

**VILLAGE OF ROUND LAKE HEIGHTS  
619 W. PONTIAC COURT – BOARD ROOM  
COMMITTEE MEETING – NOVEMBER 18, 2008**

**CALL TO ORDER**

The Village of Round Lake Heights Committee Meeting was called to order by Mayor Lumpkins at 7:00 p.m.

**ROLL CALL**

Trustee Meeks = Present	Trustee Mahoney = Present
Trustee Walker = Present	Trustee Katzel = Present
Trustee Faught = Present	Trustee Germann = Present
Mayor Lumpkins = Present	Village Clerk Mahoney = Present

Also Present = Janelle Christensen (Assistant State’s Attorney Civil Trial Division) and Eight Residents

**AUDIENCE COMMENTS**

**Intersection at Mohawk and Summit**

A resident stated that last week he mentioned about the intersection at Mohawk and Summit and a few Board members were considering turning that intersection into an all way stop. The resident stated that during the past week he went to that intersection approaching it from the side street which does not have a stop sign and the vehicle at the stop sign on Mohawk assumed he was going to stop so that vehicle proceeded thereby causing him to slam on his brakes to avoid an accident. The resident stated that he wanted to bring the awareness to the Board that there is the potential for this to happen at this intersection and would like the Board to consider this when deciding if they should add the additional stop sign at that intersection.

**Open Meetings Act**

A resident questioned if the agenda item for the Open Meetings Act tonight was open to everybody to talk and Mayor Lumpkins stated it was not. The resident asked if the audience would be allowed to watch and Mayor Lumpkins stated that they absolutely would be allowed to watch.

**Lotus Drive Paving**

A resident questioned when Lotus Drive from Indian Hill School to the stoplight would be paved and Mayor Lumpkins stated that it would be next year and we have a community block grant to do so.

**Stop Sign at Mohawk and Summit**

A resident stated that he would like to thank the Board and all the residents that supported the stop sign at Mohawk and Summit and further stated that it is working.

## **ADMINISTRATIVE**

### Open Meetings Act Presentation

Mayor Lumpkins stated that we have a presentation of a seminar on the Open Meetings Act by the Lake County State's Attorney's Office. Mayor Lumpkins stated that we have Janelle Christensen of the Lake County State's Attorney's Office with us today. Mayor Lumpkins stated that after a previous Village Board meeting he had met with a trustee in his office when another trustee walked into the office and he continued the conversation with two trustees in his office. Mayor Lumpkins stated that this was a minor violation of the Open Meetings Act. Mayor Lumpkins stated that Janelle Christensen is here to give a presentation on the Open Meetings Act and asked everyone to give her their undivided attention.

Janelle Christensen thanked Mayor Lumpkins. Janelle Christensen stated that she had additional handouts for the audience if they would like to follow along. Janelle Christensen thanked Mayor Lumpkins for being so cooperative with the investigation in this matter and that she really appreciated it. Janelle Christensen stated that she appreciated Mayor Lumpkins for his candor, honesty, straightforwardness and willingness to state the facts because that helps with the investigation.

Janelle Christensen stated that in her experience as the Open Meetings Act Enforcement Officer for the State's Attorney Office that violations fall into two categories. One is that the people on the public body simply do not know the act and that is where training comes in to be very helpful. The second category where a violation is made comes when a quick decision has to be made and it just ends up being the wrong decision. People who are very familiar with the act can go astray. Janelle Christensen stated this is where they feel that they like to come out and do a brush up on the act to be helpful.

Janelle Christensen stated that the purpose of the Open Meetings Act is to allow the public to hear the Board's deliberations as a public body on public business. Janelle Christensen stated that the State's Attorney, the Attorney General and judge's perspective is that when they are analyzing the Open Meetings Act and how it applies that they take the most conservative and strictest construction and always error on the side of openness. Janelle Christensen stated that the rule is that all meetings of public bodies shall be open to the public but public bodies are given the opportunity under subsection (c) to go into executive session and discuss certain matters in closed session outside the hearing of the public body. There are also rules to follow in order to close those meetings which are set forth in Section 2a. All meetings of the act are required to be in public, held at specific times and places which are convenient and open to the public regardless of who is expected to attend. The notice and agenda serves this purpose to the public. The public body in this instance is the Village of Round Lake Heights. The definition of a meeting was revised in January 2007 and amended in June 2008. The legislature clarified that a gathering does not require a physical

presence because of technology today a gathering can occur over the telephone, through videotape, electronically via chatting, instant messaging or other means of contemporaneous interactive communication. There are three parts to a meeting which is 1) a gathering, 2) of a majority of a quorum, 3) to discuss public business. In order to fall under the Open Meetings Act or to violate the Open Meetings Act all three parts of a meeting must be met. The last part of the meeting definition amended in June 2008 relates to five member boards. This amendment allows two members of a five member board to talk without violating the Open Meetings Act. This amendment does not apply to three member boards. The Round Lake Heights Board is a seven member Board with a quorum being four members and a majority of quorum being three members. This means that anytime there are three Board members gathered by some means discussing public business that it must be open to the public with notice given and an agenda posted or it is in violation of the Open Meetings Act. Janelle Christensen stated that the Board needs to consider the public image and if there are instances where three members are gathered even though you may not be discussing public business it may appear to the public that you are and to avoid this try to not have three members together even though you are not violating the act. Another potential pitfall is emails which is not an issue for this Board since they do not email each other. Janelle Christensen stated that emails can be dangerous and suggested that Board members not email each other. Another change effective in 2007 allows for the authorization of remote attendance when a member is prevented from physically attending because of a personal illness or disability, employment purposes or a family or other emergency. In the past members were allowed to call into a meeting but were not allowed to participate and vote but remote attendance participation and voting is now an option if the Board wants to allow it. A resolution needs to be passed to adopt rules for remote attendance if the Board plans to permit it.

Janelle Christensen stated that there are twenty four exceptions to the open requirement that allows a Board to go into closed sessions and we can check the statute to see all of them. There is not an exception that allows a Board to go into closed sessions to discuss a contract, whether or not to enter into a contract or if you are not happy with a contract. That type of conversation needs to be in front of the public. If there was a contractor who did a bad job and you are considering suing them then you can go into executive session as long as you indicate on the record that litigation is imminent. If litigation is imminent the basis for the finding must be recorded and entered into the minutes of the closed meeting. Janelle Christensen stated that if there is any question whether or not we are allowed to go into executive session for something that we should contact our attorney first. Other exceptions allowed for a closed session involve real property and the discussion of closed session minutes. The procedure for a closed meeting must be followed. There must be a quorum present at a properly noticed open meeting and while in open session the body must cite the statutory exception which allows for the closed session. A roll call vote must be taken on the

question of going into closed session and the vote of each member recorded in the minutes. The closed session should only discuss the topic that was the reason for the closed session. A closed session is for discussion only and no final action may be taken in the closed session. All final action must be taken in open session. You are allowed to go into executive session even if it is not on your agenda. Final actions are only allowed on items on your agenda. Janelle Christensen further stated that you are allowed to discuss items that are not on the agenda but you cannot take final action on that item.

Another resident arrived at 7:38 p.m.

Janelle Christensen stated that minutes and tape recordings are to be kept for closed sessions. The tape must be kept for eighteen months. The tape cannot be disposed of until the minutes from the closed session have been approved and the Board agreed to release those minutes to the public and this has been voted on in closed session and eighteen months have passed. Janelle Christensen recommended that once all of those requirements have been met that we should get rid of the tapes. The Board is supposed to review executive session minutes every six months to determine if the minutes can be released to the public or remains confidential and this is done in executive session. The act does not state who can and cannot attend executive session.

Notice for meetings must be given forty eight hours in advance of the meeting in the form of an agenda that is posted at the principal place of business. If the meeting is going to be held in a location other than the principal place of business the notice must be published forty eight hours in advance at the principal place of business and at the meeting location. Janelle Christensen stated that she previously reviewed some of our agendas and was disappointed in the thinness of the agenda but pulled up the agenda for November 11, 2008 and was very happy and stated that it was a fine agenda. Notice is required for special meetings by posting an agenda forty eight hours in advance of the meeting. An emergency meeting is allowed with less than forty eight hours but it needs to be an emergency. Notice must be given as soon as practicable. If any news medium has filed an annual request for notice then notice must be given prior to the meeting to them.

Minutes must be kept of all meetings whether open or closed. Janelle Christensen stated that she reviewed our minutes and they look pretty good. After minutes have been approved they must be posted within seven days. Janelle Christensen stated that she reviewed our website and we have our minutes up right after they are approved and that's fantastic. Janelle Christensen stated that she does not have any problems with our minutes.

The State's Attorney Office and the Attorney General's Office have enforcement power of the Open Meetings Act. Janelle Christensen stated that if anyone wants additional information the Attorney General's website is a great place to go.

Janelle Christensen asked if there were any questions. Trustee Faught questioned about committee meetings. Janelle Christensen stated that committees are also subject to the Open Meetings Act and all of the rules that apply under the act. Janelle Christensen thanked everyone and passed out her business card to each Board member. The Board thanked Janelle Christensen.

Two residents left the meeting at 7:50 p.m.

## **CORRESPONDENCE**

There was nothing to report.

## **COMMITTEE REPORTS**

### **Public Safety**

Trustee Meeks reported that violations for the month of October 2008 were 134 moving, 15 ordinance, 5 non-traffic and 4 warning citations.

Janelle Christensen left the meeting at 7:52 p.m.

### **Public Works**

Trustee Mahoney reported that the trucks are ready to go. Mayor Lumpkins reported that the lights in the garage are all done.

### **Building & Zoning**

There was nothing to report.

### **Sewer & Water**

Trustee Katzel reported that the cost for the break at the corner of Lotus and Tomahawk is \$5,408.06. This covers the repair, materials, labor and curb replacement performed by Schneider.

Trustee Katzel reported that there was a problem with the Chesapeake Trail lift station earlier this week. A rag got in one of the pumps and they took out both pumps, cleaned and re-greased them and then dropped them back in. We do not have the cost for this yet.

Mayor Lumpkins reported that Maneval was out fixing the sink holes on Tomahawk Trails.

### **Administration**

Trustee Faught reported that she previously reported that SWALCO renegotiated the recycling rate with the recycling companies. This is requiring all SWALCO members to do a new intergovernmental agreement with SWALCO and she has received copies of the agreement. Trustee Faught stated that we should approve the new agreement at the next Board meeting.

### **Ordinances**

There was nothing to report.

## **OLD BUSINESS**

There was nothing to report.

**NEW BUSINESS**    There was nothing to report.

**MOTION**            A motion was made by Trustee Meeks, Seconded by Trustee Germann  
and unanimously passed to adjourn.

**ADJOURNMENT: 7:55 P.M.**

Respectfully Submitted,

Susan A. Mahoney  
Village Clerk