

DOWNSTATE LOCAL RECORDS COMMISSION
Margaret Cross Norton Building
Conference Room – 2nd Floor
Springfield, Illinois

MINUTES

Meeting of October 4, 2011

MEMBERS PRESENT: Dave Joens, Representative of the Secretary of State acted as Chairman in John Curtin's absence; Jack Ahola, Macon County State's Attorney; Gary Stockton, State Historian Designee; and Robert Walters, Mayor of Beardstown

MEMBERS ABSENT: John Curtin, Chairman Local Records Commission and Christian County Board Chairman; and Patty Sprague, St. Clair County Auditor

STAFF PRESENT: Gloria Huston, Rheta Miller, Wanda Schmidgall, Pat Sriner, and Steve Whitlow

STAFF ABSENT: Sheila Cowles

GUESTS: None

Dave Joens, Acting Chair, called the meeting of the Downstate Local Records Commission to order at 10:00 AM.

A motion was made by Bob Walters and seconded by Gary Stockton to accept the August 2, 2011 minutes as submitted.

OLD BUSINESS:

Item 48 of Application 98:172 from the Carol Stream Police Department and item 72 of Application 07:323 from the Glendale Heights Police Department were deferred from the July 6th meeting pending a review by Jack Ahola, Macon County State's Attorney, of the research materials submitted to the Commission regarding Illinois statutory requirements for "In-car Video Camera Recordings, Audio Recordings, and Taser Videos."

Gloria Huston, Archival Program Administrator, stated that the statutes require that the law enforcement agency retain the recordings for a period of ninety (90) days, unless they are made part of an arrest or are deemed evidence in any criminal, civil, or administrative proceeding, then the recordings must only be destroyed upon a final disposition and an order from the court.

The present recommendation of the Commission is “Retain tapes where no litigation is pending for seven (7) days, then erase or dispose of. Retain tapes where litigation is pending for thirty (30) days after closure of case, then dispose of.”

Based on the current statutes, the following recommendation was proposed by Ms. Huston for adoption by the Commission:

“Video and audio recordings made under subsection (h), (h-5) or (h-10) of ILCS 720 5/h15 Criminal Code of 1961, Article 14 shall be retained by the law enforcement agency that employs the peace officer who made the recordings for a storage period of ninety (90) days, unless the recordings are made as part of an arrest or the recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court. Under no circumstances shall any recording be altered or erased prior to the expiration of the designated storage period. Upon completion of the storage period, the recording medium may be erased and reissued for operational use after submission of an approved Local Records Disposal Certificate.”

Gary Stockton made the motion to accept the recommendation as submitted . Jack Ahola and Bob Walters seconded the motion. The motion carried.

NEW BUSINESS:

The next order of new business involved House Bill 1948 regarding the Illinois Criminal Justice Information Act and requirements that records be made public regarding surveillance cameras operated by state and local government agencies. Gloria Huston explained her concern regarding the language on line 18 of page 1 of the Act which states that state and local government agencies must post their “(B) minimal retention policies and (C) editing policies” by December 31, 2012 and each December 1 thereafter. The Authority must then post this information on their official internet website.

The issue of concern is that the bill does not make any reference to agencies being required to comply with either the State Records Act or the Local Records Act when establishing retention periods. The language as it exists makes no reference to either Commission’s authority or role in this matter. Her concern is that some of the agencies may interpret this language to mean they can establish their own retention periods. Ms. Huston said she discussed this matter with Sean O’Brien, legal counsel from the IL Criminal Justice Information Authority. During their discussion she suggested that possibility they could place a link to the Office of the Secretary of State, Division of Archives and Records, Records Management webpage on their website. She will report back to the Commission on any further developments regarding this issue.

Dave Joens, Director of the IL State Archives stated the bill regarding this matter was sent to the Governor’s Office on an Amendatory Veto. He has brought this issue to the attention of the Secretary of State Legislative Liaison’s Office and they are aware of our concerns as well.

The next order of new business involved a new recommendation regarding the retention of “Freedom of Information Act” Requests and Denials. Gloria Huston said that at the September 2011 State Records Commission Lynn Patton, head of the Opinions Division of the Illinois Attorney General’s Office recommended that state agency retention periods for FOI Requests and Denials be amended to include language regarding pending reviews with the Attorney General’s Public Access Counselor. Based on the recommendations from the Attorney

General's Office to the State Records Commission, Ms Huston recommended that the Local Records Commission approve the following recommendation for this series "Retain for two (2) years after the filing date then dispose of, *provided no review is pending with the Attorney General's Public Access Counselor.*" Bob Walters made the motion and Jack Ahola seconded the motion. The motion carried.

The next order of new business was a request from Peoria County Clerk R. Steve Sonnemaker. The county clerk submitted a letter requesting the Local Records Commission approve a retention period of "Retain for seven (7) years after the County Board's final decision." for Landfill Siting Applications, Hearing Evidence, Transcripts and Appeals. Gloria Huston said the commission normally has a permanent retention for these records. She said this decision was based on advice from EPA's legal counsel, indicating that there are legal liability issues for landfills in perpetuity and these documents might be needed for the county in future litigation. There was no action by the Commission to change the current retention period for this series.

The following new applications, add-ons, and amendments were accepted as submitted. Jack Ahola made the motion and Bob Walters seconded the motion. The motion carried.

NEW APPLICATIONS:

<u>County</u>	<u>Agency</u>	<u>Application No.</u>	<u>City</u>
Henry	Kewanee Park Dist.	11:215	Kewanee
Hancock	Pontoosuc Twp.	11:216	Niota
Lake	Hawthorn School Dist. #73	11:217	Vernon Hills
Rock Island	Rock Island City Finance Dept. (includes Fire & Police Pension	11:218	Rock Island
Stephenson	Waddams Twp. Offices	11:219	McConnell
Champaign	Champaign Co. Housing Auth.	11:220	Champaign
Livingston	Odell Grade School Dist. #435	11:221	Odell
Madison	Godfrey Fire Dept. Pension Board	11:222	Godfrey
Effingham	Southeastern Illinois Drug Task Force	11:223	Effingham
Lake	Buffalo Grove Police Pension Board	11:224	Buffalo Grove
Bureau	Bureau Co. Circuit Clerk 13th Judicial Circuit	11:225	

Champaign	Champaign Co. Circuit Clerk 6th Judicial Circuit	11:226	
DeWitt	DeWitt Co. Circuit Clerk 6th Judicial Circuit	11:227	
DuPage	DuPage Co. Circuit 18th Judicial Circuit	11:228	
DuPage	DuPage Co. Circuit Clerk 18th Judicial Circuit	11:229	
Livingston	Livingston Co. Circuit Clerk 11th Judicial Circuit	11:230	
Montgomery	Montgomery Co. Circuit Clerk 4th Judicial Circuit	11:231	
Stephenson	Stephenson Co. Circuit Clerk 15th Judicial Circuit	11:232	
Tazewell	Tazewell Co. Circuit Clerk 10th Judicial Circuit	11:233	
Tazewell	Tazewell Co. Circuit Clerk 10th Judicial Circuit	11:234	
Vermilion	Vermilion Co. Circuit Clerk 5th Judicial Circuit	11:235	
White	White Co. Circuit Clerk 2nd Judicial Circuit	11:236	
Tazewell	Village of Mackinaw	11:237	Mackinaw
DuPage	Darien-Woodridge Firefighter's Pension Fund	11:238	Hinsdale
Lawrence	Sumner Police Dept.	11:239	Sumner
LaSalle	LaSalle Co. Housing Auth.	11:240	Ottawa
DuPage	Hinsdale Public Library	11:241	Hinsdale
Knox	Maquon Public Library Dist.	11:242	Maquon
Pulaski	Meridian School Dist. #101	11:243	Mounds
Menard	Greenview School Dist. #200	11:244	Greenview
Woodford	Fieldrest C.U.S.D. #6	11:245	Minonk
DuPage	Village of Hinsdale	11:246	Hinsdale

Macon	Hickory Point Fire Protection Dist.	11:247	Forsythe
Tazewell	East Peoria Fire Dept.	11:248	East Peoria
Vermilion	Village of Ridge Farm (includes Cemetery, Police, and Recreation	11:249	Ridge Farm
Champaign	Urbana and Champaign Sanitary Dist.	11:250	Urbana
Tazewell	East Peoria Housing Auth.	11:251	East Peoria
Tazewell	East Peoria Planning & Community Development	11:252	East Peoria
Tazewell	East Peoria Dept. of Tourism, Special Events, and Facilities	11:253	East Peoria
Christian	Edinburg Police Dept.	11:254	Edinburg
Will	Channahon Park Dist.	11:255	Channahon
Will	Frankfort Police Dept.	11:256	Frankfort
DeWitt	DeWitt Co. Circuit Clerk 6th Judicial Circuit	11:257	
DuPage	DuPage Co. Circuit Clerk 18th Judicial Circuit	11:258	
Knox	Knox Co. Circuit Clerk 9th Judicial Circuit	11:259	
LaSalle	LaSalle Co. Circuit Clerk 13th Judicial Circuit	11:260	
Rock Island	Rock Island Co. Circuit Clerk 14th Judicial Circuit	11:261	
Shelby	Shelby Co. Circuit Clerk 4th Judicial Circuit	11:262	
Tazewell	Tazewell Co. Circuit Clerk 10th Judicial Circuit	11:263	
Tazewell	Tazewell Co. Circuit Clerk 10th Judicial Circuit	11:264	
Will	Will Co. Circuit Clerk 12th Judicial Circuit	11:265	
Will	Will Co. Circuit Clerk 12th Judicial Circuit	11:266	
Will	Will Co. Circuit Clerk 12th Judicial Circuit	11:267	

ADD-ONS:

<u>County</u>	<u>Agency</u>	<u>Application #</u>	<u>Add-on Item #'s</u>
Champaign	Champaign Co. Probation & Court Services	07:041	15
Champaign	Champaign-Urbana Public Health Dept.	05:067	800 - 813
Clinton	Village of Keyesport	93:213	47 and 48
Coles	City of Charleston	06:315	800-809; 900-905; 1000-1019; and 1100-1116
Crawford	Oblong School Dist #4	95:108	53 - 56
DeKalb	DeKalb Co. Health Dept.	88:061	108 and 109
DeWitt	Village of Kenney	02:222	53 - 61
DuPage	Addison Police Dept.	99:003	72
DuPage	DuPage Co. Human Resource Dept.	04:298	41 - 43
DuPage	DuPage Co. Psychological Services	86:157	144 and 145
DuPage	DuPage Co. Sheriff	86:215	82 - 111
DuPage	*Glendale Heights Police Dept.	07:323	*72
DuPage	Village of Westmont	03:029	723, 724, 725, 726, 727, 728, & 729
Grundy	Grundy Co. Board	10:097	18 - 20
Grundy	Grundy Co. Health Dept.	00:173	60 - 68
Hardin	Hardin Co. Clerk & Recorder	90:218	106 - 113
Jackson	Murphysboro Twp.	97:150	18 - 22

Kane	Carpentersville C.U.S.D. #300	09:181	104 -111
Kane	Geneva C.U.S.D. #304	08:376	44
Kane	Geneva Public Library Dist.	11:027	63
Kane	Kane Co. Judicial Center/Court Services	85:150	115
Kankakee	Bourbonnais Elementary School Dist. #53	95:213	75
Knox	Galesburg Finance/Treasurer	01:199	244
Lake	Waukegan School Unit Dist. #60	88:176	93
Livingston	Livingston Co. Treasurer	04:068	21 - 47
Macon	Sanitary District of Decatur	91:072	90
Macon	Warrensburg-Latham C.U.S.D. #11	10:026	416
Macoupin	Macoupin Co. Health Dept.	11:116	110-111, 306-308, 515-526, 708, and 900-903
Macoupin	Staunton Twp.	03:053	44
Madison	Village of Godfrey	93:194	84
Madison	Triad C.U.S.D. #2	10:228	319, 409, and 716
Madison	Village of Godfrey	96:194	84
Marshall	Marshall Co. Sheriff	00:179	123
McHenry	Cary Park Dist.	06:261	98 - 101
McHenry	Nippersink School Dist. #2	09:165	113
McHenry	Sugar Grove Police Pension Fund	11:028	14

Morgan	Morgan, Brown, Cass and Scott Cos. ROE #46	05:073	132, 133, and 410
Peoria	*Peoria Co. Clerk	01:210	137 – 140 (*138)
Randolph	Randolph Co. Treasurer	01:216	52
Randolph	Village of Steeleville	95:271	36 - 38
Sangamon	Springfield City Clerk	90:195	32 - 37
Shelby	Shelby Co. Sheriff	08:097	207, 309, and 438-440
Shelby	Shelby Co. Supervisor of Assessment	91:042	36 and 37
Stephenson	Freeport City Clerk/Mayor/Treasurer	88:006	318 - 321
Tazewell	Pekin Community High School Dist. #30	03:251	187
Will	Joliet Twp. H.S. Dist. #204	87:228	111
Williamson	Williamson Co. Soil & Water Conservation Dist.	03:247	22 - 30

AMENDMENTS:

<u>County</u>	<u>Agency</u>	<u>Application #</u>	<u>Amendment Item #'s</u>
Clinton	Village of Keyesport	93:213	8, 14, 23, 24, 28, 39, and 45
DuPage	*Carol Stream Police Dept.	98:172	*48
DuPage	Village of Westmont	03:029	100, 204, 208, 400, 403, 500, 521, 600, 700, and 719
DuPage	Glendale Heights Police Dept.	07:323	39
Grundy	Grundy Co. Health Dept.	00:173	4, 11, 13, 17, 21, 36, and 44
Hardin	Hardin Co. Clerk & Recorder	90:218	2, 3, 6, 7, 17, 24, 35, and 48

Jackson	Murphysboro Twp.	97:150	6 and 16
Kane	Carpentersville C.U.S.D. #300	09:181	34
Kane	Carpentersville C.U.S.D. #300	09:181	67, 68, and 83
Kankakee	Bourbonnais Elementary School Dist. #53	95:213	2, 8, 11, 23, 28, 29, 34, and 40
Livingston	Livingston Co. Clerk & Recorder	07:294	202 and 210
Livingston	Livingston Co. Treasurer	04:068	13 and 20
Macoupin	Staunton Twp.	03:053	2
Marion	Marion Co. Clerk & Recorder	91:215	3, 7, 19, 25, 44, 94, 119, and 126
McHenry	Cary Park Dist.	06:261	12 and 53
Ogle	Meridian C.U.S.D. #223	93:026	2, 6, 7, 20, 33-35, 37, 46, 51, 64, 77-78, 81, 122, 124, 127, 148, 169, 188, 194, 213, 215, 233-235, 238, 241-242, 244-245, 250-252, and 254
Randolph	Village of Steeleville	95:271	6

Date of the next meeting of the Downstate Local Records Commission is Tuesday, November 1, 2011.

Dave Joens made the announcement that November 1st would be John Curtin's last meeting. He retired from the Christian County Board on September 20, 2011 after thirty-nine (39) years and seven (7) months.

Bob Walters made a motion to adjourn and Jack Ahola seconded that motion. The meeting adjourned at 10:20 A.M.

Minutes submitted by: Pat Sriner, Archives' Local Records Unit