



DATE: October 2, 2023

MEMO TO: Jessica Vealitzek, Chair
Operations Committee

FROM: John E. Nelson
Chief Operations Officer

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 the verbatim recordings of an open session meeting, 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 Operations 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”)).

Closed Session Minutes

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 may be kept confidential. If the minutes no longer require confidential treatment, they may be made available for public inspection.

Closed Session Verbatim Recordings

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.

Open Sessions of Disaster-Effective Meetings

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).

Committee Review and Staff Recommendation

The Committee met in closed session on August 28, 2023 to consider the release of its closed session minutes. As of August 28, 2023, there were no verbatim recordings of closed sessions, that fall within the 18-month time period of the Act, for the Committee to consider. Exhibit 1 identifies the minutes to be released based on the Committee’s considerations.

Exhibit 1 also identifies the verbatim recording of the only open session of a Disaster-Effective meeting that falls within the 18-month time period of the Act. Staff recommends deletion of this recording.

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 the verbatim recording of the open session, all in accordance with the Open Meetings Act and the District’s Policy on Closed Meeting Minutes and Verbatim Records, and as provided in Exhibit 1 attached to staff’s October 2, 2023, memorandum.

APPROVED:

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

Voice Vote Majority Ayes; Nays:____

EXHIBIT 1

OPERATIONS COMMITTEE:
October 2, 2023

CLOSED SESSION MINUTES TO BE RELEASED:

<u>Meeting Date</u>	<u>Full or Partial Release</u>
March 6, 2023	Partial

VERBATIM RECORDINGS OF CLOSED SESSIONS TO BE DELETED:

None

VERBATIM RECORDINGS OF OPEN SESSIONS TO BE DELETED:

December 6, 2021