

**MINUTES OF A MEETING OF THE
ADMINISTRATION COMMITTEE
OF THE DUPAGE WATER COMMISSION
HELD ON NOVEMBER 12, 2009**

The meeting was called to order at 7:05 P.M. at the Commission's office located at 600 East Butterfield Road, Elmhurst, Illinois.

Committee members in attendance: T. Elliott, J. Zay, and W. Murphy

Committee members absent: E. Chaplin and L. Rathje (*ex officio*)

Also in attendance: M. Crowley and J. Nesbitt

Commissioner Zay moved to approve the Minutes of the October 8, 2009, Administration Committee meeting. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Staff Attorney Crowley advised that a complete rewrite of the Freedom of Information Act (FOIA) will go into effect on January 1st, 2010, and that she worked with the Commission's outside counsel in updating the Commission's existing Rules, Regulations, and Forms to comply with the new requirements. Staff Attorney Crowley highlighted some of the more significant changes, including the presumption that all records are public; the shortened time to respond to a FOIA request from seven working days to five business days; the required notice to the Public Access Counselor (PAC) within the Attorney General's Office whenever a public body intends to deny access to a record by asserting the personal-privacy exemption or the preliminary-draft exemption; the power of the PAC to review the assertion of the personal-privacy exemption or the preliminary-draft exemption and determine if it is proper; the limitation on the costs that may be charged and, specifically, the requirement that the first 50 pages for black and white, letter or legal sized copies must be free, with a 15 cents per page limitation thereafter; the waiver of a public body's ability to assert that a request is unduly burdensome or to charge for copying after the public body has failed to timely respond to a FOIA request; and the mandatory award of attorneys fees to successful requesters who litigate to obtain access to public records.

Commissioner Zay requested that staff keep records of the cost of compliance, and Commissioners Elliott, Murphy, and Zay requested that a rule be added to provide for the contemporaneous submission to the Board of all requests received. In response to Staff Attorney Crowley's question concerning whether website processing of requests should be allowed, Commissioners Elliott, Murphy, and Zay thought not.

After Staff Attorney Crowley advised that the General Manager planned to designate, Jenessa Nesbitt, the Commission's Document Management Specialist, as the Commission's Freedom of Information Officer, Commissioner Zay moved to adjourn the meeting at 7:35 P.M. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.