

To: Scott Mitnick, City Manager
From: Linda D. Lawrence, City Clerk
Date: February 5, 2013
Subject: **City Council Minutes Format**

RECOMMENDATION:

Retain City Council minutes in current “action” format.

FINANCIAL IMPACT:

No Additional Funding Requested. Staff time to prepare this report is included in the adopted FY 2012-13 General Fund Budget.

BACKGROUND:

In recent years, a resident has raised concerns about the content of City Council minutes, specifically information related to public speaker documentation. On November 20, 2012, City Council directed staff to review and report back on how City Council minutes are prepared.

This report was prepared to provide the City Council with information as to the legal requirements related to City Council minutes as well as general information on the various styles of minutes.

DISCUSSION/ANALYSIS:

Legal Requirements

Minutes of City Council meetings in General Law cities are required by Government Code Sections 36814 and 40801. Government Code Section 36814 states:

“The council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the city clerk shall enter the ayes and noes in the journal.”

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Government Code Section 40801 states:

“The city clerk shall keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index.”

The current Thousand Oaks Municipal Code (TOMC) includes direction to the City Clerk on preparing minutes for the Thousand Oaks City Council. This code section was added in 1984. It reads as follows:

Section 1-8.110. Minutes

- (a) The City Clerk shall prepare the minutes and any directions for changes in the minutes shall be only by majority Council action and shall conform to fact.
- (b) The minutes should be a clear and concise statement of the Council actions, motions made and the vote thereon. The reasons for making a motion, the Council debate, and the audience reaction are usually irrelevant and may be included or omitted as the Council may choose.
- (c) A Councilmember may request that an abstract of member's statement on any subject under consideration be entered in the minutes.
- (d) Whenever the Council acts as a quasi-judicial proceeding, such as a development permit matter, a summary of the witnesses' testimony shall be completed and included.
- (e) Unless the reading of the minutes is ordered by the Council, such minutes may be approved under the consent calendar without reading if each Councilmember has received a copy.

Minutes are the official record of a meeting and provide a historical accounting of the City Council's decisions and actions. A sufficient record must be kept to furnish evidence that the City Council has complied with the law or rules by which it is governed, thus the need to have an accurate and clear record. Facts contained in the minutes may also be treated as evidence in a court of law.

Styles of Minutes

There are several forms and styles of minutes. Industry standards describe the formats as action minutes, summary minutes, or verbatim/semi-verbatim minutes or a combination of the styles. Whatever the format, minutes should be accurate, brief, and clear. They should also be objective, consistent, include professional language, be easy to read and have a logical flow.

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Action minutes have very little, if any, narrative included, with motions and votes shown in the record. Synopsis minutes provide limited City Council/staff comments, as well as notations on members of the public in support/opposition to an issue. Verbatim or semi-verbatim minutes include not only detail of each agenda item listed, but discussion on the issue.

Since incorporation in 1964, Thousand Oaks City Council minutes have evolved from very narrative based minutes including narrative of City Council discussion and public input to action minutes that are prepared today. In January 1993 during discussion and approval of City Council minutes, City Council approved briefer "action" minutes with minimal narrative. In 2003, after review with the City Manager and City Attorney, staff further revised the action minutes in the current format for public speakers noting that they appeared under public comments, during reports and their position (pro/con) on public hearing issues as directed by Section 1-8.110(d) of the municipal code. For public hearings, staff uses the position marked on the speaker card ("in favor of" or "opposed to") to list "pro" or "con" in the minutes and if the card is not marked, a position will not be identified in the minutes.

Action minutes are the most efficient and cost effective format of documentation. They accurately reflect the action or direction of City Council and can easily be referenced when researching issues.

Technological advancements are one of the primary reasons for the change in minutes format over the years. When City Council meetings started being televised and recorded, a verbatim record of the meeting was created. As City Council and the public became more comfortable with accessing the visual record of meetings, the need for a detailed written record was reduced. Prior to video recordings, tape recordings were used. Since 2006, all of the video archives of City Council meetings are available online and can be viewed at any time. In many ways, this evolution in technology mirrors the industry shift towards action minutes. Viewers can watch City Council action in its true context rather than relying on staff interpretation.

A "Council Recap" with highlights of City Council action is also posted on the web following the meetings. Thus, action minutes efficiently set forth what is legally required – actions taken by the City Council -- while the advent of technology allows interested persons the opportunity to review the entire City Council meeting.

Minutes of Other Cities

City Clerk staff participate in professional organizations such as the International Institute of Municipal Clerks, City Clerks Association of California and programs co-sponsored by the League of California Cities. These entities provide many educational opportunities for dialogue on City Clerk responsibilities. Minutes of legislative bodies are one topic included in discussions that promote "best practices" and ensure staff meets legal requirements when preparing minutes.

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Cities throughout the state use various styles of minutes. The format is a matter of preference of City Council and/or administration. The most common reason for eliminating narrative on dialogue during a meeting are issues related to interpretation of comments, time efficiencies and availability of audio or videos for the limited times when full content review of a meeting may be desired. Due to staffing and for efficiency reasons, most cities continue to move toward the true action minute format.

The following is a description of City Council minute format for cities in Ventura County as well as our neighboring cities:

	City	Type	Comments
1	Agoura	Action	Includes names of public speakers with no narrative and may include positions for public hearings.
2	Calabasas	Action	Includes names of public speakers with no narrative or positions.
3	Camarillo	Synopsis	Includes names and brief narrative of public input.
4	Fillmore	Semi-verbatim	Includes names and brief narrative of public input.
5	Moorpark	Action	Includes names and brief narrative of public input.
6	Ojai	Action	Includes names and brief narrative of public input.
7	Oxnard	Action	Includes names of public speakers with no narrative or positions.
8	Port Hueneme	Action	Includes names and brief narrative of public input.
9	Santa Barbara	Action	Includes names of public speakers with no narrative or positions.
10	Santa Paula	Action	Includes names and brief narrative of public input.
11	Simi Valley	Action	Includes names and brief narrative of public input for public comments; positions only noted for public hearings.
12	Thousand Oaks	Action	Includes names and public input position on public hearings per municipal code.
13	Ventura	Action	Includes names of public speakers with no narrative or positions.
14	Westlake	Action	Includes names and brief narrative of public input.

Brown Act

The Brown Act requires that the public be afforded an opportunity to address the City Council on any agenda item before or during the consideration of the item as well as the opportunity to address City Council on a subject matter within the jurisdiction of the City Council (Public Comments). In this respect, it affords cities considerable leeway in managing the opportunities for public comment during a meeting.

Thousand Oaks takes a liberal stance by allowing multiple opportunities for the public to address the City Council during City Council meetings. Other cities may choose to focus public input only during a particular time of the meeting, which limits the number of times a speaker can speak, or they have a total cumulative number of minutes to address the City Council on all agenda items.

Conclusion

In conclusion, most cities describe their minutes as "action minutes" and there is a variety in the degree of public input included ranging from no narrative, brief narrative, or to positions noted. The current format for Thousand Oaks City Council minutes is consistent with industry standards. Staff supports and recommends the retention of the current format of action minutes as the most efficient, succinct and cost effective manner to produce the record of City Council action. And, as noted previously, a video is available should there be a desire to view and hear a full recounting of the meeting.

COUNCIL GOAL COMPLIANCE:

Meets City Council Goal A & B:

- A. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and City staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.
- B. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

Submitted by:


Linda D. Lawrence, MMC
City Clerk