

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. _____

**ORDINANCE ESTABLISHING
PROCEDURES FOR THE
RECORDING OF CLOSED SESSIONS**

WHEREAS, the City of O'Fallon is an Illinois municipal corporation under the laws of the State of Illinois; and

WHEREAS, the Illinois General Assembly enacted Public Act 93-523 amending the Open Meetings Act, 5 ILCS 120/1, et seq. to require public entities to record its closed or executive session meetings; and

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

WHEREAS, the City of O'Fallon seeks to establish procedures by which the City can comply with the provisions of the new law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Recording Closed Sessions. The City of O'Fallon shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the City or any subsidiary "public body" as defined by the Illinois Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities.

Section 2. Responsibility for Recording Closed Sessions and Maintaining Recordings. The City Clerk or his or her designee shall be responsible for arranging for the recording of such

closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary body of the City shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the City and all subsidiary public bodies of the City.

Section 3. Closed Session Minutes. In addition to the recordings of the closed and executive session as addressed in this ordinance, the City will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/1.

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

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

Section 6. Procedure for Review of Closed Session Minutes and Recordings. At one meeting at least every six months, the agenda shall include the item: “Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released.” Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the City find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the “need for confidentiality still exists” as to those minutes. Minutes of closed sessions shall be kept indefinitely. Recordings shall be reviewed in a manner appropriate to the purpose for which they were intended.

Section 7. Maintenance and Public Release of Recordings and Access to Tapes. The audio or video tape recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

Section 8. Procedure for Destruction of Recordings. The City Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- A. The corporate authorities of the City of O'Fallon have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public view;

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

Section 9. If any section, paragraph, clause, or provision of this ordinance shall be invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 10. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Upon its passage and approval, this ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2005.

ATTEST: Approved by the Mayor this _____ day
(seal) of _____ 2005.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Grogan	Schmidt	True	Henry	Reckamp	Medford	Bequette	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Mouser	Renner	Bennett	Boone	Drolet	Albrecht	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									