

Public Access Counselor Pratt,

I am writing to formally request that your office review the actions of Champaign Urbana Public Health District (CUPHD) Board of Health, regarding a number of FOIA requests and related public meetings. I believe the CUPHD Board of Health has violated provisions of the FOIA and the Illinois Open Meetings Act.

On March 31<sup>st</sup>, 2021 I contacted the CUPHD FOIA Officer, Patricia Robinson, seeking copies of Board of Health meeting recordings. On April 11<sup>th</sup> I affirmed that my inquiry for the recordings was a FOIA request. Though my April 11 email was properly delivered according to my email server, on April 21<sup>st</sup> I still had not received a response, but Robinson responded to another email from me that day indicating that she would process the FOIA request.

By July 20<sup>th</sup> I still had not received a single record and I also had not received an official denial or exemption citation. I inquired again on that date, asking that Robinson provide the records by the end of the week. A different CUPHD employee, Amy Roberts, indicated that she could provide some recent recordings that week. I clarified that I needed all 7 years of recordings.

As this point I had not volunteered any change to my initial FOIA request from March/April.

On August 5<sup>th</sup> I was able to recover a small portion of the requested meeting recordings. Since the CUPHD was unwilling to comply with the FOIA law thus far, I asked if they would at least be willing to comply with a proposed schedule. Roberts agreed with the schedule (which can be seen in the attached emails)

On August 12<sup>th</sup> I drove to the CUPHD building and attempted to collect the first installation of the schedule. I asked at the same desk as when I retrieved a portion of the documents on August 5<sup>th</sup>, but no one at the building could help me and they did not have any records for me. Roberts insists that the records were ready for pickup, but I did record my entire encounter on August 5<sup>th</sup> and no one at CUPHD could locate said records. I left empty-handed.

Since each trip to the CUPHD building consumed about one hour of my time, on August 13<sup>th</sup> I provided an address and asked Roberts to simply mail the rest of the records. I never received a mailing for the batch of records due August 12<sup>th</sup>, nor for August 19<sup>th</sup> or August 26<sup>th</sup>.

Lacking cooperation from CUPHD with delivering records on an agreed schedule, and having seemingly refused to mail the records, on August 27<sup>th</sup> I told Roberts that I would plan to pick up the entire remaining portion on September 9<sup>th</sup>. I also inquired about more than a dozen meeting recordings that appeared to be missing from the records provided for years 2020 and 2021. I received no response regarding the missing records and I repeated my inquiry on September 10<sup>th</sup>.

I was able to pick up a large portion of the requested recordings on September 9<sup>th</sup>, but was still missing a portion of the request.

On September 20<sup>th</sup>, Roberts informed me that the portion of missing records had been returned to their office as "unclaimed". I retrieved that packet from CUPHD on November 2<sup>nd</sup>. The packet had postage dated August 20<sup>th</sup>, so Roberts had apparently waited 7 days to mail the records after I requested it on August 13<sup>th</sup>. I receive mail at this address regularly, and best I can surmise, the handwritten address on the envelope was illegible.

On September 13<sup>th</sup>, Roberts provided two additional recordings by email. This appears to have been the final response by the CUPHD regarding my FOIA request.

Comparing the recordings provided against the CUPHD schedule of meetings provided on their website (<https://www.cuphd.org/board-health-meetings.html>), there are still 33 meetings for which no recording has been provided. Attached, please find a table showing meeting dates, and the status of the meeting agenda, minutes, and recordings provided. As many as 16 of the 33 missing meetings seem to have taken place during the period in 2020-2021 when the CUPHD Board was holding virtual meetings.

I had previously inquired about these meetings on August 27<sup>th</sup>, but was not given an explanation. The records which I was able to pick up on September 9<sup>th</sup> did include a printout of my August 27<sup>th</sup> email, with some cryptic hand-written notes. However, I have never received a real explanation or exemption for any of the missing recordings.

All of my correspondence with CUPHD is attached to this request.

1) The Champaign Urbana Public Health District repeatedly violated FOIA by not providing records within the required 5 days, and violated FOIA by failing to provide at least 33 requested meeting recordings. The specific recordings are indicated in red in the attached table.

2) To the extent that the meeting recordings for virtual meetings do not exist, the Champaign Urbana Public Health District Board of Health violated the Open Meetings Act by failing to make a verbatim recording of their meetings.

The OMA states:

*Sec 7(e)(9) In addition to the requirements for open meetings under Section 2.06, public bodies holding open meetings under this subsection (e) must also keep a verbatim record of all their meetings in the form of an audio or video recording. Verbatim records made under this paragraph (9) shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06.*

3) The Champaign Urbana Public Health District Board of Health violated the Open Meetings Act by failing to timely approve and post meeting minutes to their website for the following meeting dates:

6/24/2021

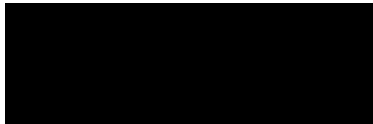
7/12/2021

8/9/2021

9/13/2021

I thank you for your careful review of this matter.

Regards,



Christopher Hansen, November 9, 2021