective negotiating matters or deliberations concerning salary schedules for one or more classes of employees;
- discipline or removal of an occupant of a public office or appointment of an individual to fill a vacant public office;
- evidence or testimony received in a hearing, provided that the body is a quasi-adjudicative body and prepares and makes available for public inspection a written decision setting forth its determinative reasoning;
- the purchase or lease of real property by the public body;
- the setting of a price for sale or lease of property owned by the public body;
- the sale or purchase of securities, investments, or investment contracts;

- security procedures;
- student disciplinary cases;
- the placement of individual students in special education programs and other matters relating to individual students;
- pending or probable litigation against, affecting or on behalf of the public body;
- the establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act;
- conciliation of complaints of discrimination in the sale or rental of housing;
- ongoing, prior or future criminal investigations, when discussed by public bodies with criminal investigatory responsibilities;
- professional ethics or performance when discussed by an advisory body to a licensing or regulatory agency;
- discussions regarding self-evaluation, practices and procedures or professional ethics with representatives of statewide associations;
- the recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital or other health care center;
- deliberations for decisions of the Prisoner Review Board;
- review or discussion of applications received under the Experimental Organ Transplantation Procedures Act;
- classification and discussion of confidential matters of the State Government Suggestion Award Board;
- discussion of the minutes of a meeting that was lawfully closed under OMA;
- deliberations of the State Emergency Medical Services Disciplinary Review Board;
- the operation by a municipality of a municipal utility or power agency or natural gas agency regarding contracts relating to the purchase, sale or delivery of electricity or natural gas, or the results or conclusions of lead forecast studies; and
- meetings of a residential health care facility resident sexual assault and death review team.

A public body can close a meeting to the public only if its members are discussing a topic that is listed in Section 2(c) of the Open Meetings Act.

#### **How can a public body “close” a public meeting?**

If a public body wants to hold a closed meeting or wants to close a portion of an open meeting, the public body must vote to close the meeting by a majority vote of a quorum present in an open meeting. The public body must cite the specific exemption in the Open Meetings Act that applies and allows the closure of the meeting.

#### **Who can attend a “closed” meeting?**

Only the members of the public body and others who are directly involved in the matter which is the basis for the closed meeting may attend the meeting. For example, witnesses giving testimony regarding a complaint against an employee may attend a meeting that is closed for purposes of discussing discipline of an employee.



**Can a public body take binding action in a closed session?**

No. A public body may not take any final action in a closed meeting.

**How must a public body record a closed meeting?**

A public body must make a verbatim record, by audio or video, of any closed meeting and take minutes of the meeting. Semi-annually, the public body must meet to review the minutes of any closed meetings that occurred and determine whether the minutes of those closed meetings need to remain confidential. If they determine that it is no longer necessary to have the minutes remain confidential, they must make the minutes available to the public.

**ATTENDING A MEETING BY PHONE OR VIDEO CONFERENCE**

**Can a member of a public body attend a meeting by telephone or video conference and not in person?**

A member of a public body may attend a meeting by telephone or video conference only in accordance with and to the extent allowed by the rules of the public body. 5 ILCS 120/7(c). If a quorum of the members of the public body is physically present, then a majority of the public body may allow a member to attend by video or telephone conference if the member is prevented from physically attending because of (1) personal illness or disability; (2) employment purposes or the business of the public body; or (3) a family or other emergency. If a member wants to attend the meeting by video or telephone conference, he or she must notify the recording secretary or clerk of the public body before the meeting, unless advance notice is impractical.

**IF A MEMBER OF THE PUBLIC BELIEVES THAT A PUBLIC BODY HAS VIOLATED THE OPEN MEETINGS ACT, HE OR SHE CAN TAKE ACTION. HERE IS WHAT YOU NEED TO KNOW.**

**What can a member of the public do if he or she thinks the public body has violated OMA?**

Within 60 calendar days from when the alleged violation occurred, a member of the public can file a Request for Review of the matter with the Public Access Counselor at the Office of the Attorney General, or can bring a civil action in circuit court against the public body. In addition, the State's Attorney of the county in which the alleged violation occurred may bring a civil action in circuit court within 60 calendar days after the violation occurred or within 60 calendar days of the discovery of the violation by the State's Attorney.

**What is a Request for Review?**

A Request for Review is a letter sent to the Public Access Counselor which lays out the basis for an alleged violation of OMA. The request must be made in writing, must be signed by the requester and must include a summary of the facts supporting the allegation.

**Is there a deadline for submitting a Request for Review?**

Yes. A person seeking review of an issue by the PAC must send the Request for Review to the PAC within 60 calendar days after the date of the alleged OMA violation.

**What happens if a member of the public submits a Request for Review to the PAC and what are the responsibilities of the public body?**

When the PAC receives a written Request for Review from the member of the public, the PAC has seven working days to determine whether further action is warranted. 5 ILCS 120.3.5(b).

If the Public Access Counselor reviews the Request for Review and determines that further action is warranted, she must forward a copy of the Request for Review to the public body within 7 working days of receiving the request. At that time, the PAC can specify records or other documents that the public body must furnish to facilitate the PAC's review. The public body must provide the requested records within 7 working days of receiving the request from the PAC.

Within 7 working days of receiving the request from the PAC, the public body may, but is not required to, provide an answer to the allegations in the Request for Review. The answer may take the form of a letter, brief of memorandum.

The Public Access Counselor must forward a copy of the public body's answer (with any confidential information redacted) to the member of the public who requested the review of the alleged OMA violation. The requester then may, but is not required to, respond in writing to the public body's answer. If the requester decides to respond, he or she must do so within 7 working days of receiving the public body's answer. The requester must send a copy of his or her response to the public body.

Once she has all of the necessary information to analyze the OMA issue and determine whether the public body violated the law, the PAC may:

- Decide that no further review is necessary and that the allegations are unfounded.
- Mediate and work to resolve the dispute. The PAC can decide to work informally to try to mediate the dispute between the member of the public and the public body.
- Issue an opinion resolving the matter. If the PAC decides to issue a binding opinion, she must issue the opinion within 60 days after receiving all the documents necessary to make a determination of the issues raised in the Request for Review. Under OMA, the PAC may extend this time by up to 21 days by sending written notice to the requester and the public body and including an explanation of the reasons for the need for an extension of time.

**What kind of information can the PAC request as she reviews the Request for Review?**

The PAC can request any information necessary to decide whether an OMA violation has occurred. Under OMA, the PAC has the same authority as a court to request and review any audio or video tapes of a closed meeting.

**What are the penalties that a public body may incur if it violates the Open Meetings Act?**

**Criminal Penalties:** Under the law, a State's Attorney may bring a criminal action for a violation of the Open Meetings Act. A violation of OMA is a Class C misdemeanor, which is punishable by up to 30 days in jail and a fine of up to \$1,000.

**Civil Penalties:** In a civil lawsuit for a violation of OMA, a court may take a number of actions, including (1) ordering a public body to conduct an open meeting, (2) granting an injunction against future violations by the public body, (3) ordering the public body to make available to the public the minutes of a closed meeting, (4) declaring null and void any final action taken at a closed meeting in violation of OMA, or (5) awarding any other relief that the court deems appropriate. The court also may require the public body to pay the attorney's fees and costs of the person who filed the civil lawsuit alleging the OMA violation.

## Illinois Freedom of Information Act

### Sources:

Illinois Municipal League  
Village of Glencoe FOI Policy  
Illinois Compiled Statutes  
Village of Glencoe Village Attorney

## DISCUSSION POINTS FOR FOIA CHANGES

The recent amendments to the Freedom of Information Act have caused considerable concern for local officials across the State. Those concerns range from increased workload, increased financial costs, shorter response time, and phenomenal confusion over the interpretation of the new statutory language.

This year, we need a serious bill to address these major policy impacts and to clarify the rampant ambiguities in the statute.

The Illinois Municipal League is working with other local-government associations to identify the most important changes needed to the FOIA law.

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**1. Address the abuse of commercial requests:** FOIA requests made for commercial purposes impose a substantial and unnecessary burden on communities. These requests are often onerous and costly to produce and do absolutely nothing to further the purpose of FOIA, which is to promote democratic participation and increase government accountability. The General Assembly should take the following steps with respect to commercial FOIA requests:

- Prohibit the use of FOIA for commercial purposes.
- Tighten the definition of “commercial purpose” to include the furtherance of a commercial enterprise—not just the attempt to sell a product or service.
- Give the public body a remedy for those situations where requesters improperly use FOIA for commercial purposes.

**2. Allow Public Bodies to ask reasonable questions concerning requests:** One of the biggest problems with FOIA is that it is unnecessarily confusing. The FOIA request process immediately places the requester beyond their knowledge of public recordkeeping. One reason for this is that the law forces misunderstandings—it doesn’t allow public bodies to discuss the FOIA request with the requester in order to clarify details of the specific request. In many cases, litigation or other conflict could be avoided if the public body was allowed to clear up misunderstandings at the outset. The General Assembly should allow public bodies to ask questions about requests in order to:

- Clarify requests.
- Narrow the scope of an unduly burdensome request.
- Negotiate time extensions.
- Determine whether the request is for a commercial purpose.
- Determine whether fee waivers should apply.



### **3. Toll response times for requests while awaiting advisory opinions of the Attorney General:**

The FOIA statute authorizes public bodies to request advisory opinions from the Attorney General. This can potentially be one of the more important tools that public bodies could use to avoid confusion over FOIA. Unfortunately, in its current form, this tool doesn't do much good because all of the Attorney General's answers would come too late to be of any use. The five-day response time would have run out before the public body would get the answer that it needs. The General Assembly should provide that the five-day response requirement is tolled if a public body requests an advisory opinion from the Attorney General.

**4. Exempt the identities of program participants:** Protecting the information of citizens is a primary responsibility of public bodies. FOIA should not be used as a loophole to jeopardize that protection. For example, FOIA should not be used to force a public body to give out the identities of children who take a swim class or participate in a latch-key program. Giving out this information would provide little if any benefit to the public—but it could place people in significant danger. The General Assembly should exempt information concerning the names or identities of individuals who register or participate in a recreational, educational, or similar program of a public body.

**5. Exemptions for personnel records:** The recent changes to FOIA eliminated the exemption for the personnel file. These files can be highly sensitive and are rife with personal and private information that could be harmful to individuals if disclosed. Most open-records laws around the country recognize the need for discretion in the use of personnel files. The General Assembly should exempt the following personnel records from disclosure:

- A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual.
- A performance rating or review.
- The result of a civil service or similar test administered by a public agency.
- Employment applications submitted to the public body.
- Workplace support services program information.
- Written complaints and criticisms about an employee.
- Grievance material, including documents related to discrimination or sexual harassment.
- Information regarding discipline, reprimand, remediation, demotion, or discharge contained in a personnel file. This does not apply to the final action of an agency that results in demotion or discharge.
- An academic transcript.
- Any information that a person would consider private.

**6. Protect taxpayers from run-away FOIA costs:** One of the issues that often goes unmentioned is the cost of FOIA. The statute can be extremely expensive for a community to administer. One or more public employees must search for, compile, and review documents for every FOIA request. Just because the statute does not provide for the recovery of these costs doesn't mean that they don't exist. Those costs get passed to the taxpayer—and they can be expensive. A large request can easily eat up hundreds of man hours—particularly if lawyers have to review the documents for required redactions and other legal issues. The General Assembly should provide the taxpayers with some protections against run-away FOIA costs. One option is to provide that, if in any calendar year, the aggregate fees for any requester exceed \$1,000, then,

for any subsequent request, the public body may charge a fee for the full cost of providing the record. The full cost may include all costs associated with producing the record, including costs of any search for and review of the records or other personnel costs associated with reproducing the records.

**7. Eliminate legal “red tape” in the denial process:** Under the FOIA statute, if a public body denies a records request, then the denial must include a detailed factual basis for the denial and a citation to supporting legal authority. These requirements are often impossible and always impractical. They are often impossible because one cannot give a detailed factual explanation as to why a disclosure would violate somebody’s privacy without actually violating that privacy. Moreover, requiring a citation to legal authority will effectively require a lawyer to prepare every denial. If every denial must be accompanied by a legal brief, then the taxpayers will see a substantial increase in the cost of complying with FOIA. The General Assembly should eliminate these impossible and impractical requirements.

**8. Allow electronic disclosure:** If the goal of FOIA is to have more information available to the public, then the General Assembly should pursue policies that encourage the availability of information. If a public body makes information available on a website or through other widely-available electronic means, then it should not also be required to jump through hoops to go through the FOIA process to disclose the same information that is already available. The law should be changed to allow the public body to respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the public body will provide access to inspect the records electronically.

**9. Give public bodies better access to local courts in FOIA cases:** The FOIA statute allows a public body or citizens to ask for a legal review of an Attorney General opinion, but under the current law, that review may only occur in courts in either Sangamon or Cook County. This is an obvious disadvantage for those communities that are a great distance from Springfield or Chicago. We are asking for the General Assembly’s help to allow judicial review of Attorney General binding opinions to be heard in the county where the public body is located—not limited to Cook or Sangamon Counties.

**10. Eliminate the inappropriate review requirements:** Under the FOIA statute, after completing the review process for the denial of a FOIA request or an objection to a meeting procedure, the Attorney General can issue a “binding” opinion, which is subject only to administrative review by the courts. But administrative review is an inadequate mechanism to review these opinions. Under the Administrative Review Law, the court’s review is limited to the record developed at the administrative proceeding. The bill fails to set forth any evidentiary standards or other requirements for the conduct of the Attorney General’s review. That review is basically a review of documents and optional written statements provided by the parties—there is no hearing or other due-process proceedings to develop evidence and challenge accusations. Therefore, the record on review—even if it is accurate—will not be fully developed; it will be of limited use for a legal review. The General Assembly should eliminate the requirement for administrative review of Attorney General opinions and, instead, allow parties to file an action in circuit court and develop a record at that point.



**11. Eliminate the inappropriate evidentiary standard for FOIA cases:** The FOIA statute requires that, if a public body denies a FOIA request, it must be able to prove that its denial was appropriate by “clear and convincing evidence”. The problem is that the clear and convincing evidentiary standard is not appropriate for these types of cases. Under that standard, the trier of fact must be persuaded by the evidence that it is highly probable that the claim is true. It applies to questions of fact. But most FOIA issues are not questions of fact—they are questions of statutory interpretation. The General Assembly should eliminate the “clear and convincing” standard for FOIA denials.

**12. Identify laws prohibiting disclosure:** There are a large number of both State and federal laws that ban the disclosure of information. While FOIA requires an increased openness to government records, State and federal lawmakers have been busy passing laws that require decreased openness in government records. Many of these laws that prohibit disclosure carry heavy fines or even criminal penalties for improperly disclosing information. Any public body who receives a FOIA request faces a dilemma—give out information and risk penalty for improper disclosures or deny the request and risk penalty for violating FOIA. In order to prevent this problem, public bodies need more clarification about which records may not be disclosed. We believe that the General Assembly should require the Attorney General’s office to identify all federal and State laws that prohibit disclosure and preempt the FOIA statute, and place those, along with binding opinions, on the Attorney General’s website.

**13. Recognize the costs of FOIA:** Under the current law, FOIA responses are a “primary duty” of the public body and FOIA should be construed notwithstanding fiscal obligations. FOIA responses are, in fact, the *only* primary duty for communities identified under the statute. Surely governments provide services that are at least as important as responding to records requests. Additionally, the statute states that FOIA must be construed as if money were no object. Anybody even faintly familiar with local-government operations knows that money is always an object. Pretending that it is not is nothing but fantasy—and bad policy. The General Assembly should eliminate the requirement that FOIA responses are a “primary duty” of the public body and that FOIA should be construed notwithstanding fiscal obligations.





# VILLAGE of GLENCOE

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## Freedom of Information Act (FOIA)

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### Freedom of Information Act (FOIA)

The Freedom of Information Act, 5 ILCS 140/1 et seq., is a state statute providing for public access to government records and information. The Act allows for the inspection of records maintained by the Village of Glencoe and other public bodies. The Act also provides for exemptions of certain secure information. Recent amendments to the Act (signed into law August 17, 2009 and effective January 1, 2010) have been incorporated into the Village's Rules and Regulations Implementing the Illinois Freedom of Information Act (the "FOIA Rules"). The FOIA Rules provide comprehensive procedures and instructions for obtaining Village public records.

### Freedom of Information Requests

All requests to inspect, copy, or certify public records must be submitted to the Village in writing and in the appropriate form. The Village will respond to each written request to inspect, copy, or certify public records within five business days after it is received, unless an extension of time is determined necessary. The Village will respond to a written request made for commercial purposes within 21 business days after it is received. Requests for information governed by specific statutes will be provided in accordance with such statutes. Applicable fees for copies, certification, or mailing of public records must be paid prior to receiving the requested documents.

All notices and other communications relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules, and all requests for any other information relating to the Village's implementation of the Illinois Freedom of Information Act must be directed to:

Nathan Parch  
Freedom of Information Officer  
Village of Glencoe  
675 Village Court  
Glencoe, Illinois 60022  
Phone: (847) 835-4111  
Facsimile: (847) 835-1785  
Email: foiaofficer@villageofglencoe.org

### FOIA Forms

#### FOIA Request Form

#### Village of Glencoe FOIA Rules

#### Village Obligations Memorandum

- [Exhibit 1 - Block Diagram of Village's Functional Subdivisions](#)
- [Exhibit 2 - Village Listing of Boards and Commissions](#)
- [Exhibit 3 - Index of Public Records](#)

675 Village Court, Glencoe, IL 60022 | 847 835.4114 | [info@villageofglencoe.org](mailto:info@villageofglencoe.org) | Hours: 8:00am - 4:30pm Monday - Friday

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**VILLAGE OF GLENCOE**  
**FREEDOM OF INFORMATION ACT**  
**COMPLIANCE PACKET**

**REQUESTS FOR PUBLIC RECORDS**

The Village of Glencoe (the "Village") maintains comprehensive Rules and Regulations Implementing the Illinois Freedom of Information Act (the "FOIA Rules"), which provide procedures, instructions, and forms for obtaining Village public records.

This document provides a brief summary of the Village's FOIA Rules.

All requests to inspect, copy, or certify public records must be submitted to the Village in writing. The Village encourages Requestors to submit their requests on the convenient form provided by the Village, which is available at the Village Hall and on the Village's website at [www.villageofglencoe.org](http://www.villageofglencoe.org). The Village will review all written requests in any form. The Village will respond to each written request to inspect, copy, or certify public records in a manner consistent with the Illinois Freedom of Information Act.

Copies of public records will be provided upon payment of a copying fee, if applicable, as provided in Section IV of the FOIA Rules. If requested, copies of public records will be mailed after the Village receives payment of the actual cost of postage and copying.

Requests and other communications regarding Village records relating to a request to inspect, copy, or certify public records, all requests for copies of the FOIA Rules, and all requests for any other information relating to the Village's implementation of the Illinois Freedom of Information Act must be directed to:

Freedom of Information Officer  
Village of Glencoe  
675 Village Court  
Glencoe, Illinois 60022  
Phone: (847) 835-4111  
Facsimile: (847) 835-1785  
E-mail: [foiaofficer@villageofglencoe.org](mailto:foiaofficer@villageofglencoe.org)

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The foregoing information is provided pursuant to Section 4(b)  
of the Illinois Freedom of Information Act, 5 ILCS 140/4(b).

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## VILLAGE OF GLENCOE

### RULES AND REGULATIONS IMPLEMENTING ILLINOIS FREEDOM OF INFORMATION ACT

These Rules and Regulations (the "Rules") include the procedures, instructions, and forms for requesting public records from the Village of Glencoe (the "Village") under the Illinois Freedom of Information Act (the "Act").

The Village will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, these Rules, and any other applicable law. Generally, under the Act, the Village will provide public records for inspection or copying as requested except for records (1) that would, if disclosed, violate individual privacy, or (2) whose production would disrupt the duly undertaken work of the Village, or (3) that are specifically exempted from disclosure by the Act or other applicable law.

Requests and other communications relating to public records must be sent to the Village's Freedom of Information Officer:

Nathan Parch  
Village of Glencoe  
675 Village Court  
Glencoe, Illinois 60022  
Phone: (847) 835-4111  
Facsimile: (847) 835-1785  
E-mail: [foiaofficer@villageofglencoe.org](mailto:foiaofficer@villageofglencoe.org)

#### I. INTERPRETATION

##### A. Conflicts

These Rules do not supersede the provisions of the Act. If a provision of these Rules conflicts with the Act, then the provisions of the Act will govern.

##### B. Definitions

In addition to the definitions provided in the Act or elsewhere in these Rules, the following definitions apply:

1. Business Hours: 8:00 a.m. to 4:30 p.m. on a Business Day.
2. Business Day: Any day on which general offices of the Village at the Village Hall are open and staffed for regular public business. Business Days generally are Monday through Friday, except federal and state legal holidays.
3. Freedom of Information Officer: The Freedom of Information Officer of the Village identified above and designated under Section 3.5 of the Act.

4. Public Access Counselor: The Public Access Counselor of the Office of the Illinois Attorney General.
5. Request: A request to inspect, copy, or certify public records.
6. Request Made for Commercial Purposes: A Request made with the intent to use the requested records (or the information derived from those records), in whole or in part, for sale, resale, or solicitation or advertisement for sales or services. However, a Request submitted by news media or by non-profit, scientific, or academic organizations will not be deemed to be made for commercial purposes if the principal purpose of the Request is (a) to access and disseminate information concerning news and current or passing events, (b) for articles of opinion or features of interest to the public, or (c) for the purpose of academic, scientific, or public research or education.
7. Requestor: A person, firm, or corporation that files a Request with the Village.
8. Response Time: The time for response by the Village to a request for public records, as calculated pursuant to Subsection III.A of these Rules.

**C. Days; Measurement of Time**

1. Days. In counting the number of days allowed for a response or a decision to be given by the Village under the Act and these Rules, the Village will not include the day on which the request or notice requiring the response or decision was first received.
2. Supplemental Requests. Supplemental, amended, or additional Requests will not relate back to the time of receipt of the initial Request. Supplemental, amended, or additional Requests will be considered new Requests for purposes of determining the applicable Response Time.
3. Response Date. All responses and decisions to be issued by the Village under the Act and these Rules will be deemed to have been given on the date of personal delivery to the person or to the residence of the person entitled to the response or decision or, if mailed, on the date of mailing, regardless of the date of actual receipt by that person. Each response and decision will include proof of service evidencing the method by which, and time at which, the response or decision was delivered.

## **II. REQUESTS FOR INSPECTION, COPYING, OR CERTIFICATION OF PUBLIC RECORDS**

**A. Officials Responsible for Responding to Requests**

The Freedom of Information Officer is the person administratively responsible for receiving and processing Requests.

The Freedom of Information Officer is the person with authority on behalf of the Village to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters. The Freedom of Information Officer may consult with Village staff, officials, and others as appropriate before responding to a Request.

The Village may, from time to time, appoint Deputy Freedom of Information Officers to assist the Freedom of Information Officer in the performance of his or her duties under the Act and these Rules. In the absence of the Freedom of Information Officer, the Deputy Freedom of Information Officers are authorized to grant or deny Requests, to extend the Response Time, and to issue the appropriate notices with respect to all related matters.

## **B. Form of Request**

1. Required Information. A Request must be filed with the Village in writing and in English. The Village encourages Requestors to submit requests on the convenient form attached to these Rules ("Official Request Form") or in a similar form that contains, at a minimum, the following information:
  - a. The Requestor's name;
  - b. Either the Requestor's mailing address, e-mail address, or telephone number;
  - c. A description of the public records requested;
  - d. A statement of purpose, indicating whether the Requestor intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services;
  - e. A statement of whether the Requestor is, or represents, news media or a non-profit, scientific or academic organization; and
  - f. A statement of whether the principal purpose of the Request is either (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) academic, scientific or public research or education.

Use of the Official Request Form is the most effective way to obtain a prompt, full, and complete response by the Village to a Request.

2. Supplemental Information. If a Requestor submits a Request on a form other than the Official Request Form, and the Request does not contain all of the information required pursuant to Paragraph II.B.1 of these Rules, then the Requestor must complete a Supplemental Information form or similar writing.

3. Requests Must Be Complete. No Request will be deemed complete unless it contains, at a minimum, all of the information required pursuant to Paragraph II.B.1 of these Rules.
4. Subpoenas. Except as provided in Section 9.5(c) of the Act, these Rules will not apply to any subpoena for records received by the Village and issued by, or in accordance with the rules of, a court or agency of competent jurisdiction.

#### **C. Submittal of Request**

Completed Requests must be filed with the Village Freedom of Information Officer by mail, facsimile, overnight courier service, electronic mail, or in person, in accordance with the following:

1. In-Person Submissions. Requests submitted in person must be given to the Freedom of Information Officer or filed in the office of the Village Clerk.
2. Electronic Mail Submissions. Requests submitted by electronic mail must be sent directly to the Freedom of Information Officer at [foiaofficer@villageofglencoe.org](mailto:foiaofficer@villageofglencoe.org) and will be deemed received only upon actual receipt by the Freedom of Information Officer on a Business Day during Business Hours, regardless of date or time of submission.
3. All Other Submissions. Requests submitted by mail or other means must be addressed to the Freedom of Information Officer at the Village Hall and will be deemed received only upon actual receipt by the Village on a Business Day, regardless of date of submission.

All Village officials and employees who receive a Request must immediately forward that Request to the Freedom of Information Officer. The Village will not be responsible for any Request that is not received by the Village due to error or delays beyond the reasonable control of the Village.

#### **D. Processing of Request**

1. The Freedom of Information Officer must complete the Checklist immediately upon receipt of the Request. If the Freedom of Information Officer determines that the Request is not complete, as provided in Section II of the Checklist, the Freedom of Information Officer must mail a Notice of Incomplete Request form and a Supplemental Information form to the Requestor within five Business Days after receipt by the Village of the Request. If the Freedom of Information Officer determines that the Request is complete, the Freedom of Information Officer must stamp or otherwise indicate on each completed Request, the date and time of receipt and, if known, the date on which the Village must respond to the Request.
2. The Freedom of Information Officer must maintain an electronic or paper copy of the Request, including all documents submitted with the Request, until all matters related to the Request have been completed.

3. The Freedom of Information Officer must create an electronic or paper file for the retention of the original Request, a copy of the response by the Village, a record of all written communications with the Requestor regarding the Request, and a copy of other communications related to the Request.
4. The Freedom of Information Officer must keep all Notices of Denial in a single central office file, indexed according to the type of exemption asserted, and, to the extent feasible, according to the types of records requested.

### III. RESPONSES TO REQUESTS

#### A. Time for Response

1. Requests Made for Commercial Purposes. The Village will respond within 21 Business Days after a completed Request Made for Commercial Purposes is received by the Village.
2. Arrest Reports. For completed Requests for chronologically maintained arrest and criminal history information, the Village will respond within 72 hours after the later to occur of (a) the arrest that is the subject of the Request, and (b) the time of receipt of the Request.
3. All Other Requests. For all Requests other than those set forth in Paragraph III.A.1 or III.A.2 of these Rules, the Village will respond within five Business Days after a completed Request is received by the Village, unless the Village has extended the Response Time pursuant to Paragraph III.A.4 of these Rules.
4. Extension of Time
  - a. If the Freedom of Information Officer determines that additional time is needed and allowed under the Act to respond to a Request, then the Freedom of Information Officer, using a Notice of Extension form attached to these Rules or a similar written form, will notify the Requestor within the applicable Response Time of the determination, of the reasons requiring the extension, and of the length of the extension (which may not exceed five additional Business Days). The Freedom of Information Officer may not issue a Notice of Extension for Requests Made for Commercial Purposes.
  - b. The Requestor and the Village, using an Extension Agreement form attached to these Rules or a similar written form, may agree in writing to extend the time for compliance for a period to be mutually determined. In his or her discretion, the Freedom of Information Officer may deliver to the Requestor a Request for Extension Agreement form and an Extension Agreement form. The Freedom of Information Officer is authorized to execute, in his or her discretion, an Extension Agreement after it has been executed by the Requestor. The Freedom of Information Officer must

respond to the Request within the applicable Response Time, unless and until the Requestor and the Village have executed the Extension Agreement.

**B. Disclosure of Public Records**

1. Notice of Approval. If the Freedom of Information Officer determines that the Act requires disclosure of all or any part or portion of the requested public records, then the Freedom of Information Officer will notify the Requestor in writing of his or her determination, using the Notice of Approval form attached to these Rules or a similar written form.
2. Approval of Requests Made for Commercial Purposes. If the Request is a Request Made for Commercial Purposes, and the requested records are not immediately available for inspection or pick-up, then the Notice of Approval will specify a reasonable date on which the requested records will be available for inspection or pick-up, based on the size and complexity of the Request.
3. Search of Village Files and Use of Village Equipment. Except as otherwise specifically authorized by the Freedom of Information Officer, only Village employees, the Village Attorney, and Village contractors are permitted to search Village files, records, or storage areas, or to use Village equipment in connection with any Request.
4. Removal of Original Records. Original public records may not be removed from any Village building at any time, except as authorized by the Village Manager.
5. Inspection of Public Records. Public records approved by the Freedom of Information Officer for disclosure may be inspected, or copies of public records obtained, during Business Hours at the Village Hall or another location designated by the Freedom of Information Officer. Requestors must make an appointment with the Freedom of Information Officer for a date and time to inspect public records at the Village Hall (or another location designated by the Freedom of Information Officer) approved by the Freedom of Information Officer for disclosure.
6. Copies of Public Records. Copies of public records approved by the Freedom of Information Officer for disclosure may be obtained during Business Hours at the Village Hall or another location designated by the Freedom of Information Officer, provided that the Requestor had requested copies in the Request and has paid any applicable fees.
7. Mailing of Requested Public Records. Copies of public records will be mailed to the Requestor only if the Freedom of Information Officer reasonably determines that it is unduly burdensome for the Requestor to arrange for inspection of the original public records, or for pick up of copies of the public records, at the Village Hall.



8. Audio and Video Recordings. Requests for reproduction of any public records that are audio or video recordings will be honored in accordance with the provisions of the Act, the Illinois Open Meetings Act, any other applicable State law, and these Rules.
9. Records Maintained in Electronic Format. If the requested public records are maintained by the Village in an electronic format, then the Village will reproduce copies of the requested public records in the electronic format specified by the Requestor, if feasible. The Village may charge to the Requestor the actual cost of the medium necessary for that format.
10. Payment of Fees. The Requestor must pay all copying, certification, and postage fees in advance of receiving copies of any public records.
11. Acknowledgment of Inspection. When the copies of the requested public records have been delivered or inspected, the Freedom of Information Officer and the Requestor must acknowledge delivery or inspection by execution of the Acknowledgment of Inspection form attached to these Rules or a similar written form.

#### **C. Categorical Requests**

1. Notice to Meet and Confer. If the Freedom of Information Officer determines that a Request for all records falling within a category will unduly burden the Village, and that the burden to the Village outweighs the public interest in production of the public records sought, then the Freedom of Information Officer, using a Notice for Meeting form attached to these Rules or a similar written form, will notify the Requestor in writing of the determination, of the reasons supporting the determination, and of the right of the Requestor to meet with the Freedom of Information Officer in an effort to narrow the Request.
2. Failure to Respond by Village. The Freedom of Information Officer may neither determine that a Request is unduly burdensome, nor issue a Notice for Meeting, if the Village has previously failed to respond to that Request within the applicable Response Time.
3. Agreement to Narrow Request. If the Requestor agrees to meet and confer with the Freedom of Information Officer regarding the Request, then the Freedom of Information Officer will respond to the Request, or to the Request as narrowed at the meeting, within the applicable Response Time, calculated from the date of adjournment of the meeting. That response may take any form specified in this Section III. If the Requestor agrees to narrow the scope of the Request, the Freedom of Information Officer will deliver an Acknowledgment of Narrowed Request to the Requestor at the conclusion of the meeting, using the form attached to these Rules or a similar written form.
4. Failure to Meet and Confer. If the Requestor does not agree to meet and confer with the Freedom of Information Officer regarding the request, then the Freedom

of Information Officer will deny the Request on the fifth Business Day after the date of the Notice for Meeting, using the General Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form.

#### **D. Denial**

1. Denials Under Section 7(1)(c) and 7(1)(f). If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under Sections 7(1)(c) or 7(1)(f) of the Act, then the Freedom of Information Officer must send notice to the Public Access Counselor of the Village's intent to deny the Request, using the Notice of Intent to Deny form attached to these Rules or a similar written form. The Notice of Intent to Deny must include a copy of the Request and the proposed Section 7(1)(c)/7(1)(f) Notice of Denial. A copy of the Notice of Intent to Deny must be sent to the Requestor. If the Public Access Counselor determines that further inquiry into the Request is not warranted, then the Freedom of Information Officer will deliver the Section 7(1)(c)/7(1)(f) Notice of Denial to the Requestor as provided in these Rules.
2. Other Denials. If the Freedom of Information Officer determines that all, or some, or a portion of any requested public records are not subject to disclosure under any other provision of the Act or under these Rules, then, except as provided in this Subsection D, the Freedom of Information Officer must deliver a notice of denial to the Requestor, using the General Notice of Denial/Partial Denial of Request form attached to these Rules or a similar written form. The Freedom of Information Officer may not deliver the General Notice of Denial/Partial Denial of Request to the Public Access Counselor, except upon receipt of a request therefor from the Public Access Counselor pursuant to Section 9.5(c) of the Act.
3. Contents of Denials. Each Section 7(1)(c)/7(1)(f) Notice of Denial and General Notice of Denial/Partial Denial of Request must set forth the reason(s) for the denial, and must notify the Requestor of his or her rights to (a) seek review of the denial by the Public Access Counselor, and (b) seek judicial review under Section 11 of the Act.
4. Denials on Multiple Grounds. If the Freedom of Information Officer also determines that all, or some, or a portion of any requested public records are not subject to disclosure pursuant to both Paragraph III.D.1 and Paragraph III.D.2 of these Rules, the Freedom of Information Officer must prepare both a Section 7(1)(c)/7(1)(f) Notice of Denial and a General Notice of Denial, as provided in Paragraphs III.D.1 and III.D.2 of these rules.
5. Denials in Writing. Except as otherwise provided by the Act, all denials of Requests will be in writing.
6. Cooperation with Public Access Counselor. If the Public Access Counselor determines that further inquiry into any denied Request is warranted, the Freedom

of Information Officer will comply with the directives of the Public Access Counselor, or seek appropriate review of those directives, in accordance with the Act.

**E. No Obligation to Create New Records**

Except as provided in Section V of these Rules, the Act and these Rules do not require the Village, in the course of responding to Requests, to create records that the Village does not already maintain in record form.

**F. No Obligation to Interpret or Advise**

Neither the Act nor these Rules require the Village to interpret, or advise Requestors as to the meaning or significance of, any public records.

**IV. FEES**

**A. Fees Established**

Unless fees are waived or reduced under to Subsection IV.C of these Rules, each Requestor must pay the following fees for copying, certification, and mailing of public records:

- |    |  |                    |
|----|--|--------------------|
| 1. | Copies – 8½ x 11 or 8½ x 14, Black and White |                    |
|    | First 50 pages                               | Free               |
|    | Additional pages                             | \$ 0.15 per side   |
| 2. | Copies – 11 x 17, Black and White            | \$ 0.25 per side   |
| 3. | Color Copies – 8½ x 11, 8½ x 14, or 11 x 17  | \$.025 per side    |
| 4. | Electronic Copies                            |                    |
|    | Compact Disk (80 min)                        | \$1.00 each        |
|    | Audio Cassette (60 min)                      | \$1.50 each        |
|    | Video Cassette (2 hrs/SP)                    | \$3.00 each        |
| 5. | Certification<br>plus copy cost              | \$1.00 per record, |
| 6. | Mailing                                      | Cost of Postage    |

If the requested records are of a type not listed above, or when the services of an outside vendor are required to copy any public record that are not 8½ x 11, 8½ x 14, or 11 x 17, Black and White, then the fees charged for copying the records will be the actual charges incurred by the Village, and the fees stated in items 1 through 6 above will not apply. The fees stated in items 1 through 6 will also not apply if the fee for the requested records

is otherwise fixed by statute. If the requested records are produced on an electronic medium, then the Requestor must pay the actual cost of the medium.

The Village has determined that the fees in this Subsection A are no more than necessary to reimburse the Village for the actual cost of reproducing, certifying, and mailing public records requested pursuant to the Act and these Rules.

**B. Method and Time of Payment**

Payment of all required fees must be made in cash, by cashier's or certified check, or by money order prior to the examination, copying, certification or mailing of any public record.

**C. Waiver of Fees**

The fees provided in Subsection IV.A of these Rules may be waived or reduced by the Freedom of Information Officer if the Requestor includes in the Request the specific purpose of the Request and establishes to the reasonable satisfaction of the Freedom of Information Officer that a fee waiver or reduction is in the public interest. Any request for a fee waiver or reduction must be indicated in the Request at the time the Request is filed. A subsequent request will not be considered.

A fee waiver or reduction will be considered to be in the public interest only if the principal purpose of the Request is to disseminate information regarding the public health, safety, and welfare or the legal rights of the general public. No fee waiver will be granted if the Request is for the principal purpose of personal or commercial benefit to the Requestor. The Freedom of Information Officer may consider the number of requested public records and the cost and necessity of copying them in setting the fee waiver or reduction amount.

**D. Waiver for Failure to Respond**

If the Freedom of Information Officer does not respond to a Request properly submitted pursuant to Section II of these Rules within the applicable Response Time, then the Village will not require the payment of fees for any copies of records produced in response to that Request.

## **V. VILLAGE OBLIGATIONS**

**A. Organizational Description**

The Freedom of Information Officer, at least once each fiscal year, will produce and make available for inspection, copying, and mailing to any person requesting it, a brief description of the Village. The description must identify and describe the membership of the Village's Board of Trustees and of all of its standing and special committees and other advisory bodies and also must include:

- a short summary of the Village's purpose,

- a block diagram of the Village's functional subdivisions,
- the approximate number of the Village's full and part-time employees,
- the total amount of the Village's operating budget, and
- the number and location of each of the Village's offices.

If the Village maintains a website, the Freedom of Information Officer must post the description required pursuant to this Subsection V.A to the website.

**B. Index of Public Records**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a current index of all types or categories of public records prepared or received, and maintained, by the Village after July 1, 1984. The index must be reasonably detailed in order to aid persons in obtaining access to the public records of the Village.

**C. Records Stored by Electronic Data Processing**

The Freedom of Information Officer must prepare and furnish, to any person requesting it, a description of the manner in which public records of the Village stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

**D. Summary of Procedures**

The Freedom of Information Officer must create, maintain current, and make available for inspection, copying, and mailing, a brief summary of the procedures established by these Rules. If the Village maintains a website, the Freedom of Information Officer must post the summary required pursuant to this Subsection V.D to the website.

**E. Posting and Mailing of Information**

The Freedom of Information Officer must keep posted at the Village Hall, and will mail to any person making a request therefor, copies of the Organizational Description prepared pursuant to Subsection V.A of these Rules, the Index of Public Records prepared pursuant to Subsection V.B of these Rules, and the Summary of Procedures prepared pursuant to Subsection V.D of these Rules.

**F. Filing of Notices of Denial**

The Freedom of Information Officer must retain copies of all Notices of Denial and Notices of Intent to Deny in a single file at the Village Hall that is open to the public and indexed according to the type of exemption asserted and, to the extent that categorization is feasible, the type of records requested.

VILLAGE OF GLENCOE

REQUEST FOR PUBLIC RECORDS  
OFFICIAL REQUEST FORM

INSTRUCTIONS AND INFORMATION

- a. In Section 1, describe the public records that you wish to inspect or to have copied or certified. Please be precise about what records you seek. You may use a separate sheet if necessary.

Indicate whether you request only to inspect the public records at the Village Hall or whether you also request to have the public records copied or certified by checking the appropriate spaces.

- b. By submitting this Request Form, you are agreeing to pay to the Village, in advance of receiving copies of any public records, the copying and certification fees set forth in Section 2.

The fees set forth in Section 2 may be waived or reduced by the Freedom of Information Officer on determination and proof that the purpose of your request is primarily to benefit the general public and that you will receive no significant personal or commercial benefit from your request. If you wish to be considered for a fee waiver or reduction, you must complete and sign the statement set forth in Subsection 2.B.

- c. In Section 3, indicate the purposes for which you are requesting the public records identified in Section 1. You must provide the information in this Section.
- d. The Village will not mail copies of public records except upon satisfactory proof that it would be unduly burdensome for you to inspect or pick up the copies at the Village Hall and then only upon advance payment of the actual cost of postage. If you wish to request mailing of the requested records, you must complete and separately sign the statement set forth in Section 4.
- e. You must provide the information requested in Section 5.
- f. You must sign the statement set forth in Section 6.

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The Village will disclose the public records requested on this Request Form within 21 Business Days after the receipt of this Request Form for all requests made for commercial purposes, and within five Business Days for all other requests, unless the applicable response period is extended as provided by law or the request is denied. All extensions and denials will be in writing and will state the reasons therefor. The Village will not be responsible for any Request that is not received by the Village due to error or delays beyond the reasonable control of the Village. The Requestor may seek review of a denial by the Public Access Counselor of the Office of the Illinois Attorney General. Judicial review is available under Section 11 of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* For more detailed information, please consult the Village of Glencoe Rules and Regulations for Implementation of the Illinois Freedom of Information Act, which are available from the Freedom of Information Officer.

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## Request Form

To: Freedom of Information Officer  
Village of Glencoe  
675 Village Court  
Glencoe, Illinois 60022

### 1. Request for Records

I request the following public records of the Village:

Records Requested	<u>inspect</u>	<u>copy</u>	<u>certify</u>
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---
_____	---	---	---

### 2. Agreement to Pay Fees

A. Unless I have requested and received a waiver under Subsection B of this Section, I will pay the following fees for the public records copied or certified at my request:

- |    |  |                                      |
|----|--|--------------------------------------|
| 1. | Copies – 8½ x 11 or 8½ x 14, Black and White |                                      |
|    | First 50 pages                               | Free                                 |
|    | Additional pages                             | \$ 0.15 per side                     |
| 2. | Copies – 11 x 17, Black and White            | \$ 0.25 per side                     |
| 3. | Color Copies – 8½ x 11, 8½ x 14, or 11 x 17  | \$.0.25 per side                     |
| 4. | Electronic Copies                            |                                      |
|    | Compact Disk (80 min)                        | \$1.00 each                          |
|    | Audio Cassette (60 min)                      | \$1.50 each                          |
|    | Video Cassette (2 hrs/SP)                    | \$3.00 each                          |
| 5. | Certification                                | \$1.00 per record, plus<br>copy cost |
| 6. | Mailing                                      | Cost of Postage                      |

I agree that I will pay the actual charges that the Village incurs in connection with the copying services, and that the fees stated in items 1 through 6 above will not apply, if: (i) the Village must use an outside vendor to copy a public record that is not 8½ x 11, 8½ x 14, or 11 x 17, Black and White; or (ii) the requested records are of a type not listed above. I further agree that the fees stated in items 1 through 6 above will not apply if the fee for the requested records is otherwise

## Request Form

fixed by statute. If the requested records are produced on an electronic medium, I agree to pay the actual cost of purchasing the medium.

- B. I request a waiver of the fees set forth in Subsection A above, and in support of my request I hereby certify that I will gain no significant personal or commercial benefit from the public records herein requested and that my principal purpose in making this request is to benefit the general public by disseminating information concerning the health, safety, welfare, or legal rights of the general public in the following specific manner:

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### 3. Purpose of Request

Please check Yes or No for each of the following questions:

	<u>Yes</u>	<u>No</u>
A. I am requesting the public records identified in Section 1 above to use the records, or the information derived therein, for sale, resale, solicitation, or advertisement for sales or services.	_____	_____
B. I am, or represent, news media or a non-profit, scientific or academic organization.	_____	_____
C. The principal purpose of this Request for Public Records is to access and disseminate information concerning news and current or passing events.	_____	_____
D. The principal purpose of this Request for Public Records is for articles of opinion or features of interest to the public.	_____	_____
E. The principal purpose of this Request for Public Records is academic, scientific, or public research or education.	_____	_____

Pursuant to Section 3.1(c) of the Freedom of Information Act, it is a violation of the Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose. Each request for a public record or category of public records made in violation of this requirement (whether made as part of a single or multiple written requests) shall be subject to a fine of \$750 and such other penalties allowed by law.



4. Request for Mail Delivery

\_\_\_\_ I request that the Village mail copies of the requested public records to me at the address set forth in Section 5 below. I hereby agree to pay the actual postage for mailing before the records will be mailed. It would be unduly burdensome for me to pick up the requested records at the Village Hall because:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ I do not request mail delivery of any of the requested public records.

5. Requestor

A. Name of Requestor: \_\_\_\_\_

B. Name of person for whom records are being requested (if not Requestor):

\_\_\_\_\_

C. Address for Responses, Decisions, and Communications:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Telephone Numbers of Requestor:

Day: \_\_\_\_\_

Evening: \_\_\_\_\_

E. E-mail: \_\_\_\_\_

6. Signature of Requestor

By signing this Request, I acknowledge and represent that I have reviewed, and that I understand, the Village of Glencoe Rules and Regulations for Implementation of the Illinois Freedom of Information Act and that all of the information provided in support of this request is true and accurate.

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Date

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**FOR EMPLOYEE USE ONLY**

Date Request Received:

\_\_\_\_\_, 20\_\_\_\_

Time Request Received:

\_\_\_\_\_

Method Received:

\_\_\_ Personal delivery during Business Hours

\_\_\_ Personal delivery after Business Hours

\_\_\_ Mail delivery during Business Hours

\_\_\_ Mail delivery after Business Hours

\_\_\_ Electronic delivery by \_\_\_\_\_

Village employee receiving request (if not Freedom of Information Officer):

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Forwarded to Freedom of Information Officer (if applicable):

\_\_\_\_\_, 20\_\_\_\_

Date Request Due:

\_\_\_\_\_, 20\_\_\_\_

Date Request Completed:

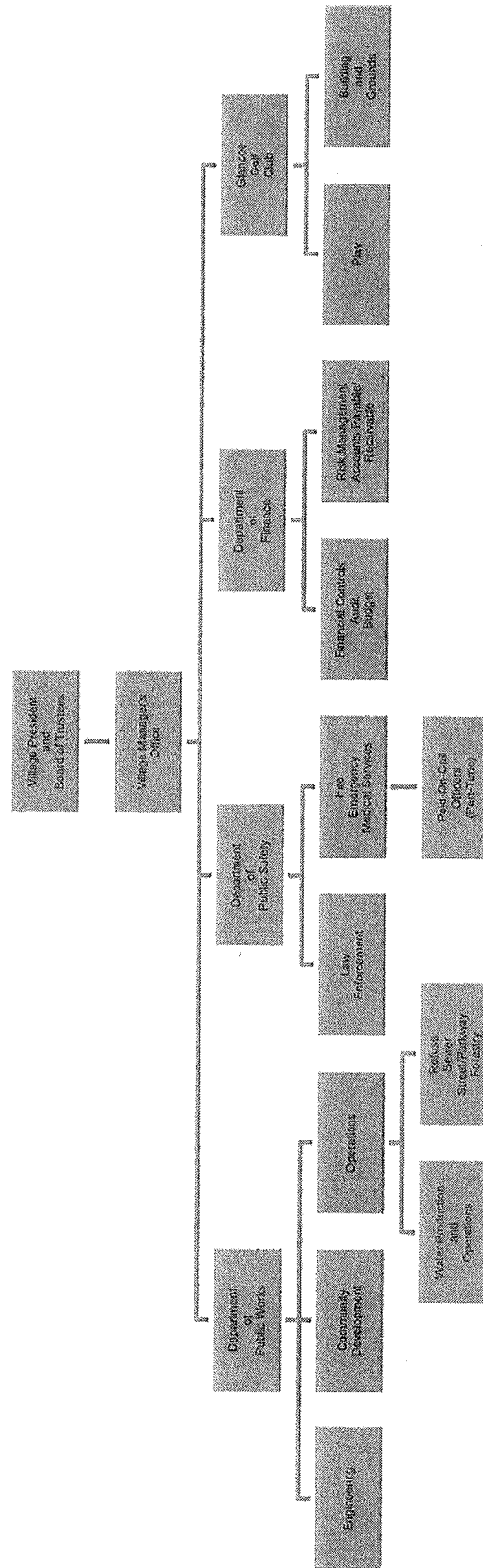
\_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

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# Village of Glencoe



FREEDOM OF INFORMATION INDEX OF PUBLIC RECORDS			
SUBJECT	FILED BY	FILE CONTENTS	DEPARTMENT
Accounts Payable Records	Date/Year	Accounts Payable Records	Fin
Actuarial Valuations	Date/Year	Police and Firefighter's Pension Funds	Fin
Administrative/Correspondence	Subject	Correspondence/memos on various subjects	All Depts
Administrative Hearing System	Date/Time Violation #	Audio cassette of hearing, Violation Notice/ Final notice letters, Notice and Instructions	PS
Affordable Housing Committee	Date	Agendas/Minutes, Affordable Housing Plan	PW
Alarm Applications/Systems	Address	Annual renewals of alarms within Village	Fin, PS
Animal License Records	Address	Annual applications for animal registration	Fin
Annual Reports	Date/Year	Village financials (refer to audit)	Fin
Appropriation Records	Date/Year	Appropriations as approved by Village Board	Fin
Audit	Date/Year	Annual audit	Fin
Board Agenda Memoranda	Date	Memoranda provided as background to Village Board on particular subject matters	VMO
Budget	Date/Year	Budget annually adopted by Village Board	All Depts
Building Permits	Address	Permits issued, building applications, inspection sheets	PW
Business Licenses	Company Name	Application forms/licenses	VMO
Cash Receipts	Date/Year	Transactions processed	Fin
Census	Year	Census data, reports, correspondence	VMO
Certificate of Insurance	Company Name/Type	Village's insurance policies, current certificates of various contractors working in town	Fin, PW
Collective Bargaining	Date	Agreements, grievances	PW
Comcast Cable	Subject	Franchise Agreement, correspondence	PW, VMO
Commonwealth Edison	Subject	Franchise Agreement, correspondence	PW, VMO
Comprehensive Plan		Policy for future growth, amendments	PW
Consultants	Project	Contracts, correspondence	All depts
Contextual Design Review Commission	Date/Address	Agendas/Minutes, design review applications	PW
Contracts/Agreements/Leases	Contractor	Rental of Village property, various contractual agreements between Village and vendors for various services	Fin, PW
Cross Connection Program	Address	Annual test results	PW
Debt Service Records	Date/Year	Records of debt issued to the Village	Fin

Fin = Finance Department      GCC = Glencoe Golf Club  
 PS = Public Safety Department      PW = Public Works Department  
 VMO = Village Manager's Office

FREEDOM OF INFORMATION INDEX OF PUBLIC RECORDS			
Deposits	Address	Data on deposit held by Village during construction project	PW
Easements	Address	Agreements, correspondence	PW
Filming	Date	Filming permit applications	VMO, PS
Fire	Address	Building reports, FPB inspection reports	PS
	Date/Time & Incident #	Ambulance reports, fire incident reports, Statistical reports	
	Date	Fire Department equipment	
Floods	Subject/Address	Flood Plains, incidents	PW
Forestry	Address	Parkway Tree Replacements 50/50 Tree Program Diseased Elm Removal	PW
Garbage/Recycling	Subject	SWANCC and Groot Agreements	PW
Glencoe Memo	Date	Newsletter copies	VMO
Golf Advisory Committee	Date	Agendas/Minutes	GCC
Historic Preservation Commission	Date/Address	Agendas/Minutes, Heritage List, landmark designations, Annual Awards Program	VMO
Human Relations Forum	Date	Agendas/Minutes	VMO
Illinois Comptroller's Report	Date/Year	Annual report completed for the State of Illinois	Fin
Insurance Claims	Date/Year	Claims filed by the Village	Fin
Inventory (fuel)	Date/Year	Inventory of fuel available	Fin
Inventory (golf)	Date/Year	Inventory of items for sale	Fin
Investment Records	Date/Year	Police pension, Firefighter's pension, and the Village accounts	Fin
Invoices	Date/Year	Invoiced from Village vendors	Fin
Inspections	Address	Building Inspection reports	PW
Landscapers License	Company Name	Applications Regulations	PW
Ledgers/Journals/registers	Date/Year	Payroll, General, Utilities, Accounts Payable, Account Receivable	Fin
Liquor Licenses	Subject	Applications/licenses	VMO
Long Range Capital Plan	Date/Year	10 year plan for replacement of capital	Fin
Long Range Financial Forecast	Date/Year	5 year financial forecast (refer to Budget)	Fin
Misc/ Receivable Records	Date/Year	Miscellaneous receivable records	Fin

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FREEDOM OF INFORMATION INDEX OF PUBLIC RECORDS			
Monthly Reports	Date/Year	Departmental reports	Fin, GCC, PS, PW
North Shore Gas	Subject	Franchise Agreement, correspondence	PW, VMO
OPEB Records	Date/Year	Other post employment benefits valuation report	Fin
Ordinances	Subject	List of ordinances passed by Village Board	VMO
Park District	Subject	Correspondence	PS, PW, VMO
Parking	Subject/Area	General Plan, parking permits, parking tickets, adjudication hearing files	PS
Payroll Records	Date/Year	Ledgers, journals, reports, etc.	Fin
Petty Cash Records	Date/Year	Disbursement for petty cash	Fin
Plan Commission	Date/Address	Agendas/Minutes, design review applications, subdivision review applications, comprehensive plan updates, special studies	PW
Public Safety	Incident/Address/Date	Alarms Systems Arrest/Incident Reports Auto Accident Reports Criminal Investigation Reports/Evidence Other Reports Solicitors Permits Taxi Cab Licenses Taxi Driver Licenses	PS
Purchase Orders/Requisitions	Date/Year	Purchases that require approval based on established purchasing thresholds	Fin
Public Safety Commission	Date	Agendas/Minutes, Register of Eligibles	VMO
Resolutions	Subject	List of resolutions passed by Village Board	VMO
Reduced Pressure Zone (RPZ)	Address	Test results (current year only)	PW
Salary Schedules and Surveys	Date/Year	Annual pay plan and survey of surrounding communities	Fin
School District	Subject	Correspondence	PS, PW
Sewers	Address/Area	Sanitary Sewers Replacement/Repair Storm Sewers Installation Smoke Testing Interconnections Service Calls	PW
Snow Removal License	Company Name	Applications Regulations	PW

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FREEDOM OF INFORMATION INDEX OF PUBLIC RECORDS			
Solicitations	Name	Registration Vendor Licenses	PS
Special Events	Subject	Permit Applications	VMO
State & Federal Tax Reports	Date/Year	Income tax filings	Fin
Streets/Roadways	Subject	IDOT Agreements and correspondence Improvements Lighting Planning	PW
Swimming Pool Pumping Permits	Address	Applications Regulations	PW
Subdivisions	Name	Index of Plats Individual Files	PW
Time Records	Date/Year	Timesheets	Fin
Utility Billing Records	Address	Utility billing account information	Fin
Vehicle License Records	Address	Annual vehicle license information	Fin
Vehicle Titles	Unit/ Vin #	Titles for vehicles in the Village fleet	Fin
Vendor Records	Alphabetical	Records of Village vendors	Fin
Village Board	Date	Agendas/Minutes	VMO
Village Code		Policies, amendments	VMO
Water Plant	Subject	Water Quality Report- Annual	PW
Zoning		Zoning Ordinance, Zoning Map	PW
Zoning Board of Appeals/ Zoning Commission	Subject	Agendas/Minutes, Special Uses, Variances, Amendments, Special Studies	PW

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