



CITY COUNCIL AGENDA REPORT

MEETING DATE: October 18, 2011

ITEM NUMBER: NB-2

SUBJECT: City Council Meeting Action Minutes

DATE: October 12, 2011

FROM: City Clerk

PRESENTATION BY: Julie Folcik, City Clerk

FOR FURTHER INFORMATION CONTACT: Julie Folcik, City Clerk (714) 754-5221

RECOMMENDATION:

Provide direction for the City Council meeting minutes.

BACKGROUND:

At the meeting of October 4, 2005, a change in the format of the City Council minutes from that of summary minutes (a list of agenda items, summary of the proceedings which included a paraphrasing of comments by public, staff and City Council) to an action minute format (which lists agenda items, denotes motions, votes and public speakers, positions on subject matters and few comments) was approved.

At the City Council meeting of July 19, 2011, discussion took place amongst the Council and staff regarding the action minutes and what was to be recorded or not recorded in the approved format. Direction was given to modify the minutes to remove general comments of the public and of council, to continue to indicate the public speakers in support or opposition to a particular item, and to provide a time frame as to the location on the video of the meeting proceedings; for easy reference.

At the meeting of October 4, 2011, Council Member Leece requested that the item be agendaized to provide public input and to further refine that which is to be included in the minutes and more specifically, felt that that the comments of the public should be added back into the minutes.

DISCUSSION:

The minutes of the City Council meetings serve as the official legislative record and are prepared as required by the state code, which stipulates that the Clerk shall maintain a record of the proceedings (California Government Code Section 36814).

While the state code does not fully address the format in which the minutes must be prepared it is clear that the minutes are intended to be a written account of the actions taken on the items presented at the meeting (Government Code Section 36814).

According to our Municipal Code the minutes are “a record of each particular type of business transacted.” Further “the City Clerk shall be required to make a record only of such business as was actually passed upon by the City Council and shall not be required to record any remarks of any members of the Council or of any other person except at the special request of a member of the council. The City Clerk shall enter into the minutes the reason for dissent from or protest against any action of the council if any member of the council so requests.” (CMMC 2-82) The section also indicates that “the names, and city of residence of persons addressing the council, the title of the subject matter to which they spoke in support or in opposition to such matter shall be entered into the minutes.”

The aforementioned “requirements” of the minutes is defined as an action minutes format. Previously, minutes were prepared in a modified version of summary and action minutes where some comment and discussion content was provided. Recent discussion has focused on the extent of the comments to be, or not to be, included in the minutes. It is the Council’s prerogative to direct the style in which they wish the minutes to be kept.

The meeting minutes historically has moved from modified action minutes to summary minutes then back to action minutes. The difference in the styles only vary in the amount of discussion and comments that is included. In meeting the requirements, it appears that the changes in formats have occurred as there has been advancement of technology (i.e. audio recordings, and currently video recordings), and direction by the council.

In addition to the minutes, current sources of meeting information available include the action agenda, the staff reports, the video and audio recordings, which are all made available with the intent to informing the public of the city business conducted.

CONCLUSION:

The City Clerk is responsible for preparing minutes that are the official record of the legislative actions that are taken by the City Council. As requested by Council Member Leece, discussion and direction is requested to make possible changes to modify the current action minutes format.

JULIE FOLCIK
City Clerk

THOMAS HATCH
CEO

DISTRIBUTION: City Council
Assistant CEO
City Attorney

ATTACHMENT:

City Council Minutes

October 12, 2011

5:00 p.m.