



# MAYOR & COUNCIL COMMUNICATION

**DATE:** February 24, 2015

**CONSENT**

**ITEM # 11**

**AGENDA ITEM:** Council Minutes Format

**SUBMITTED BY:** Adam Bell, City Clerk

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Beckie Gumatz, Deputy Clerk

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....City Clerk
- Report/Presentation.....Staff
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECOMMENDER:** City Clerk

**FISCAL IMPACT:** None.

**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to accept the City Clerk’s proposed format for City Council minutes. No formal action or motion is being requested at this time.

**LEGISLATIVE HISTORY/ BACKGROUND INFORMATION (SWOT):**

There have been several recent Council and staff discussions about the format and content of various council minutes. Several Council members have requested that the City Clerk identify a solution to attempt to resolve some of the previous disputes based on best practices and related legal requirements. It is the City Clerk’s recommendation that the council adopt a more summary form of council minutes.

It is staff’s belief that the minutes include more detail about the discussion than is necessary or appropriate. In part due to the lack of a quality historical record of previous council actions, staff has been striving to provide a more thorough legislative history, but this attempt at improving the record has been at the expense of overcompensation. As previously mentioned, over the past several months, there have been numerous occasions where the intent and/or content of the individuals speaking during the meetings as reflected in the record have been questioned, discussed, or debated. Including lengthy summaries of what was said can cause a substantial delay in the minutes’ completion. This policy would also benefit the council. By adopting a more

summary format, the council can receive the minutes much sooner and also avoid the he said/she said arguments can and do easily arise. The proposal would not ignore the policy disagreements, but would instead let the record speak for itself. It has become increasingly difficult to interpret and select what to include, especially with long meetings, as has become normal.

It is the staff's professional opinion, based on formal clerk training and comparing other cities' best practices, that the minutes should record what was done and why, but not what was said. In addition, with video records now readily available and better quality than ever before, there is no need for detailed summaries of discussion. If a governing body wishes to have verbatim minutes, an actual transcript should be obtained via a stenographer. This is what other communities that do choose to have transcripts do. Any written comments by the Council or the public would be included in full as an exhibit either attached to the minutes, agenda packets, or the meeting records.

The League of MN Cities' *City and Mayor's Handbooks* outline what the minutes should entail and summarize the state statutes regarding minutes.

**From the LMC Handbooks:**

**Minutes of council meetings:** The clerk determines the actual wording of the minutes, unless the council adopts a standard form by motion or specifically directs the clerk to change the wording. [It is of note that any disagreements between the clerk and council on the true facts set out in the minutes may be required to be resolved through judicial inquiry and determination.]

Generally the clerk has wide discretion as to how to keep the minutes. A verbatim record of everything that was said is not normally required. However, the law does require that the following be included in the minutes: The clerk must include the following information in the minutes:

- The members of the public body who are present (*Minn. Stat. §§ 13D.01, subd. 4; 331A.01, subd. 6; 15.17, subd. 1.*)
- The members who make or second motions (*Minn. Stat. §§ 412.151, subd. 1; 412.191, subd. 3; 331A.01, subd. 6*)
- Roll-call vote on motions (*Minn. Stat. §§ 331A.01, subd. 6; 412.151, subd. 1; 412.191, subd. 3.*)
- Subject matter of proposed resolutions or ordinances. (*Minn. Stat. §§ 331A.01, subd. 6; 412.151, subd. 1.*)
- Whether the resolutions or ordinances are defeated or adopted (*Minn. Stat. §§ 331A.01, subd. 6; 412.191, subd. 3.*)
- The votes of each councilmember, including the mayor (*Minn. Stat. §§ 13D.01, subd. 4; 331A.01, subd. 6; 412.151, subd. 1; 412.191, subd. 3.*)

In addition, Lake Elmo City Code § 31.02 states that meeting procedure should follow Robert's Rules of Order as stated here:

**§ 31.02 PRESIDING OFFICER.**

**(A) Who presides.** The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the Clerk shall call the meeting to order and shall preside until the Council Members present at the meeting choose 1 of their members to act temporarily as presiding officer.

**(B) Procedure.** The presiding officer shall preserve order, enforce the rules of procedure adopted by the City Council, and determine without debate, subject to the formal decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by the provisions of this subchapter, the proceedings of the Council shall be conducted in accordance with the latest edition of *Robert's Rules of Order*.

**(C) Appeal procedure.** Any Council Member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once, solely on the question involved, and the presiding

officer may explain the ruling, but no other Council Member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer. If there is a tie vote on the appeal, the original ruling of the presiding officer shall stand. (1997 Code, § 200.01) (Am. Ord. 97-201, passed 11-20-2007)

From the Roberts's Rules official website:

***Question***

**15:**

**Isn't it necessary to summarize matters discussed at a meeting in the minutes of that meeting in order for the minutes to be complete?**

***Answer:***

Not only is it not necessary to summarize matters discussed at a meeting in the minutes of that meeting, it is improper to do so. Minutes are a record of what was done at a meeting, not a record of what was said. [RONR (11th ed.), p. 468, ll. 16-18; see also p. 146 of RONRIB.]

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Regarding the minutes recording/correction in the city code, it simply states:

**§ 31.03 MINUTES.**

**(A) Recording.** Minutes of each Council meeting shall be kept by the Clerk or, at the direction of the Clerk, by the Deputy Clerk. In the absence of both, the presiding officer shall appoint a temporary recording secretary. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.

**(B) Approval.** The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk, and copies shall be delivered to each Council Member as soon as practicable after the meeting. At the next regular Council meeting following the delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved. (1997 Code, § 200.01)

**RECOMMENDATION:**

Based on the aforementioned, the staff recommends the City Council accept the City Clerk's proposed summary format for City Council minutes. No formal action or motion is being requested at this time. If further direction is needed, staff requests that Council communicate with the Clerk and staff. Any specific issues with a particular set of submitted minutes should be addressed on an individual basis.