

CITY OF CREST HILL POLICY FOR THE TREATMENT OF CONFIDENTIAL INFORMATION AND CLOSED SESSION INFORMATION AND MATERIALS

This policy shall be applicable to Elected Officials who receive confidential information or other materials, including confidential materials and information discussed or disseminated during closed session meetings held pursuant to an exception in the Illinois Open Meetings Act.

Cell Phone Usage during Open Meetings

Cell phone use during meetings (including executive sessions) by any elected official, appointed official, staff member, or any other person that is a part of the meeting is discouraged, except for emergency situations where that person should step out of the meeting to handle the emergency. Texts, chat messages, emails, and other written cell phone communications that occur during public meetings are subject to FOIA and could also cause legal issues-especially if made during a meeting subject to the Open Meetings Act.

In addition, no photographs, videos, or audio recordings (except for the official recordings by the City Clerk or Deputy) shall be taken by elected officials during any executive session held by the City Council, any commission or committee or commission of the City.

Treatment of written confidential material (handouts or documents)

Any written confidential materials that are distributed during an executive session shall be collected at the end of the executive session by the City Attorney or any other specially designated counsel and destroyed. However, the City Attorney/designated special counsel shall keep a copy of any handout or document in the event it needs to be referenced later. This will help maintain the attorney client privilege and protect the City from unwarranted or inadvertent dissemination.

Conversations and written communications that should be protected from public dissemination, especially attorney client privileged communications on legal issues should occur only between the City Attorney and the city council members and not solely between other council members or members of the public.

Maintenance of Confidentiality

Elected and appointed city officials shall always keep confidential and confidential closed session information from being disseminated beyond those in attendance at closed session meetings or beyond the group of elected officials and staff that are included in confidential (including attorney client) communications.

Breaches of confidentiality or attorney/client privilege by elected officials must be discussed during an open meeting, as there is no exception for discussing these topics during closed sessions. The City Council may take action if it determines that a breach of confidentiality or a breach of the City's attorney/client privilege has taken place. Depending on the nature and severity of the breach, those actions include public censure or referral of the case to the Will County State's Attorney's Office or Illinois Attorney General's Office for further investigation or prosecution.

It should be noted that Section 3.5-55-15 of the Illinois Municipal Code (65 ILCS 5/3.1-55-15), provides a penalty for misconduct by a City Officer:

“Every municipal officer who is guilty of a culpable omission of duty, or who is guilty of willful and corrupt oppression, misconduct, or misfeasance in the discharge of the duties of office, shall be guilty of a business offense and, on conviction, shall be fined not less than \$501 nor more than \$1,000. The court entering the conviction shall enter an order removing the convicted officer from office.”

Annual Training regarding Elected Officials’ Duties and Responsibilities

All elected officials shall complete annual training with an organization such as the Will County Governmental League, to review the duties and responsibilities of each elected office (Mayor, Alderperson, City Clerk, and City Treasurer).

All City Staff who are responsible for handling confidential information as part of their job duties shall be required to complete training on the maintenance of confidentiality with an organization such as the Will County Governmental League.

Once completed, all certificates of completion of the annual training required by this Policy shall be submitted to the Human Resources Director for record-keeping purposes.

Biennial training session on Attorney Client Privilege

Every other year, all elected officials and appointed officers shall complete an in-house training session with the City Attorney to refresh them on the topic of attorney/client privilege. The City holds the privilege and thus, the elected officials and appointed officers of the City are covered by the privilege when they have protected conversations with the City’s Attorneys with respect to legal advice and legal matters. If an elected official or appointed officer communicates privileged information to certain unprotected staff members, the privilege can be broken, making the communication subject to general disclosure or even FOIA. Further, while certain information discussed in executive session may not be protected under the attorney/client privilege, even when the attorney is present, that information remains confidential and should not be disclosed beyond the executive session. This includes personnel issues, the purchase and/or sale of property, negotiations of Collective Bargaining Agreements and other contracts. Thus, it is imperative that all elected officials and appointed officers understand how the attorney/client privilege works.

In addition to the Biennial training session for elected officials and appointed officers, all staff who may handle attorney/client privileged matters shall also complete a similar in-house training session with a City Attorney.

Annual Open Meetings Act Training

All elected officials and as required appointed officers shall complete training on the Open Meetings Act (OMA), Freedom of Information Act (FOIA), ethics, harassment, and cyber training and provide Human Resources Director with certificates of completion of the annual training required by this Policy for record keeping purposes.

Closed Sessions

As a general rule, public business must be conducted in public. However, the Illinois Open Meetings Act (“OMA”) authorizes specific topics to be discussed in closed session. Although OMA allows for a closed session if the exception is met, OMA does not mandate a public body to

go into closed session for a matter covered by an OMA exception. Thus, if the City Council desires to share the information discussed in executive session with the public, then the City Council should not go into an executive session for said topic and instead discuss the topic in open session for the public to hear. This will remove any potential for a breach and will not involve the attorney client privilege.

Additional Security Measures

The City has implemented multi-factor authentication (MFA) for employees and during 2026 will require elected officials and appointed officers who have access to the City's email to also utilize MFA to maintain secure email communication. Further, when the City implements encryption and password protection systems, all elected officials and appointed officers shall also be required to utilize said systems to further protect confidential and privileged information and documents from unwarranted disclosure.

Approved: _____