

**ROCHELLE CITY COUNCIL
REGULAR MEETING 6/24/19
AGENDA ITEM NO. 1i**

SUBJECT: Resolution Authorizing the Destruction of Certain Verbatim Audio Recorded Executive Session Minutes

Staff Contact: Sue Messer, Assistant to the City Manager/City Clerk

Summary: The Open Meetings Act includes the following language regarding the destruction of audio recordings of closed session meetings:

- The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act of the State Records Act no less than 18 months after the completion of the meeting recorded but only after:
 - The public body approves the destruction of a particular recording; and
 - The public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section. 5 ILCS 102/2.06(c)

The Mayor and City Council have approved the minutes of the executive sessions included in the proposed resolution and 18 months have passed from the date the recordings were created. The proposed resolution will allow staff to proceed with destruction of the closed session recordings for the dates specified.

Recommendation:

Approve a Resolution Authorizing the Destruction of Certain Verbatim Audio Recorded Executive Session Minutes

Supporting Documents:

Resolution Authorizing the Destruction of Certain Verbatim Audio Recorded Executive Session Minutes

THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN
VERBATIM AUDIO RECORDED EXECUTIVE SESSION MINUTES**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN
VERBATIM AUDIO RECORDED EXECUTIVE SESSION MINUTES**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, pursuant to Section 2.06(d) of the Illinois Open Meetings Act (“OMA”) (5 ILCS 120.206(d)), the Mayor and City Council of the City of Rochelle (“Corporate Authorities”) have periodically met and reviewed the Executive Session Minutes of all meetings of the of the City of Rochelle (“City”) that have been closed to the public to determine whether those minutes should continue to remain confidential; and

WHEREAS, pursuant to Section 2.06(a) of OMA (5 ILCS 120/2.06(a)), the City is required to keep a verbatim record of all their closed meetings in the form of audio or video recording; and

WHEREAS, pursuant to Section 2.06(c)(1) of OMA (5 ILCS 120/2.06(c)(1)), the Corporate Authorities of the City may destroy the verbatim records of Executive Session Minutes after the following: (1) the Corporate Authorities approve the destruction of said Executive Session Minutes through a resolution; and (2) the Corporate Authorities City approve that the Executive Session Minutes meet the requirements of 5 ILCS 120/2.06(a); and

WHEREAS, the Corporate Authorities of the City after review of the previously confidential Executive Session Minutes now desires to destroy the verbatim audio records of said Executive Session Minutes of the dates specified in the attached Exhibit 1; and

WHEREAS, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to approve the destruction of the verbatim record of certain Executive Session Minutes; and

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Resolution as if fully set forth in this Section One.

SECTION TWO. The Mayor and City Council of the City of Rochelle find and hereby declare that the verbatim audio records of the Executive Session Minutes as expressly identified in the attached Exhibit 1, be destroyed

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed Resolution in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 24th day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24th day of June, 2019.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN VERBATIM AUDIO RECORDED EXECUTIVE SESSION MINUTES” which was adopted by the Mayor and City Council of the City of Rochelle on June 24, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of June, 2019.

CITY CLERK

Exhibit 1

Executive Session Audio to Destroy:

8/26/13
4/14/14
4/28/14
6/23/14
9/24/14
2/22/16
3/28/16
4/11/16
4/15/16
4/18/16
5/23/16
7/11/16
7/25/16
9/26/16
10/11/16
2/9/17
3/13/17
5/8/17
5/22/17
6/26/17
7/24/17
8/14/17
9/18/17
10/10/17
10/23/17
11/27/17
12/11/17