



MEETING DATE: 5/21/2007
ITEM NO. 12

COUNCIL AGENDA REPORT

DATE: MAY 16, 2007
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA FIGONE, TOWN MANAGER 
SUBJECT: DISCUSSION OF PREPARATION, STYLE, AND FORMAT OF TOWN COUNCIL MINUTES

PURPOSE:

At the March 19, 2007 Council meeting, the Town Council requested that an item be agendized to discuss the style and format of Town Council minutes. The purpose of this staff report is to provide background on the current Town practice for the preparation of Council minutes and to identify alternatives the Council may want to consider.

RECOMMENDATION:

It is recommended that Council discuss and provide direction regarding the preparation, style, and format of the Town Council minutes.

DISCUSSION:

The following section provides an overview of the Town's current Council minute policy and practice and minute style/format alternatives.

Current Town Practice

The attached 2001 staff report and adopted resolution (Attachment 1) describes and directs the preparation, style, and format of the Council minutes. The attached resolution confirms the following:

- "Action only" minutes are the preferred form for recording regularly scheduled Council meetings;
- The Clerk Administrator should only identify members of the public who make comments during verbal communication or other agenda items, with the exception of public hearings; and

PREPARED BY: JENNY HARUYAMA, ADMINSTRATIVE PROGRAMS MANAGER

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Reviewed by: DS Assistant Town Manager OK Town Attorney _____ Clerk Administrator
_____ Finance _____ Community Development Revised: 05/17/2007 2:15 PM

May 16, 2007

- The recording of public hearing items should include brief summaries of speaker comments.

The attached resolution accurately reflects the Town's current practice with one exception related to public speakers and Council comments. The Clerk Administrator briefly summarizes the comments of speakers made during verbal communications or other agenda items rather than identifying them by name only, similar to the approach taken for comments during public hearings. Town Council comments are also summarized briefly in connection to all matters on the agenda. Thus, the style of Council minutes is actually a modified form of action only minutes.

In addition to the formal, written minutes, the Town has several alternative Council meeting formats available to the public for purchase, copy, or review, including electronic copies of the agenda, minutes, and staff reports and recorded copies of the Council meetings in VHS, audio cassette, CD, and streamed video. Given the public's increased interest in obtaining information online, staff is evaluating retention options for web-based records. This assessment would include the length of time the Town keeps information, such as Council agendas, minutes, staff reports, and streamed video available online and how the public accesses archived electronic materials.

Council Minute Style/Format Alternatives

City Clerks in general law cities are required to keep a record, journal, or minutes of Council meetings. However, this requirement does not articulate specific legal standards to guide the form and content the meeting minutes. Consequently, the form and substance of the minutes are subject to the discretion of the governing body. Minute style/format alternatives available for Council exploration, other than action only include:

- Summary only minutes, which summarizes oral remarks and actions made at the meeting.
- "Verbatim" minutes, which captures oral remarks word for word.

While these are viable alternatives, there are related policy considerations that should be noted. For instance, implementation of "summary only" minutes would require the accurate interpretation of Council and public remarks. This endeavor could be challenging as it would require a clear understanding of the reasoning employed by the Council and public. As a result, many cities use action only minutes based on the principle that the minute entries should only record the "actions" taken by Council and were never meant to include the "reasons" for taking such action. Printed, verbatim minutes, which are currently used only for Planning Commission items that are forwarded to the Council for consideration, would require funding to implement. It is estimated that the annual cost of verbatim minutes would be a minimum of \$14,000. The turnaround time for verbatim minutes is unknown at this time. As an alternative to printed, verbatim minutes, members of the public can watch and listen to archived Council meetings online.

PAGE 3

MAYOR AND TOWN COUNCIL

SUBJECT: DISCUSSION OF PREPARATION, STYLE, AND FORMAT OF TOWN COUNCIL
MINUTES

May 16, 2007

The style of Council minutes is the only issue discussed at this time. If the Council would like to consider a consistent style for all Town Boards, Commissions, and Committees, further direction would be needed, as well as the priority of this issue in relationship to the workplan.

With regard to Council minutes, the Town Council may provide direction to:

- Continue the current practice of modified action only minutes
- Move to simple action only minutes
- Move to summary minutes
- Move to verbatim minutes

Should Council direct staff to modify its current approach (unless the direction is to move to simple action only minutes), a more detailed assessment of the impacts would need to be conducted and forwarded to Council for further discussion.

FISCAL IMPACT:

Implementation of one of the alternate minute formats described above could have fiscal/productivity impacts.

Attachments:

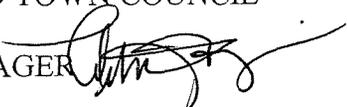
September 12, 2001 Staff Report on the Preparation, Style, and Format of Town Council Minutes



MEETING DATE: 9/17/01
ITEM NO.

14

COUNCIL AGENDA REPORT

DATE: SEPTEMBER 12, 2001
TO: MAYOR AND TOWN COUNCIL
FROM: TOWN MANAGER 
SUBJECT: CONSIDER ADOPTING RESOLUTION DIRECTING THE PREPARATION, STYLE AND FORMAT OF THE TOWN COUNCIL MINUTES

RECOMMENDATION:

That Council consider adopting resolution directing the preparation, style and format of the Town Council Minutes.

DISCUSSION:

From time to time it is important to evaluate Town processes and procedures. The purpose of this report is to provide the Council with an opportunity to provide direction, as needed, regarding the format of Council Minutes.

With one exception, as discussed below, it has been the Town Clerk's custom to prepare "action only" minutes, which are intended to briefly summarize the highlights of the meeting, specifically the actions taken by Council. The exception relates to public speakers, where the Clerk generally summarizes the comments of speakers made during verbal communications or concerning other items during the meeting.

In order to ensure that the body and content of the minutes meet the Council's needs, the Clerk has researched the form of minutes taken by other city clerks. Samples from some of the better examples, as well as a summary of two key elements of minutes are included. The Clerk's pursuit found that: 1) "action only" minutes are used by most cities; and 2) the content and form of "action only" minutes can vary in a number of significant ways. In addition, the research found that the manner of recording the comments of the public, whether made during verbal communications or regarding other agenda items, also varies from city to city. The minutes of some cities provide short summaries of speakers' comments, others merely describe speakers' topics, while still others simply identify speakers.

PREPARED BY: DEBRA J. FIGONE 
Town Manager

MVC:mjr

TC:D13:TC091701.MIN

Reviewed by: OK Attorney _____ Finance _____ Revised: 9/13/01 4:38 PM

PAGE 2

MAYOR AND TOWN COUNCIL

SUBJECT: CONSIDER ADOPTING RESOLUTION DIRECTING THE PREPARATION,
STYLE AND FORMAT OF THE TOWN COUNCIL MINUTES

09/12/01

The variety of forms and content of minutes reflects the lack of any specific legal standard. Consequently, the form and substance of the minutes of most cities is subject to the discretion of the governing body.

With these points in mind, the Clerk requests that Council confirm that "action only" minutes are the preferred form, and provide any direction or comment to the Clerk regarding desired changes or improvements to the format or style. The Clerk further requests that Council agree that the Clerk only identify members of the public who make comments made during verbal communications or regarding any other agenda item, with the exception of public hearings. In order to clarify the record of public hearing items, the Clerk would continue providing brief summaries of speakers' comments made during such hearings.

ATTACHMENT:

1. Resolution directing the preparation, style and format of the Town Council Minutes.
2. Overview of key elements of minutes including samples of minutes

RESOLUTION 2001 - 104

**RESOLUTION OF THE TOWN OF LOS GATOS
DIRECTING THE PREPARATION, STYLE AND
FORMAT OF THE TOWN COUNCIL MINUTES**

WHEREAS:

A. With due consideration the Town Council has confirmed that "action only" minutes are the preferred form for recording regularly scheduled Los Gatos Town Council meetings, and;

B. Council requests that the Clerk only identify members of the public who make comments during verbal communication or regarding any other agenda item, with the exception of public hearings, and;

C. So as to clarify the record of public hearing items, brief summaries of speaker's comments made during such hearings will continue to be provided.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 17th day of September, 2001 by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTACHMENT 1

Overview of Key Elements of Minutes

In reviewing the subject of action only minutes the town clerk petitioned other clerks for copies of their action only minutes. Attached are several samples of the way other jurisdictions handle this subject, and following is a short synopsis of what should be included in council record.

Review of Requirements for Record of Council Actions:

City clerks in general law cities are specifically required to keep a record, journal or minutes of the council meetings.

To establish that the legal requirements for holding a meeting have been met, the minutes begin with the following items:

- The date, hour and place of the meeting
- The type of meeting (regular, adjourned or special meeting)
- Indication that the proper notice has been given, if a special meeting
- The names of the members of the governing body present (if a member arrives late, or leaves before adjournment, the minutes should show the time of arrival and/or departure.) If joint meeting, other local officials are also listed.

The legal requirements for minutes do not spell out specifically what else the minutes should contain. This allows for great variation in the amount of detail that may be included, from "verbatim" minutes (which try to record everything that is said) to "action" minutes (which record only what actions the governing body takes.) The amount of detail to present is ultimately at the discretion of the governing body. Following is a list of items commonly included in minutes:

Motions: All motions made by members of the governing body, even if they are not seconded, with the resulting vote of all motions.

Recorded votes: Listing the ayes, nays, abstained and absent or showing unanimous action.

Directives to staff: Giving recorded directions or questions to staff that require response, as well as the verbal information offered by staff in response.

Matters requested to be on the record: Recording any statements that a member specifically requests "that the record show."

Individuals addressing the meeting: Recording the full name and title of any person who addresses the governing body.

A principle of corporation law applicable to municipal corporations is that such organizations can only act through their officers and employees. Thereby allowing **action only minutes** to stand on the information and directives of council and staff, and finding no specific need to quote other speakers.

Oral Debates, Arguments and Discussions:

Caution against setting forth oral remarks in council minutes also extends to oral statements of council members. The reason for these views, (that debates, arguments and discussions of councilmembers should be omitted from the minutes of proceedings), is based on the principle that the minute entries should only record the "actions" taken by council and were never meant to include the "reasons" for taking such action.

Oral testimony received at council meetings: Since there is no requirement that an exact report or record be made of testimony produced at public meeting, it is not necessary that the clerk attempt to set forth a resume, or statement of the testimony given. Since the arguments and debates conducted for or against a subject and submitted to council merely contain the reasoning employed by the advocate, there is no purpose served in including any part of them in the minutes of the proceedings.

RESOLUTION 2001 - 104

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
DIRECTING THE PREPARATION, STYLE, AND FORMAT
OF TOWN COUNCIL MINUTES**

WHEREAS:

- A. With due consideration the Town Council has confirmed that "action only" minutes are the preferred form for recording regularly scheduled Los Gatos Town Council meetings, and;
- B. So as to clarify the record of public hearing items, brief summaries of speaker's comments made during such hearings will continue to be provided.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the 17th day of September, 2001 by the following vote.

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman,
Mayor Joe Pirzynski.

NAYS: None

ABSENT: None

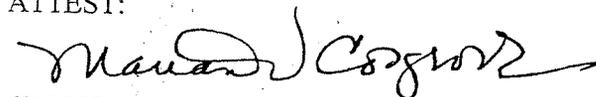
ABSTAIN: None

SIGNED



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA