



IPPFA ANNUAL TRAINING CONFERENCE

**Renaissance Grand Hotel
St. Louis, Missouri
October 5-8, 2010**

OPEN MEETINGS ACT

(STATUTE, CASES, and COMMENTARY)

Mr. Charles H. Atwell
ATWELL & ATWELL LAW OFFICES
70 S. Constitution Dr., Suite 100
Aurora, IL 60506
630-892-4341
630-892-4399 (Fax)
atwelllaw@yahoo.com

Mr. James L. Dobrovolny
DOBROVOLNY LAW OFFICES
306 w. Green St.
Urbana, IL 61801
217-344-2376
217-344-2382 (Fax)
dobrovolnylaw@comcast.net

INTRODUCTION

The "Illinois Open Meetings Act" is designed to prohibit secret deliberations and action on matters which, due to their potential impact on the public, properly should be discussed in a public forum. People ex rel. the Difanis v. Barr, 83 Ill. 2d 191, 202 (1980). It is a strong, effective law, but questions are frequently raised about what its provisions mean and how they can be enforced.

You are directed to the Illinois Attorney General's Office web site at <http://www.ag.state.il.us/government/index.html> for excellent additional detailed Guide materials for your further review.

Let us examine some of the typical issues and problems confronted by Public Pension Boards on a regular ongoing basis.

OPEN MEETINGS ACT SUMMARY

(5 ILCS 120/1 et seq.)

This is a summary of the "Illinois Open Meetings Act" prepared by Charles H. Atwell and James L. Dobrovolny, IPPFA, Deputy Counsel for IPPFA for the use of its Member Boards and their Trustees. This summary is current through its most recent amendment (P.A. 96-542), which was effective January 1, 2010. The summary is intended to serve merely as a guideline to assist in understanding the Open Meetings Act. Specific questions regarding specific circumstances should be directed to the Board's Attorney.

§ 1. Policy. It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

- (1) It is the intent of this Act to protect the citizen's right to know; and
- (2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings. 5 ILCS 120/1

I. **The Open Meetings Act, Generally**

A. THE ACT REQUIRES THAT ALL MEETINGS OF PUBLIC BODIES BE OPEN TO THE PUBLIC. THE ACT DOES NOT REQUIRE ANY MEETINGS BE CLOSED; HOWEVER, THE ACT ALLOWS CERTAIN EXCEPTIONS.

B. The Act is applicable to all MEETINGS of public bodies. "Public bodies" include:

1. City Councils
2. All committees of a City Council
3. All boards and commissions of the City, including advisory boards.
4. Public Pension Boards.

II. **Meeting**

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

A. Majority of a Quorum:

<u>Number of Members</u>	<u>Majority of a Quorum</u>
3	2
5	**3**
7	3
9	3
11	4

B. Discussion of Public Business:

1. If there is an INTENT to discuss public business, then no matter where a majority of the quorum meets, the Act applies and the meeting must comply with the requirements of the Act.
2. A gathering can be formal or informal and still be considered to be a meeting (e.g., pre-meeting discussions can be a meeting).
3. A majority of a quorum can meet socially without the Act applying if they DO NOT INTEND TO DISCUSS PUBLIC BUSINESS.

- C. Recording a Meeting - Any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.
- D. Electronic Attendance. Public Act 94-1058, effective January 1, 2007, amends several parts of the Open Meetings Act, including the definition of “meeting” to add, “video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means or contemporaneous interactive communication.” *The Act permits meeting (both open and closed) participation and voting by members of a public body through the use of audio and/or video conferencing provided that the number of public body members necessary to constitute a quorum is physically present at the meeting in three circumstances: (1) personal illness or disability; (2) employment purposes or the business of the public body; and (3) a family or other emergency.*

New Provision (Effective January 1, 2011) – Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.

III. **Notice of Meetings**

- Public notice must be given for all meetings that are open.
- Closed meetings it is not necessary. (Open Meetings Act §2(a)) (Wyman v Schweighart and City of Champaign, 385 Ill.App.3d 1099, 904 N.E.2d 77, 328 Ill,Dec, 315 (4th Dist., 2008)).

“At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under [s]ection 2.02, hold a closed meeting in accordance with this Act. Only topics specified in the vote to close under this [s]ection may be considered during the closed meeting.” 5 ILCS 120/2a

A. Procedure for Notice

1. Public notice is given by posting a copy of the notice at City Hall or the Station.
2. (a) Copies of notices must be given to any news media which have filed an annual request.

(b) Notice to any news medium of special, emergency, rescheduled or reconvened meetings shall be given in the same manner as it is given to the members of the public body; provided that such news medium has given the public body an address and phone within the territorial jurisdiction of the public body at which such notice may be given.

3. Website. A public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body.
 - (a) Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved.
 - (b) Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded.
 - (c) The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.

B. Regular Meetings Notice

1. Public notice of the schedule of all regular meetings must be given at the beginning of the calendar or fiscal year.
2. Notice must include dates, times and places of meetings.
3. If a change in the regular meeting date is made, at least ten (10) days notice is required. Notice is given by publication and by posting at City Hall and/or the Station.
4. Agenda. An agenda for each regular meeting must be posted at least forty-eight (48) hours in advance of the meetings. The posted agenda does not preclude discussion of topics not on the agenda.
5. Website. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body.
 - Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded.

C. Special Meetings (non-emergency) Notice

1. Requires at least forty-eight (48) hours public notice prior to the meeting.
2. Requires agenda to be attached to the notice.
3. Notice requirement does not apply if:
 - (a) Meeting was open and is to be reconvened within twenty-four (24) hours; or

- (b) Announcement of time and place of reconvened meeting was made at original meeting and there is no change in agenda.

D. Emergency Meetings

- 1. Must be bona fide emergency.
- 2. Notice to be given as soon as practicable. Prior notice must be given to any news media who have filed an annual request.

IV. **Minutes of Meetings**

A. Requirements

- 1. Written minutes must be kept for all meetings, whether open or closed.
- 2. A verbatim record of all closed meetings in the form of an audio or video recording.
 - (a) 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 or the State Records Act no less than eighteen (18) months after the completion of the meeting recorded but only after:
 - (1) the public body approves the destruction of a particular recording; and
 - (2) the public body approves minutes of the closed meeting that meet the written minutes requirements.
 - (b) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that:
 - (1) the need for confidentiality still exists as to all or part of those minutes; or
 - (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection.
 - (c) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce the Act.

3. This minute requirement applies to and includes all committees, boards, commissions and task forces.
4. Minutes must include:
 - (a) date, time and place of meeting;
 - (b) members of body recorded as either present or absent;
 - (c) whether the members were physically present or present by means of video or audio conference; and
 - (d) summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken.

B. Availability of Minutes

New Provision (Effective January 1, 2011) – A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body’s second subsequent regular meeting, whichever is later.

1. Minutes must be available for public inspection ten [10]* days after approval by public body.
2. Website - A public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within ten [10]* days of the approval of the minutes by the public body.
 - (a) Any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least sixty (60) days after their initial posting.

*Please note: Statute amended effective January 1, 2011; changed from seven [7] days to ten [10] days.

3. Minutes of Meetings Closed to the Public

- (a) Must be reviewed every six (6) months for a determination as to whether:
 - (i) it is no longer necessary to protect the public interest; or
 - (ii) it is no longer necessary to protect the privacy of an individual.

C. Minutes for Closed Sessions

1. On a motion to close a portion of a public meeting, the minutes must contain the vote of each member and the identification of the specific exception allowing such closed session or meeting.

2. If there is a closed meeting or session on "probable or imminent litigation", the basis for the finding that the matter discussed was a matter of probable or imminent litigation must be specified in the minutes of the closed session or meeting.
3. Minutes of closed sessions must be reviewed at least every six (6) months to determine whether or not there is a need to keep the minutes confidential. (See Resolution at end of these materials.)

V. **Closed Meetings**

- A. A "closed meeting" is a meeting or part of a meeting which is entirely closed to the public pursuant to one of the "closed meeting exceptions".
- B. A closed meeting is justified only when the subject of the meeting falls under one of the specific exceptions to the Open Meetings Act.
- C. An open meeting may also have a closed portion pursuant to one of the "closed meeting exceptions".
- D. Regular, special or emergency meetings may be closed.
- E. Procedure to Close
 1. A meeting (or a portion of a meeting) which is closed to the public requires that a motion be passed by a three members at an open meeting to hold the closed meeting (or close a portion of a meeting).
 - * 2. The vote to close the meeting of each member must be disclosed to the public at the time it is taken. (roll call).
 3. The motion to close must specify the exception which justifies closure.
 4. Only topics specified in the motion to close a meeting (or portion of a meeting) may be considered in the closed meeting.
 - * 5. Standard of Review for Exceptions. The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings. The exception shall extend only to subjects clearly within the scope of the exception.
- F. Limitations on Closed Meetings
 1. No final action (final vote) may be taken at a "closed meeting".
 2. The vote on the final action must be taken during the open meeting after a recital of the nature of the issues being considered and other matters that will inform the public.

VI. **Exceptions to Open Meetings** (5 ILCS 120/2[c])

- A. While there are exceptions to the Open Meeting requirements, no exception requires a meeting to be closed to the public.
- B. The following subjects are the exceptions potentially applicable to a Board of Trustees:
 - 1. Appointment, employment, compensation, discipline, performance or dismissal of an employee or legal counsel of the Board, including hearing testimony on a complaint lodged against an employee of the Board or against legal counsel for the Board to determine its validity.
 - 2. Collective negotiating matters between Board and its employees or their representatives, or salary schedules for one or more classes of employees.
 - 3. N/A to Board.
 - 4. Consideration of the evidence or testimony presented in an open or closed hearing to a quasi-adjudicative body provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.
 - 5.-6. N/A to Board.
 - 7. The sale or purchase of securities or investment contracts.
 - 8.-10. N/A to Board.
 - 11. Litigation when an action against, affecting or on behalf of the Board has been filed and is pending before a court or administrative tribunal or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
 - 12.-20. N/A to Board.
 - 21. Discussion of minutes of meetings lawfully closed under this Act.
 - 22.-24. N/A to Board.

VII. **Consequences for Violations of the Open Meetings Act**

- A. Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county

in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60- day period, within 60 days of the discovery of a violation by the State's Attorney.

Records that are obtained by a State's Attorney from a public body for purposes of reviewing whether the public body has complied with this Act may not be disclosed to the public. Those records, while in the possession of the State's Attorney, are exempt from disclosure under the Freedom of Information Act. 5 ILCS 120/3(a) new.

- B. A violation of the Act is a Class C misdemeanor, punishable by a \$500.00 fine and/or not more than thirty (30) days in jail. 5 ILCS 120/4.
- C. The Public Access Counselor established by the Office of the Attorney General may seek review of the questioned violation and issue findings of fact and conclusions of law, and issue an Opinion which shall be binding upon both the requester and the public body, subject to administrative review. 5 ILCS 120/3.5 **THIS IS NEW AND AN IMPORTANT PROVISION.**
1. A person who believes there has been a violation of the Act may file a Request to Review with the Public Access Counselor not later than 60 days after the alleged violation.
 2. The PAC can determine the Request is unfounded.
 3. The PAC can forward a copy of the request to the public body within 7 working days.
 4. The PAC shall specify the records that the public body shall furnish to facilitate the review.
 5. The public body shall provide copies of the records requested, and may provide an answer to the Request, and shall fully cooperate with the PAC within 7 working days of receipt of the Request.
 6. Failure to provide documents or cooperate may trigger the issuance of a subpoena by the Attorney General.
 7. Any written Answer sent to the PAC shall also be sent to the requester.
 8. The Requester may respond in writing within 7 working days.
 9. The Attorney General may issue binding and non-binding opinions. If binding, they are subject to Administrative Review in either Cook or Sangamon Counties.
 10. In responding to any written request the Attorney General may exercise his or her discretion and choose to resolve a request for

review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion shall not be reviewable.

- D. Court, in a civil action (not the PAC review process), may grant such relief as it deems appropriate, including:
1. A mandamus requiring a meeting be open to the public.
 2. An injunction against future violations.
 3. Ordering the minutes of a meeting be available to the public.
 4. Declaring null and void any final action by Council, commission or committee taken at a closed meeting.
 5. Award attorneys' fees.

VIII. **Training (NEW - JANUARY 1, 2010)**

5 ILCS 120/1.05

Sec. 1.05. Training. Every public body shall designate employees, officers, or members to receive training on compliance with this Act. Each public body shall submit a list of designated employees, officers, or members to the Public Access Counselor. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the designated employees, officers, and members must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Thereafter, whenever a public body designates an additional employee, officer, or member to receive this training, that person must successfully complete the electronic training curriculum within 30 days after that designation.

(Source: P.A. 96-542, eff. 1-1-10.)

This new mandate requires the appointment of a person to receive training on compliance with the Open Meetings Act. This new position can be:

1. An employee, such as the Board's Clerk, its attorney, or other person. It can be one of the Trustees. Thought should be given to appointing someone who will be there at the meetings.
2. The appointee's name/s shall be submitted to the Public Access Counselor for the Illinois Attorney General's Office.
3. That appointee shall successfully complete an electronic training curriculum developed by the PAC by June 30, 2010 and annually thereafter.
4. Any new appointee must complete the curriculum within 30 days after that designation.

CASES

“FINAL ACTION” INTERPRETATION.

The Open Meetings Act states that “no final action may be taken at closed meetings.” However, the language of the Act allows courts to invalidate only final actions taken in a closed meeting, not an action that, though like the product of a discussion in an improperly conducted closed meeting, was finalized and voted on in open session. Roller v. Bd. of Ed. of Glen Ellyn, 2006 U.S. Dist LEXIS 2269 (N.D. Ill. 2006). Mere discussions cannot be considered null and void because nothing is gained by voiding a recommendation that is the result of a closed meeting. *Id.* The language of the Act does not give courts the authority to invalidate a final action taken in open session, simply because the board considers a final action in a closed session. *Id.*

MORE “FINAL ACTION” INTERPRETATION.

It is appropriate for public bodies to adjourn to a closed session to deliberate on testimony and evidence presented during a hearing that was conducted as an open meeting, provided that the body takes any final action at the open meeting and issues a written decision of its reasoning for public inspection. In Calibraro v. Board of Trustees of the Buffalo Grove Firefighter’s Pension Fund, 367 Ill.App.3rd 259, 854 N.E. 2d 787 (1st Dist. 2006), the First District Illinois Appellate Court held that a pension board did not violate the Open Meetings Act by conducting deliberations on plaintiff’s application for a line-of-duty disability in closed session because, in compliance with the Act, the board held the closed session after it heard all of the evidence in an open meeting, and it published its written decision for public inspection.

NEW BUSINESS – TAKING ACTION.

RICE V. BOARD OF TRUSTEES OF ADAMS COUNTY, 326 Ill.App.3d 1120, 762 N.E.2d 1205, 261 Ill.Dec. 278 (January 24, 2002)

Facts: On January 7, 1999 the Plaintiff filed a Complaint alleging a violation of the Open Meetings Act. He sought an order voiding a resolution adopted by the Board. The Resolution provided for an alternative benefit program for Elected County Officers (ECO) pursuant to § 7-145.1 of the Pension Code. The Trial Court granted summary judgment to the Plaintiff and found the resolution null and void.

The Board’s Agenda for the meeting in question of November 10, 1998 had 34 items, 25 of which were reports of various individuals. Item 32 referenced “NEW BUSINESS.” The record on appeal indicated that the agendas for September 8, 1998 and October 13, 1998 were nearly identical to the November 10, 1998 agenda.

The ECO alternative benefit program was not specifically set forth pursuant to § 2.02 of the Act. There was a reference in the minutes of the November 10, 1998 meeting, that “several years ago this was discussed,” contrary to the Board’s assertion of “new” business.

Issue: May action by a public body be taken on an item not specifically set forth in the agenda?

Answer: No.

Defendant Board's Position: The language of § 2.02(a) of the Act that provides "the requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda," references an opportunity for action by the public body.

Court's Decision and Reasoning: Public policy provides that actions of public bodies be taken openly and their deliberations be conducted openly. Public policy dictates that its citizens shall be given advance notice of the right to attend all meetings at which any business of public body is discussed or acted on in any was.

The Act references the "actions of public bodies" and, in a separate reference, business "acted upon." The Court found "the consideration of" items not specifically set forth in the agenda to be in the nature of deliberations and discussions and not actions taken. The Court stated specifically, "We do not find the item "NEW BUSINESS" to provide sufficient advance notice to the people of a resolution providing for an alternative benefit program for ECO." (emphasis supplied).

Therefore, it is not sufficient to just list "New Business" and raise an issue under that portion of the meeting and take action on it at that time. It may be discussed all you want. But in order to take action on the item, you must specifically list the item under "New Business" or other appropriate section of the agenda. Otherwise the action will be null and void if challenged later.

SPECIFYING THE EXCEPTION TO THE OPEN MEETINGS ACT WHEN ADJOURNING TO CLOSED SESSION.

HENRY v BOARD OF EDUCATION OF CHAMPAIGN COMMUNITY SCHOOL DISTRICT NO. 4

Facts: In a meeting on October 29, 2002, the school board voted to go into closed session "to discuss an employee matter, specifically the reclassification of employment." The employee was plaintiff.

On October 30, 2002, plaintiff filed a complaint in Case No. 02-CH-287, alleging that on October 29, defendants had violated section 2a of the Act. Section 2a provides:

"The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in [s]ection 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting." (Emphasis added.) 5 ILCS 120/2a (West 2002).

According to plaintiff, the reference to "an employee matter" or the "reclassification of employment" was not "a citation to [any] specific exception" in section 2(c) of the Act (5 ILCS 120/2(c) (West 2002)).

On October 30, 2002, the school board convened again, and its president, Scott Anderson, stated:

"PRESIDENT ANDERSON: The motion to approve the agenda, which includes employment matters regarding classification of employee, potential litigation, as well as negotiations discussion, all in executive session. I need a motion."

Issue: Does stating there is potential litigation as the reason to close the meeting satisfy the statutory requirement?

Answer: No.

Analysis and Reasoning: Section 2(a) sets down two conditions for holding a closed meeting. The first condition is substantive: the meeting must fall into one of the 23 exceptions listed in section 2(c) (5 ILCS 120/2(c) (West 2002)). 5 ILCS 120/2(a) (West 2002). These exceptions "shall be strictly construed against closed meetings." 5 ILCS 120/1(2) (West 2002). The second condition is procedural: the public body must close the meeting "in accordance with [section 2a]" (5 ILCS 120/2a (West 2002)). 5 ILCS 120/2(a) (West 2002). Section 2a requires the public body to vote on whether to close the meeting to the public (the meeting need not be closed, even if it falls into one of the exceptions in section 2(c)). 5 ILCS 120/2a (West 2002). Section 2a further requires the public body, at the time of the vote, to "cit[e] to the specific exception[,] contained in section 2 of this Act[,] which authorizes the closing of the meeting to the public" and to record that citation in the minutes of the meeting. 5 ILCS 120/2a (West 2002).

Plaintiff argues "there was no citation to the [s]tatute[,] as required by [s]ection 2a[,] prior to a declaration being made that the [b]oard was going into closed session." (Emphasis added.) As the trial court correctly observed, however, section 2a does not require a citation to the statute; it requires "a citation to the specific exception contained in" the statute (5 ILCS 120/2a (West 2002)). To "cite" an exception means to quote it or call attention to it. See Merriam-Webster's Collegiate Dictionary 208 (10th ed. 2000). One of the exceptions in section 2(c) is "[t]he *** employment *** of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity." 5 ILCS 120/2(c)(1) (West 2002). By referring to an "employee matter" and "reclassification of employment," defendants adequately identified the exception in section 2(c)(1). An additional citation to the statutory subsection might have been helpful but was not required. Citing the exception was sufficient.

But, the "litigation" exception is a forked path. If the litigation has been filed and is pending, the public body need only announce that in the proposed closed meeting, it will discuss litigation that has been filed and is pending. If the litigation has not yet been filed, the public body must (1) find that the litigation is probable or imminent and (2) record and enter into the minutes the basis for that finding. Evidently, the legislature intended to prevent public bodies from using the distant possibility of litigation as a pretext for closing their meetings to the public. Even though there was litigation filed and pending, the Board did not make that clear. Case remanded for consideration of remedies.

REVIEW OF EXECUTIVE SESSION MINUTES

FIREMEN'S PENSION FUND OF DALMATION ILLINOIS

RESOLUTON REGARDING the RELEASE
Of EXECUTIVE SESSION MINUTES

WHEREAS, the Firemen's Pension Fund Board of DALMATION, Illinois, has met from time to time in Executive Session for purposes authorized by the Illinois Open Meetings Act; and

WHEREAS, pursuant to the requirements of 5 ILCS 120/2.06(c), the Firemen's Pension Fund Board of Trustees has met in closed session to review all closed session minutes; and

WHEREAS, the Firemen's Pension Fund Board of Trustees has determined that the minutes of the closed session meetings attached hereto as Exhibit "A" no longer require confidential treatment and should be made available for public inspection; and

WHEREAS, the Firemen's Pension Fund Board of Trustees has determined that the minutes of the closed session meetings attached hereto as Exhibit "B" still require confidential treatment and will not be made available for public inspection, and Exhibit "C" would require confidential treatment permanently.

NOW, THEREFORE, BE IT RESOLVED BY THE FIREMEN'S PENSION BOARD OF TRUSTEES OF DALMATION, ILLINOIS, as follows:

Section 1. The Executive Session minutes from those meetings set forth on Exhibit "A" attached hereto are hereby released.

Section 2. The Board Secretary is hereby authorized and directed to make said minutes available for inspection and copying in accordance with the standing procedures of the Board Secretary's Office.

Section 3. Pursuant to Section 2.06(c) of the Open Meetings Act, the Board Secretary is further authorized to destroy the verbatim records of all closed meetings that have occurred more than eighteen (18) months from the date of this Resolution, this Board having approved written minutes of all such meetings.

Section 4. This Resolution shall be in full force and effect from and after its Passage and approval according to law.

PASSED BY THE FIREMEN'S PENSION FUND BOARD OF TRUSTEES OF
THE CITY OF DALMATION, ILLINOIS this 22nd day of October . 2009.

President

ATTEST:
Board Secretary

EXHIBIT "A"

(Minutes to be Released)

1. December 18, 2006

EXHIBIT "B"

(Minutes Not to be Released)

1. July 30, 1993 9:30 A.M.
2. April 21, 2005 1:30 P.M.
3. March 27, 2006 3:25 P.M.
4. July 24, 2006 3:35 P.M.
5. February 26, 2007 5:30 P.M.
6. August 27, 2007 12:29 P.M.

EXHIBIT "C"

(Minutes Permanently Held in Confidence)

1. February 24, 1997 10:51A.M.
2. March 10, 1997 10:34 A.M.
3. November 24, 1997 11:35 A.M.
4. June 22, 1998 2:45 P.M.
5. July 27, 1998 2:32 P.M.
6. August 24, 1998 2:51 P.M.
7. September 27, 2004 3:00 P.M.
8. December 13, 2004 2:32 P.M.
9. August 22, 2005 2:30 P.M.
10. May 22, 2006 4:10 P.M.
11. June 26, 2006 3:10 P.M.
12. July 24, 2006 3:40 P.M.
13. September 25, 2006 10:15 A.M.
14. February 26, 2007 4:47 P.M.
15. February 26, 2007 5:45 P.M.
16. February 26, 2007 6:00 P.M.
17. February 26, 2007 6:07 P.M.
18. March 13,2007 1:35 P.M.
19. March 13,2007 2:30 P.M.
20. August 27, 2007 9:37 A.M.
21. August 27, 2007 12:17 P.M.