

**DATE:** October 2, 2023

**MEMO TO:** Paras Parekh, Chair  
Planning 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 DIRECTIONS SUPPORTED:** Communication; Education & Outreach

**FINANCIAL DATA:** No impact.

**BACKGROUND:** The Planning 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). Accordingly, Exhibit 1 also identifies verbatim recordings of open session meetings recommended for deletion that are at least 18 months old as of August 28, 2023 and for which minutes have already been prepared.

**Committee Review and Staff Recommendation**

The Committee met in closed session on August 28, 2023 to consider the release of its closed session minutes and the retention or deletion of verbatim recordings. Exhibit 1 identifies the minutes to be released and the verbatim recordings to be deleted based on those considerations.

**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 and closed sessions of meetings, 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.

**APPROVED:**

Date: \_\_\_\_\_  Roll Call Vote: Ayes: \_\_\_\_ Nays: \_\_\_\_

Voice Vote Majority Ayes; Nays: \_\_\_\_

**EXHIBIT 1**

**PLANNING COMMITTEE:**

October 2, 2023

**CLOSED SESSION MINUTES TO BE RELEASED:**

March 6, 2023 (Partial)

**VERBATIM RECORDINGS OF CLOSED SESSIONS TO BE DELETED:**

November 1, 2021

December 6, 2021

January 31, 2022

**VERBATIM RECORDINGS OF OPEN SESSIONS TO BE DELETED:**

October 4, 2021

November 1, 2021

December 6, 2021

January 3, 2022

January 31, 2022

February 28, 2022