



Illinois Heartland Library System

MEMO TO: IHLS Board of Directors
 FROM: Leslie Bednar
 DATE: August 18, 2023
 RE: Open Meetings Act

At our July 2023 meeting, a question was raised about approval of closed session minutes. IHLS has not approved minutes per se, and that lead us down an interesting road regarding both open and closed minutes. We are happy to share with you what we have learned and recommended steps moving forward.

Work at Hand:

Clarification of the IHLS process for dealing with the minutes of closed sessions.

Current process

Minutes are taken during a closed session and kept in a binder, secured at IHLS Administrative Office. On a biannual (July and January) basis, the board president or a designee reviews the recordings of closed sessions and minutes and makes a recommendation to the board as to whether the minutes should remain closed or opened to the public and if the recordings should be destroyed.

Resource:

Illinois Library Laws and Rules—[Open Meetings Act](#)

5 ILCS 120/2.06 (Open Meetings Act/Minutes; right to speak page 68)

Relevant Passages:

- (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 are not limited to:

 1. The date and time of the meeting
 2. The members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and
 3. A summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.*

- (b) *A public body shall approve the minutes of its open meeting within 30 days of the meeting after that or the public body's second subsequent regular meeting, whichever shall be later....*

- (c) *The verbatim record may be destroyed ...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 Section (a) of this Section.*

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(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 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.

Conditions that must be present for the destruction of verbatim recordings.

1. At least six months have passed.
2. Public body votes to destroy them and identifies a date range.
3. Board must have approved written minutes in accord with the statute.
4. There is a record of any vote taken.

Open meeting minutes become the official record at 30 days or at the board's second subsequent regular meeting, whatever is later. They may be approved by consent/assent and don't necessarily need a vote and stand as the official record unless corrected.

Minutes of closed sessions are often done by a designated board member who reviews the minutes and recordings and makes a recommendation to the full board. Unless the minutes are corrected, or a change is necessary, the minutes are taken as the official record. A change not disputed does not require a vote.

Moving Forward:

Amend the IHLS Bylaws to include a section on minutes in Article VI, Section 11. Implement a process for the approval of closed session minutes as part of the biannual reviews. For the record, approve all past closed session minutes with a single motion at a future meeting.