



COUNTY OF KENDALL, ILLINOIS
ADMIN HR COMMITTEE
KC Office Building, 111 W. Fox Street
County Board Rm 210; Yorkville
Monday, March 7, 2022 at 5:30p.m.

MEETING AGENDA

- 1. Call to Order**
- 2. Roll Call:** Elizabeth Flowers (Chair), Scott Gengler, Judy Gilmour, Dan Koukol, Robyn Vickers
- 3. Approval of Agenda**
- 4. Approval of Minutes – January 19, 2022**
- 5. Department Head and Elected Official Reports**
- 6. Public Comment**
- 7. Committee Business**
 - *Discussion and Approval of a Resolution Authorizing and Executing REBUILD Capital Grant Agreement*
 - *Discussion and Approval of a Resolution Authorizing Execution and Amendment of Section 5311 Grant Agreement*
 - *Discussion and Approval of Public Transportation Applicant Ordinance – An Ordinance to Provide Public Transportation*
 - *Discussion of a Public Presentation Policy*
- 8. Executive Session**
- 9. Items for Committee of the Whole**
- 10. Action Items for County Board**
- 11. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time

COUNTY OF KENDALL, ILLINOIS
ADMIN HR MEETING MINUTES
Wednesday, January 19, 2022

CALL TO ORDER – Chair Flowers called the meeting to order at 5:32pm.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Elizabeth Flowers	Present		
Scott Gengler		5:40pm	
Judy Gilmour	Excused		
Dan Koukol	Here		
Robyn Vickers	Here		

Employees in Attendance: Scott Koeppel, Tina Dado

Others in Attendance: None

APPROVAL OF AGENDA – Motion made by Member Koukol, second by Member Vickers to approve the agenda. **With three members voting aye the motion passed by a 3-0 vote.**

APPROVAL OF MINUTES – Motion made by Member Vickers, second by Member Koukol to approve the November 17, 2021 minutes. **With three members present voting aye the motion passed 3-0**

DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS –

Mr. Koeppel briefed the committee regarding Horton’s 2021 Year-End Review presentation scheduled for Wednesday, February 16, 2022. Horton will provide updates regarding free COVID testing for insured. Mr. Koeppel indicated that he received an email from Horton last week stating, “Beginning January 15 2022, all fully-insured and self-funded group health plans are required to cover the cost of OTC in-home COVID-19 testing without any cost sharing.”

Member Koukol inquired about the health insurance report provided by Bob Jones. Mr. Koeppel stated that he will contact Mr. Jones and ask him to submit an update regarding the health insurance. Chair Flowers indicated that a quarterly report will be sufficient. Member Koukol inquired about the (HSA)benefit wallet funding. Mr. Koeppel stated that he will email Bob Jones to confirm funding.

Mr. Koeppel briefed the committee about a new employee starting in the Technology Services Department on Tuesday, January 25, 2022. The position is Systems Administrator. The recently filled Security Analyst position’s salary is funded by the ARPA Grant thru December 31, 2024.

Mr. Koepfel stated that the County Board and County Administrator will have a tough budget for FY 2025 due to extra staff in several of Kendall County Offices, including the State's Attorney Office, Administration, Public Defender and Circuit Court. Several positions are included in the ARPA funding thru 2024.

PUBLIC COMMENT - None

COMMITTEE BUSINESS

- *Discussion and Approval of Senior Planner/Zoning Administrator job description* – Mr. Koepfel briefed the committee regarding an oversight in the job description. **“Serve as alternate Program Compliance Oversight Monitor (PCOM) for the County’s Kendall Area Transit program.”** no longer applies to this position. This is not part of the employee’s essential duties and responsibilities for the Senior Planner/Zoning Administrator position. Latreese and Jennifer are currently PCOM. Mr. Koepfel stated that administration has completed audits on the personnel files and has indicated some job descriptions were missing employee signatures. Mr. Koepfel indicated that Tina is making sure job descriptions are updated and signed by the employee. Mr. Koepfel stated that the State’s Attorney’s Office “Best Practice” is to review and update job description every five (5) years.

Member Koukol made a motion to forward Approval of Senior Planner/Zoning Administrator job description to the County Board, **With four members present voting aye, the motion carried by a vote of 4-0.**

- *Discussion of updated CDC Isolation & Quarantine Guidelines* – Mr. Koepfel briefed the committee regarding the CDC Guidelines Memorandum. Mr. Koepfel stated that the County is following the CDC Guidelines and recommendations from Leslie at the State’s Attorney’s Office. Mr. Koepfel briefed the committee regarding Leslie Johnson’s newly created “HR Group”. Ms. Johnson offers quarterly training sessions with regards to FMLA, and Workers Compensation, etc. Mr. Koepfel stated that Latreese and Tina are part of the “HR Group”. Ms. Johnson provides the County’s Human Resources staff with updates regarding the CDC Isolation and Quarantine Guidelines, Federal OSHA and IDOL COVID-19 Vaccination and Testing Policy Mandates. Mr. Koepfel stated under the discretion of the elected officials and department heads, an arrangement for remote work has been made available to employees that can perform their job duties from home. Mr. Koepfel stated that the information regarding the CDC Guidelines was provided to the committee to keep them informed as to the procedures that the County has been following.

EXECUTIVE SESSION – None

ITEMS FOR COMMITTEE OF THE WHOLE – None

ACTION ITEMS FOR COUNTY BOARD

- *Approval of Senior Planner/Zoning Administrator job description*

ADJOURNMENT – Member Vickers made a motion to adjourn the meeting, second by Member Gengler. **With four members present voting yes the meeting adjourned at 5:48 p.m.**

Respectfully Submitted,

Tina Dado
Human Resource Specialist and Recording Secretary



To: Scott Koeppel
Latreese Caldwell

From: Mike Neuenkirchen, Program Director, KAT

Date: February 16, 2022

RE: SFY23 5311 Application and Resolution, Rebuild Illinois Pt. 2 Resolution

The Voluntary Action Center, in conjunction with Kendall County Administration, is preparing an application on behalf of Kendall Area Transit to secure up to \$55,578.00 in Federal and \$1,300,000.00 in State of Illinois transit operating assistance. As part of the process, IDOT requires the Kendall County Board to hold a public hearing on the project and pass a resolution that authorizes the submittal of an application for the project.

This grant, under the auspices of the Federal Transit Administration's 5311 program, offers transit operators in rural counties the ability to receive reimbursement for the costs involved in providing transportation for public ridership in the KAT service area.

Additionally, as part of our \$4 Million facility construction award under the Rebuild Illinois program, IDOT is requesting a resolution authorizing execution of that agreement.

Our intention is to have the resolution and public hearing notice presented to the Admin/HR committee on 2/17/22 for final submission to the full board in March 15, 2022.

If you have any questions regarding this grant application, please contact me.

COUNTY OF KENDALL, ILLINOIS
Resolution Authorizing and Executing REBUILD Capital Grant Agreement

Resolution No. _____

**Resolution authorizing execution of the agreement dated March _____, 2022
for a Public Transportation Capital Assistance Grant under the Illinois Department
of Transportation's general authority to make such Grants.**

WHEREAS, The provision and improvement of public transportation facilities, rolling stock, equipment and services is essential to the development of safe, efficient, functional public transportation; and

WHEREAS, The Illinois Department of Transportation has the authority to make such Grants and makes funds available to offset eligible capital costs required for providing and improving public transportation facilities, rollingstock, equipment and services; and

WHEREAS, Grants for said funds will impose certain obligations upon the recipient; and

WHEREAS, the Kendall County Board has the authority to delegate certain powers and duties to county officers, and, pursuant to 55 ILCS 5/5-1087, the Kendall County Board may impose additional duties, powers and functions upon county officers; and

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF
THE COUNTY OF KENDALL, ILLINOIS:**

Section 1. That an application be made to the State of Illinois - Department of Transportation, Office of Intermodal Project Implementation for a financial assistance grant under the Illinois Department of Transportation's general authority to make such Grants, for the purpose of off-setting eligible public transportation capital costs of the County's rural public transportation system.

Section 2. That the County Board Chairman or County Administrator of the County of Kendall is hereby authorized and directed to sign and submit such application on behalf of the County.

Section 3. That the County Board Chairman or County Administrator of the County of Kendall is authorized to furnish such additional information as may be required by the Department in connection with the aforesaid application for said Grant.

Section 4. That the County Board Chairman or County Administrator of the County of Kendall is hereby authorized and directed to execute on behalf of the County, the Grant Agreement or subsequent Grant Agreement Amendments resulting from aforesaid application.

Section 5. That the County Board Chairman or County Administrator of the County of Kendall is hereby authorized and directed to sign such documents as may be required by the Department to request payment for the project funding authorized under aforesaid Grant Agreement.

PRESENTED and ADOPTED this ____ day of _____, 2022

Approved:

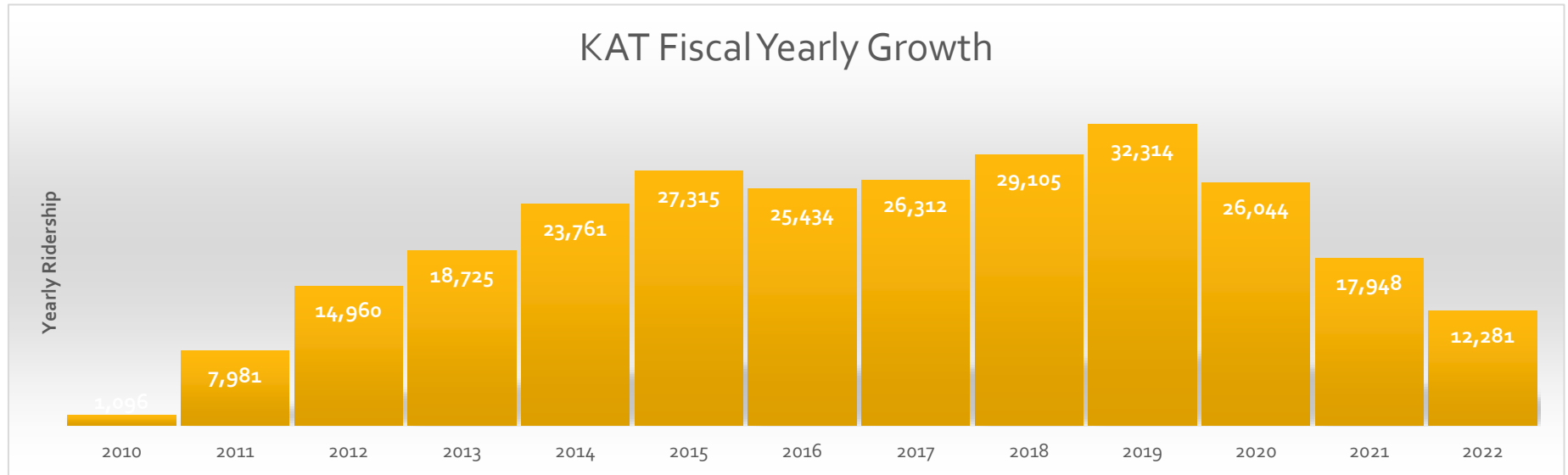
Attest:

Scott R. Gryder
County Board Chairman

Debbie Gillette
County Clerk and Recorder



KAT Program	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Paratransit Totals	1,096	7,981	14,960	18,725	23,761	27,315	25,434	26,312	29,105	32,314	26,044	17,948	12,281
Ridership Percentage Change			87%	25%	27%	15%	-7%	3%	11%	11%	-19%	-31%	



*2020 to present program year impacted by ridership decreases due to COVID

**2022 is midyear totals

Kendall Area Transit Vehicle List

Vehicle #	Type	Fuel2	Make	Year	VIN	License	Cap	Radio	Lift	Vehicle Owner	Current Mileage
406397-1	Super	Diesel	Chevrolet	2009	1GBE5V19X9F406397	M178336	22	Y	Y	Kendall County	171,644
A35208-12	Light Duty	Unleaded	Ford E-350	2015	1FDEE3FL0FDA35208	M204417	12	Y	Y	Kendall County	153,145
A68950-11	Light Duty	Unleaded	Ford E-350	2014	1FDEE3FL7EDA68950	M199440	12	Y	Y	Kendall County	155,551
A68963-10	Light Duty	Unleaded	Ford E-350	2014	1FDEE3FL5EDA68963	M199441	12	Y	Y	Kendall County	186,378
A75263-4	Light Duty	Unleaded	Ford E-350	2009	1FDEE35L29DA75263	M180545	12	Y	Y	Kendall County	236,879
A75264-6	Light Duty	Unleaded	Ford E-350	2009	1FDEE35L49DA75264	M180546	12	Y	Y	Kendall County	227,607
A75265-5	Light Duty	Unleaded	Ford E-350	2009	1FDEE35L69DA75265	M180547	12	Y	Y	Kendall County	259,736
A81002-3	Light Duty	Unleaded	Ford E-350	2009	1FDEE35L29DA81001	M181100	12	Y	Y	Kendall County	232,741
C04244-13	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FS2GDC04244	M204874	14	Y	Y	Kendall County	144,863
C06480-14	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FS2GDC06480	M206015	14	Y	Y	Kendall County	147,396
C06482-15	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FS6GDC06482	M206012	14	Y	Y	Kendall County	112,727
C06486-16	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FS8GDC06483	M206013	14	Y	Y	Kendall County	137,600
C06489-17	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FS9GDC06489	M206014	14	Y	Y	Kendall County	147,214
C53268-19	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FS1GDC53628	M209779	14	Y	Y	Kendall County	89,141
C53627-18	Medium Duty	Unleaded	Ford E-450	2016	1FDFE4FSXGDC53627	M209780	14	Y	Y	Kendall County	117,368
M2-7930	Van	Unleaded	Dodge Braun	2017	2C7WDG8HR79793	M214394	6			Kendall County	51,334
M3-7959	Van	Unleaded	Dodge Braun	2017	2C7WDG8GXHR79795	M214395	6			Kendall County	36,327

Staff

Drivers	Full-time	7
	Part-time	8
Office staff	Full-time	4
	Part-time	1
Full-time Admin		1

21

Kendall Area Transit
FY 2023 Budget Application

Voluntary Action Center (VAC) operates as a Purchased Service provider to Kendall County under the 5311 and DOAP transportation grants. The attached OP-7 form summarizes VAC's expenses that are being proposed to IDOT for Fiscal Year 2023 starting July 1, 2022 through June 30, 2023 totaling \$1,975,000. In addition to VAC's expenses, Kendall County administration is able to recover expense incurred by Scott Koeppel, Latreese Caldwell and Jennifer Karalas. These expenses are budgeted at \$25,000 which brings the budgeted expenses submitted to IDOT totaling \$2,000,000 for Fiscal Year 2023.

Under the DOAP, the state will contribute 65% of the total expense, the remaining 35% is provided as a "match" from other funding sources that includes the 5311 grant and funds from other municipalities and donations.

Total Expense	\$2,000,000
Less 35% Match	<u>(\$700,000)</u>
Total DOAP allocation requested \$1,300,000	

The 5311 grant allocation is limited to \$55,578.



Purchase of Service and Subaward Contracts



Each participant purchasing transit services from another provider must complete the information requested in this form.

Please note the Department's requirements for reporting Purchased Transportation expense: All Purchased Transportation costs will be reported as a lump sum expense on Line 508 - Purchased Transportation. It is expected that when the operator bills the grantee for service, the operator will present source documentation to the grantee, broken out by the same line items used by the grantee to classify its costs. This source documentation will be reviewed by the grantee and included with the grantee's budget summary for the Department's review. This requirement will ensure that the Department obtains the same, consistent and comparable financial and operating data from all agencies, regardless of whether or not service is purchased.

If any of the requested information cannot be submitted, please explain why.

This form must be completed FOR EACH SERVICE CONTRACTOR.

If the applicant has more than one contractor, list the official and name below (click "+" to add more rows).

Contractor/Subawardee Identification

Name of Operator	Phone	E-mail	
Voluntary Action Center of Northern Illinois	(815) 758-3932	erogers@vacdk.org	

Address	City	State	Zip Code
1606 Bethany Rd	Sycamore	IL	60178

Total Contract Amount

\$1,975,000.00

Describe the cost basis of the contract amount shown above (per ride, per hour, etc.)

Direct Reimbursement

Describe the service to be provided including an identification of the population to be served, limits on service, etc. (Use additional sheets if necessary)

Rural public Transportation Services for Kendall County

Indicate number and type of vehicles used

17 vehicles used. 1 Super duty paratransit bus, 2 ADA-accessible mini-vans, 7 Medium duty paratransit buses, and 7 light duty paratransit buses.

Contractor Operators Salaries and Wages/Other Costs

Number of Operators	Average Wage	Total Operator Wages
27	\$18.25	\$859,554.00
Subtotal: Operator Salaries and Wages		\$859,554.00

Other Salaries and Wages

Job Title	No. Employees - This Position	Total Other Wages
Executive Administration	3	\$113,127.00
Transportation Administration	1	\$89,274.00
Operations Administration	6	\$131,641.00
Subtotal: Other Salaries and Wages		\$334,042.00

Other Expenses

Expense Type (List Below)	Estimated Costs
Benefits	\$261,864.00
Services	\$89,208.00
Materials & Supplies	\$194,677.00
Utilities	\$32,865.00

Casualty & Liability Ins	\$185,056.00
Taxes	\$1,323.00
Miscellaneous	\$10,145.00
Lease & Rents	\$6,266.00
Subtotal: Other Expenses	\$781,404.00
Total - All Contractor Expenses	\$1,975,000.00

Explain any special arrangement you have with the provider (i.e. maintenance, training, vehicle housing, etc.). Use additional Sheets if necessary).

PUBLIC NOTICE
KENDALL COUNTY

KENDALL COUNTY BOARD

Notice is hereby given that the Kendall County Board will hold a public hearing on March 15, 2022 at 9:00 AM at the Kendall County Office Building Room 209 & 210 at the 111 West Fox Street, Yorkville, IL. The purpose of this hearing is to obtain public comment and consider the economic, social, and environmental effects of the application for Public Transportation Financial Assistance under Section 5311 of the Federal Transit Act of 1991 as amended (49 U.S.C §5311). The PURPOSE OF THE ASSISTANCE IS TO CONTINUE TO PROVIDE DEMAND RESPONSE TRANSPORTATION SERVICES WITHIN Kendall County, commonly known as 'Kendall Area Transit'. All interested persons may attend and be heard. Questions can be directed to the Kendall County Office of Administrative Services, Telephone (630) 553-4834. Fax (630) 553-4214. Written comments should be directed to the Kendall County Office of Administrative Services, 111 West Fox Street, Yorkville, IL 60560 but shall only be entered as part of the record at the discretion of the Kendall County Board.

Kendall County Office of Administrative Services
02/18/2022

County of Kendall, Illinois
Resolution _____

**RESOLUTION AUTHORIZING EXECUTION AND AMENDMENT OF
SECTION 5311 GRANT AGREEMENT**

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, 49 U.S.C. § 5311 ("Section 5311"), makes funds available to the State of Illinois to help offset certain operating deficits and administrative expenses of a system providing public transit service in non-urbanized areas; and

WHEREAS, the State of Illinois, acting by and through the Illinois Department of Transportation, is authorized by 30 ILCS 740/3-1 et seq. to provide the Section 5311 grant; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under Section 5311; and

WHEREAS, the Kendall County Board has the authority to delegate certain powers and duties to county officers, and, pursuant to 55 ILCS 5/5-1087, the Kendall County Board may impose additional duties, powers and functions upon county officers; and

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF
KENDALL COUNTY:**

Section 1. That Kendall County finds that the Kendall Area Transit project is consistent with official plans for developing the community.

Section 2. That an application be made to the Office of Intermodal Project Implementation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 for fiscal year 2023 for the purpose of offsetting a portion of the Public Transportation Program operating deficits of Kendall County.

Section 3. That while participating in said operating assistance program, Kendall County will provide all required local matching funds.

Section 4. That the Kendall County Board Chairman or County Administrator of the County of Kendall is hereby authorized and directed to execute and file on behalf of Kendall County such application.

Section 5. That the Kendall County Board acknowledges the Acceptance of Special Warranty, and understands as a condition of receipt of funds under 49 U.S.C. 5311 funds, that 49 U.S.C. 5311(b) requires fair and equitable arrangement must be made to protect the interest of employees affected by assistance.

Section 6. That the Kendall County Board Chairman or County Administrator of the County of Kendall is authorized to furnish such additional information as may be required by the Office of Intermodal Project Implementation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 7. That the Kendall County Board Chairman or the County Administrator of the County of Kendall is hereby authorized and directed to execute and file on behalf of Kendall County a Section 5311 Grant Agreement (“Agreement”) with the Illinois Department of Transportation, and amend such Agreement, if necessary, in order to obtain grant assistance under the provisions of Section 5311 for fiscal year 2023.

Section 8. That the Kendall County Board Chairman or the County Administrator of Kendall County is authorized to furnish such additional 2023 information as may be required by the Office of intermodal Project Implementation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 9. That the Kendall County Board Chairman or the County Administrator of the County of Kendall is hereby authorized to provide such information and to file such documents as may be required to perform the Agreement and to receive the grant for fiscal year 2023.

PRESENTED and ADOPTED this ____ day of _____, 2022.

Approved:

Attest:

Scott R. Gryder
County Board Chairman

Debbie Gillette
County Clerk and Recorder



COUNTY OF KENDALL, ILLINOIS
Public Transportation Applicant Ordinance

ORDINANCE NUMBER: _____

**AN ORDINANCE TO PROVIDE PUBLIC TRANSPORTATION
IN KENDALL COUNTY, ILLINOIS**

WHEREAS, public transportation is an essential public purpose for which public funds may be expended under Article 13, Section 7 of the Illinois Constitution; and

WHEREAS, Kendall County wishes to provide public transportation for its citizens and become eligible for grants from the State of Illinois or any department or agency thereof, from any unit of local government, from the Federal government or any department or agency thereof; and

WHEREAS, Illinois Compiled Statutes 740/2-1 et seq. authorizes a county to provide for public transportation within the (county or counties) limits; and

WHEREAS, the Kendall County Board has the authority to delegate certain powers and duties to county officers, and, pursuant to 55 ILCS 5/5-1087, the Kendall County Board may impose additional duties, powers and functions upon county officers; and

**NOW, THEREFORE, BE IT ORDAINED BY THE KENDALL COUNTY
BOARD CHAIRMAN AND KENDALL COUNTY THAT:**

Section 1. Kendall County shall hereby provide public transportation within the county or counties limits.

Section 2. The Clerk/Secretary to the governing board of Kendall County shall file a certified copy of this Ordinance, within sixty days after passage of this ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as required by law.

Section 4. That the Kendall County Board Chairman or County Administrator of the County of Kendall is hereby authorized and directed to execute and file on behalf of Kendall County a Grant Application to the Illinois Department of Transportation.

Section 5. That the Kendall County Board Chairman or County Administrator of the County of Kendall is hereby authorized and directed to execute and file on behalf of Kendall County all required Grant Agreements with the Illinois Department of Transportation.

PASSED by the Kendall County Board Chairman and the Kendall County Board on this ____ day of _____, and deposited and filed in the Office of the County Clerk on that date.

Elected Board Members: _____

Members Present at Vote: _____

Members Voting "Aye": _____

Members Voting "Nay": _____

Members Abstaining: _____

Signature of:

Date

Scott R. Gryder, County Board Chairman

Attest:

Debbie Gillette, County Clerk and Recorder



Draft Public Presentations Policy

Introduction:

Public participation and comments are always welcome at County meetings. However, the County must take reasonable measures to safeguard its technology resources, computer system network, and audio/visual equipment, to promote meeting focus and efficiency, and further to ensure a professional environment. Electronic materials must be submitted at least 2 business days prior to the meeting, so that we may review them for possible cyber threats and legal obscenity. If you have a presentation, please submit it to meetingdocuments@co.kendall.il.us. Please see the entire policy below.

Requirements and Procedure:

1. All electronic media materials requiring the use of the County's electronic computer systems or audio/visual equipment, including but not limited to audio, video, images, powerpoint, pdf, and similar presentations, must be sent to meetingdocuments@co.kendall.il.us at least 2 business days prior to the intended meeting.
2. Any electronic media materials submitted after the pre-screening deadline will not be allowed for public presentation.
3. If the electronic media materials are in a format or utilize a software that the County does not have access to, it is the responsibility of the presenter to convert their electronic media materials into another format.
4. Information and Communication Technology Department staff will perform a cybersecurity/corruption pre-screen for all submitted electronic media materials and advise the applicable County staff and County Board members whether the electronic media materials present any cybersecurity/corruption risk and may be opened, played, viewed, etc. on the County's electronic computer system and/or audio/visual equipment.
5. The State's Attorney or their designee shall review all submitted electronic media materials, clearing the cybersecurity/corruption screening, for any legally obscene content and advise the applicable County staff and County Board members whether the electronic media materials contain any legally obscene content.
6. Submitted electronic media materials clearing both the cybersecurity/corruption and legally obscene content pre-screens shall be made available for public presentation at the meeting per the Board Rules of Procedure, as applicable.
7. If a submitted item is determined to present a cybersecurity/corruption risk or contain legally obscene content, the speaker will be notified by email or in person and the electronic media materials will not be allowed for public presentation.
8. Live/Active linking of any presentation and connection with the County's electronic computer system and/or audio/visual equipment will not be allowed.
9. County staff or County Board members will display the electronic media materials when it is the presenter's turn to speak and will run the presentation as directed by the presenter.
10. The presenter will not have direct access to the County's electronic computer system and/or audio/visual equipment.

FOIA Notice

All information that is written, produced, collected, assembled, or maintained by or on behalf of Kendall County in connection with the transaction of official business is considered public information and may be subject to public disclosure upon request.

Definitions

1. Legally obscene content: The U.S. Supreme Court established the test that judges and juries use to determine whether matter is obscene in three major cases: *Miller v. California*, 413 U.S. 15, 24-25 (1973); *Smith v. United States*, 431 U.S. 291, 300-02, 309 (1977); and *Pope v. Illinois*, 481 U.S. 497, 500-01 (1987). The three-pronged Miller test is as follows:
 - a. Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests (i.e., an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion);
 - b. Whether the average person, applying contemporary adult community standards, finds that the matter depicts or describes sexual conduct in a patently offensive way (i.e., ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, lewd exhibition of the genitals, or sado-masochistic sexual abuse); and
 - c. Whether a reasonable person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Any material that satisfies this three-pronged test shall be found obscene.