

Agenda #3 & #4

The Requester complains that persons in overflow rooms (though he does not claim that he is one of those persons) cannot observe the actions of board members when the camera is not focused on a particular board member. This concern is overblown and not a violation of the Act. When one person is talking the camera typically focuses in on that person, but when an exchange between board members occurs the camera pans out and the exchange is captured. The video enclosed herein is what was broadcast in the overflow room on September 25, 2014 and is representative of other meeting broadcasts. The Requester's concern is especially overblown given the holdings in *Gerwin*—reasonable accessibility, not absolute accessibility is required. There can be no question that the College has provided reasonable accessibility. Requester's complaint on the other hand is unreasonable. He attended the meeting, in the actual board meeting room, and was the fourth person in line to speak during the initial public session. His grounds to complain are non-existent.

Certainly, if the College had adequate advanced notice that large crowd greatly overwhelming the board room was planning to attend a meeting, and that the planned attendees preferred to see the meeting live instead of by broadcast, the College would make appropriate arrangements to move to a larger space. This is what is required by the *Gerwin* decision and the College takes no issue with this requirement.

Allegation No. 9 (erroneously labeled as Allegation No. 8)

Requester creates this issue with the intent of making the College appear as sinister as possible. But a simple explanation exists for the brief door locking episode, as Requester should and probably does know. For safety reasons, the doors to every College building including the building where College Board meetings are held automatically and electronically lock at 11:00 p.m. by computer timer. The meeting of September 25, 2014 ran late and during a closed session some people could have been briefly locked out at 11:00 p.m. because of the building's auto-lock system. In short order College police officers were available to let people back in the building.

Allegation No. 10 (erroneously labeled as Allegation No. 9)

The last allegation is that the Act was violated because Board member Kathy Hamilton was whispering to Board Chair Erin Birt. While this may have occurred, it is an uncommon practice which is discouraged by Chair Birt. Under the Act, two Board members whispering is not a violation of the Act. It seems to be the claim of Requester that when Board member Hamilton whispers to Chair Birt, a closed meeting has occurred in violation of the Act. This is wrong because a "meeting" under the Act means a majority of a quorum held for the purpose of conducting public business. 5 ILCS 120/1.02. Since two members are not a majority of a quorum, their whispering cannot constitute a closed meeting in violation of the Act.

The situation would be different, of course, if the allegations made were that the Board as a whole, or a majority of a quorum, conducted business, deliberated and took votes in whispers. But that is simply not the case here. See PAC Opinion 2013 PAC 23488 (Section 2(e) of the Act was violated where the board did not publically recite item being voted on). This allegation, therefore, must be denied.