

PALOS TOWNSHIP

MINUTES OF THE MEETING OF THE TOWNSHIP BOARD

DECEMBER 14TH, 2009

The Regular Meeting of the Palos Township Board was called to order by Supervisor Schumann in the Township Hall, 10802 S. Roberts Road, Palos Hills, at 7:00 P.M. The meeting opened with the Pledge of Allegiance. Roll call was taken by the Clerk of the Township, Jane Nolan. Present were Trustees Carbonara, Conway, Poulos and Ryan, Supervisor Schumann. Also present was Township Attorney. James Gierach.

Supervisor Schumann stated that a quorum of elected officials were present for voting purposes.

Trustee Ryan made the motion to approve the minutes of the November 10th, 2009, Regular Meeting. **Trustee Conway** seconded the motion. Roll call was taken. Ayes: Trustees Carbonara, Conway, Poulos and Ryan, Supervisor Schumann. Nays: None. Motion carried 5-0.

AUDIENCE COMMENTS: None.

OLD BUSINESS:

Attorney Gierach discussed Ordinance 0-09-05 with the Board. This is the second reading of the ordinance. The sections which the Board found objectionable were deleted.

All Township officials and employees will receive a copy and will sign it. It will be kept in their personnel files. The Clerk will keep the elected officials copies.

Attorney Gierach reviewed the ordinance again with the Board.

Trustee Ryan made the motion to adopt the Ordinance #O-09-05 An ordinance Establishing A Township Policy Regarding Sexual Misconduct. **Trustee Carbonara** seconded the motion. Roll call was taken. Ayes: Trustees

Carbonara, Conway, Poulos and Ryan, Supervisor Schumann. Nays: None.
Motion carried 5-0.

NEW BUSINESS:

There was a discussion of the purchase of a township camera for various township uses. **Trustee Poulos** will look for a new updated camera for Township use and report back. If he finds an appropriate camera within the price range, he will have it mailed to the township.

Attorney Gierach discussed the new forty-seven page, single-spaced addition to the present FOIA. There is still time to adopt an ordinance which will demonstrate Township compliance.

Attorney Gierach discussed various parts with the Board. The FOIA states a presumption that all records are to be open and available for public inspection. If the records are not open the burden is on the township to prove there is a reason not to make them public. It must be a clear and convincing showing why they should not be made public.

The General Assembly stated that the new changes to the act would definitely cause a greater financial obligation on townships and municipalities.

Four different acts were passed in the same session of the General Assembly so all four acts have to be read together. (all sections have to then be integrated into the act)

Attorney Gierach discussed MANY aspects of the new FOIA rules with the Board. There are four separate acts for exemptions. Payroll and settlement agreements are always public. Criminal histories are not. If the materials are colored as opposed to black and white there is a different rule. The requestor does not have to give a reason for their request.

If the Township does not feel they can complete the request in the five day period there must be a written response made to the person making the request. (here you are basically granting yourself more time) All presumptions will be in favor of the person making the request. If the party making the request and the Township/Municipality or other entity can agree

on an extended time period it is permissible, but it must be reduced to writing, and signed by both parties.

The Township can make rules and regulations concerning the time and place the records would be made available, persons responsible for making them, fees to be charged after the first 50 pages, the training requirements, etc.

The Township cannot impose a restriction less restrictive than the state has imposed with the law.

It is stated that the Board must appoint one or more officials or employees to act as Freedom of Information Officer or officers responsible for receiving requests, logging in the time of response and the due date. Also a list of documents which are immediately available must be made such as minutes, agendas, ordinances and resolutions, etc.

Appointed FOIA officers must be sent to school which can be done electronically. Within six months of the effective date of the ordinance the person or persons charged with that responsibility must have completed the FOIA training.

There is a requirement that a brief description about the Township must be prominently displayed in the office which would include the purpose of the township, and a diagram of its functions and subdivisions, total amount of operating budget, number and location of all its offices, the approximate number of full and part time employees, the identification and membership of any board, commission or council, and a brief description of the method whereby the public may request information. This must also be placed on the website.

There is an obligation to make a list of all types of categories of records under our control and to furnish a description of how the records are stored.

The public body must furnish the requestor with the material the way they want to receive it, whether it is a disc or anything else electronic. You can charge the requestor for the disc, etc., but cannot charge anything for the search to find the material.

The new act is considerably lengthy and also has separate versions and a vast amount of procedures.

Attorney Gierach informed the Board that everything is written and construed against the public entity. The Township must be on the most alert state when one of these requests is made to the Township.

Health Service Update

Supervisor Schumann informed the Board that the H1N1 vaccine is available now at the Township Health Service for anyone who would like to receive the vaccine.

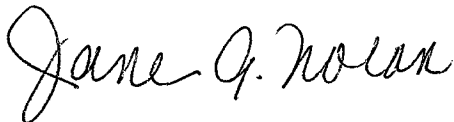
The bills of the Town Fund were passed for approval by the Board.

Trustee Conway made the motion to approve the audit of the Town Fund bills. **Trustee Poulos** seconded the motion. Roll call was taken. Ayes: Trustees Carbonara, Conway, Poulos and Ryan, Supervisor Schumann. Nays: None. Motion carried 5-0.

The bills of the General Assistance Fund were passed for approval by the Board.

Trustee Poulos made the motion to approve the audit of the General Assistance Fund bills. **Trustee Conway** seconded the motion. Roll call was taken. Ayes: Trustees Carbonara, Conway, Poulos and Ryan, Supervisor Schumann. Nays: None. Motion carried 5-0.

Trustee Carbonara made the motion for adjournment at 7:30 P.M. **Trustee Poulos** seconded the motion. The motion was carried unanimously. Meeting adjourned.



Jane A. Nolan

Clerk

Palos Township