



DATE: October 31, 2022

MEMO TO: Jennifer Clark, Chair
Legislative Committee

FROM: Alex Ty Kovach
Executive Director

RECOMMENDATION: Approve a motion to (i) release certain Committee closed session minutes, (ii) retain as confidential all other Committee closed session minutes not previously released, and (iii) delete verbatim recordings of certain open sessions and closed sessions of meetings, in accordance with the Open Meetings Act (the “Act”), as provided in **Exhibit 1**, attached.

STRATEGIC DIRECTION SUPPORTED: Communication, Education & Outreach

FINANCIAL DATA: No impact.

BACKGROUND: The Legislative Committee, in the manner required of public bodies under the Act (i) maintains written minutes of its open and closed meetings, (ii) retains verbatim recordings of closed meetings, and (iii) retains verbatim recordings of open sessions of meetings that have been held pursuant to Section 7(e) of the Act (i.e., audio/visual meetings held while a gubernatorial disaster declaration covering Lake County is in effect (“Disaster-Effective Meetings”)).

Under the Act and the District’s Policy on Closed Meeting Minutes and Verbatim Records (the “Policy”), every six months or as soon thereafter as practicable, the Committee meets in closed session to review its closed meeting minutes to determine if they are eligible for release to the public. In its review, the Committee, with the benefit of staff’s recommendation, determines if the minutes contain information that continues to require confidential treatment. If written minutes, or portions thereof, require confidential treatment to protect the public interest or the privacy of an individual, they shall not be released. If the minutes no longer require confidential treatment, they are made available for public inspection.

Also, the Act and the Policy require that the Committee shall meet every six months or as soon thereafter as practicable to review a list of verbatim recordings of all closed meetings for which minutes have been prepared and that occurred 18 months previously, to determine if the recordings should be retained, released, deleted, or destroyed. Under the Act, a verbatim recording of a closed session may be destroyed or deleted only if (i) minutes for that closed session have been prepared and approved and (ii) at least 18 months have passed since the closed session.

The Committee met in closed session on March 2, 2020 to consider the release of its closed session minutes. Exhibit 1 identifies the minutes to be released based on the Committee’s direction.

The Act also provides that a public body that holds an open session of a Disaster-Effective Meeting must keep an audio or video verbatim record of that open session and such record is subject to the retention provisions for closed session verbatim records (which, as stated above, allows deletion for meetings for which minutes have been prepared and that occurred 18 months previously). Accordingly, Exhibit 1 also identifies verbatim recordings of open session meetings recommended for deletion that are at least 18 months old as of October 31, 2022 and for which minutes have already been prepared.

REVIEW BY OTHERS: Committee Secretary, Board Secretary, Corporate Counsel

MOTION: to (i) approve release of Committee closed session minutes, or portions thereof, as provided in Exhibit 1, and find that such minutes, or portions thereof, no longer require confidential treatment, (ii) retain as confidential all other Committee closed session minutes, or portions thereof, not previously released, and find that the need for confidentiality still exists as to such minutes or portions, and (iii) delete verbatim recordings of open sessions of meetings, as provided in Exhibit 1, all in accordance with the Open Meetings Act and the District's Policy on Closed Meeting Minutes and Verbatim Records.

APPROVED:

Date: _____ **Roll Call Vote: Ayes:_____ Nays:_____**

Voice Vote Majority Ayes; Nays:_____

EXHIBIT 1

LEGISLATIVE COMMITTEE:
October 31, 2022

CLOSED SESSION MINUTES TO BE RELEASED:

<u>Meeting Date</u>	<u>Full or Partial Release</u>
11/4/2019	Full

VERBATIM RECORDINGS OF CLOSED SESSIONS TO BE DELETED:

None

VERBATIM RECORDINGS OF OPEN SESSIONS TO BE DELETED:

November 2, 2020