

**AN ORDINANCE ESTABLISHING A POLICY WITH REGARDS TO
EXECUTIVE SESSION MEETING RECORDS**

**OF THE VILLAGE OF TOLONO
TOLONO, ILLINOIS**

ORDINANCE NO. 08- ^{2.} _____

Adopted by the Board of Trustees
of
Tolono, Illinois

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WHEREAS, the Board of Trustees of the Village of Tolono, Champaign County, Illinois, has established as a priority that it provide for the free exchange of information between it and its citizens; and

WHEREAS, the State of Illinois previously adopted the Freedom of Information Act (5 ILCS 140) which provides for public access to governmental records subject to certain exceptions; and

WHEREAS, the State of Illinois has also adopted the Open Meetings Act (5 ILCS 120) which provides for governmental meetings open to the public except for certain exceptions that apply to Executive Session meetings; and

WHEREAS, the State of Illinois also adopted the Local Records Act (50 ILCS 205) which requires governmental bodies to maintain their local records; and

WHEREAS, the aforementioned Open Meetings Act was amended to require the tape recording of Executive Session meetings which, under the Local Records Act, constitute records which are to be "... kept at the official place of business of each local unit of government..."; and

WHEREAS, it is the position of the Board of Trustees of the Village of Tolono that it desires that its elected officials should have reasonable access to the minutes of the Village, the Execution Session minutes of the Village, and any recordings of those meetings all as provided by law and interpreted by this ordinance; and

WHEREAS, the Board of Trustees has determined that it is necessary and appropriate to adopt the within ordinance to provide for such access while protecting the integrity of the records of the Village in accordance with the Local Records Act and other applicable law.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the President and the Board of Trustees of the Village of Tolono, Illinois, as follows:

1. Any Trustee of the Village of Tolono, Illinois, may request of the Village Clerk a copy of any minutes for public meetings held by the Village Board of Trustees, the Village Planning Commission, The Village Zoning Board of Appeals, and any other commission and/or board affiliated with the Village of Tolono whose records are maintained by the Village Clerk. Such records shall be provided to such official within a reasonable time but no more than 5 business days following the request for same and shall be provided at no charge to such official. The foregoing policy shall also extend to any executive session minutes which have been reviewed and approved by the Board of Trustees and determined to no longer have a reason, as provided by law, to keep them confidential (ILCS 120/2.06 and as otherwise provided).

2. Any Trustee of the Village of Tolono may also request of the Village Clerk that he or she be able to review Executive Session minutes which have been approved by the Village Board but have not yet been determined by the Board of Trustees to be released to the general public as provided by law (ILCS 120/2.06 and as otherwise provided) within 5 business days notice to the Village Clerk. The review of such minutes shall be made by said public official at the Village Hall in the presence of the Village Clerk

and such minutes shall not be removed from the Village Hall and copies of such minutes shall not be made by either the elected official or the Village Clerk.

3. Any Trustee of the Village of Tolono shall also have access within 5 business days of notice to the Village Clerk to listen to any tapes or recordings on other media of Executive Session meetings which are maintained by the Village Clerk. Such tapes or other media shall not be removed from the Village Hall and may be listened to by such official utilizing equipment provided by the Village Clerk. The Village Clerk shall remove any cassette tape tabs which preclude the tapes being taped over or shall utilize any other method which would reasonably protect the integrity of the tape or other media. The Trustee shall take no action to modify, destroy, damage, or copy such tapes or other media and both the Clerk and such Trustee shall have the duty to maintain the integrity of such tapes. No copies of such tapes shall be made or allowed to leave the Village Hall without prior approval of the Village Board of Trustees. The Village Clerk shall be given reasonable notice of same and shall coordinate reasonable times for access to such tapes or other media.

4. Consistent with the Open Meetings Act as may be subsequently amended, from time to time, the Village Clerk shall review the records of the Executive Session minutes to assure that minutes of such meetings have been duly prepared and approved by the Board of Trustees. Once minutes of the Executive Session meetings have been duly approved and at least 18 months has passed since such Executive Session meeting was held, then the Village Clerk shall, from time to time, identify tape recordings of such meetings which are eligible for destruction and provide the Board of Trustees an opportunity to consider a vote whether to destroy any tapes which are eligible for such destruction, as provided by 5 ILCS 120/2.06 (3) (c), or as otherwise provided for by law.

5. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

PRESENTED AND PASSED by the Board of Trustees of the Village of Tolono, Illinois this 19th day of February, 2008.

APPROVED by the President this 19th day of February, 2008.

RECORDED by the Village Clerk this 19th day of February, 2008.

Approved:

President

Attest: (SEAL)

Village Clerk