2014 Annual Local Government Officials' Conference

MINUTES

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How Detailed Must Meeting Minutes Be?

- Minutes must be "full and accurate" and state sufficient facts and information to permit the public to *understand and appreciate the rationale* behind the public body's decision.
- The public not only has a right to know a government body's final decision on a matter, but also the means by which those decisions were reached.

Recording Minutes: The Test

It is not necessary to record meeting minutes verbatim.

> **The Test:** Can someone who did not attend a particular meeting read the minutes and understand everything that occurred during the meeting and understand why action was or was not taken?

Minutes

- The word "minutes" is not defined in the Revised Code. A common definition is "a series of brief notes taken to provide a record of proceedings * * * : an official record composed of such notes." *(Webster's Third New International Dictionary (1986).*
- The minutes are the official record of your governing body.
- The minutes must contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the public body's decisions.

General Requirements

The minutes of a public body must:

- Be full and accurate
- Include the names of the attendees
- Include the roll call votes
- Be promptly prepared, approved, filed and made available for public inspection

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General Requirements - Attendees:

The minutes should reflect:

- The names of all members of the governing body of the entity **present;**
- The names of all members of the governing body of the entity **absent;**
- The names of all of the entity's **guests.**

General Requirements - Roll Call/Votes:

- Motions to take a vote:

  "Motion made by: (Insert Name)"
  "Motion seconded by: (Insert Name)"

- The results of each vote (yea & nay *or* yes & no), along with the tally of the votes.

Executive Session

There is no requirement for minutes of executive session. Instead, the general meeting minutes need only describe the general subject matter of the discussions held in executive session, not the discussions themselves.
This requirement is normally satisfied by a specific motion used to move into executive session.

What is an "Executive Session"?

- The public body *excludes* the public from a portion of an open meeting
- May only be held to discuss limited, specific matters
- Only people *invited* by the public body may join the executive session; and
- The public body may permit anyone it chooses to attend.

Unconditional Rules for Executive Session

- ***Rule #1*** Executive session must always begin and end in an open session
- ***Rule #2*** Requires a roll call vote to adjourn into executive session
- ***Rule #3*** There can be no decision-making (voting) during executive session
- ***Rule # 4*** Return to open session should be noted in the minutes.

Minutes of General Meeting Must Reflect Executive Session, Voting and Purpose

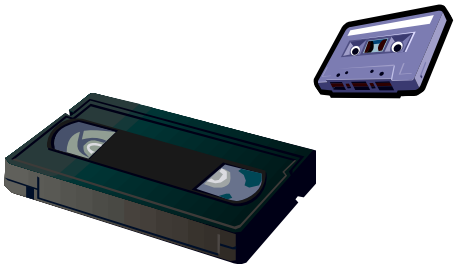
The minutes of the meeting at which the executive session occurs must reflect:

- The motion including the specific purpose of the executive session,
- The roll call vote to enter,
- The adjournment back to the general meeting, and,
- The roll call vote to exit.
- ORC 121.22(G) may be cited

Medium

- Although generally kept on paper, the medium on which official meeting minutes are kept is not addressed in either the Open Meetings or the Public Records Act. Therefore, that can be determined by the public body itself.
- Some public bodies document their choice by adopting a formal rule, or by passing a resolution or motion at a meeting that is reflected in the minutes.

Audio/Video Taping Open Meetings



Taping Open Meetings: The Good, The Bad and The Inaudible

If you want to audio tape your meetings and use the tapes as your official meeting minutes, be aware of the following:

The Ohio Supreme Court determined that audio tapes were not sufficient as the official minutes where:

- **portions of the tape were inaudible or not understandable;**
- **the speaker could not be identified**.

Audio Taping Open Meetings

Taping the meetings to rely on in preparing written minutes is a good idea, but remember:

- the tape is a public record;
- add the tapes to your records retention schedule to allow for their reuse, otherwise you will need to retain them indefinitely.

Video Taping Meetings

Suggestions when video recording meetings as the official minutes:

- Insure all members of the public body are clearly visible;
- Identify each member of the public body with a name placard;
- "Mike" each member of the public body so they are clearly heard;
- Be aware of storage and retention issues for video tapes.

Agendas

- An agenda should be prepared prior to each meeting that includes old and new business to be discussed.
- Meeting agendas expedite the business of the board and contributes to the orderly and efficient conduct of township business
- The agenda should be distributed to the legislative body at least five (5) days before the meeting.

Suggested Agenda

1. Approval of the previous meeting minutes
2. Reports of Officers, Boards, Standing Committees (includes correspondence, treasurer's report, etc.)
3. Reports of Special Committees
4. Unfinished (Old) Business
5. New Business
6. Adjournment

Approval of Minutes

- No statutory provisions
- It is ***customary*** that the minutes be approved at the next meeting
- Draft copies of minutes are a public record and should be included in your retention schedule
- It is ***customary*** that, for a municipality, the clerk and the mayor sign the minutes

Work Sessions

- ✓ **"Work Sessions"** or **"workshops"** are meetings where public business is discussed among a majority of the members of a public body at a prearranged time.
- ✓ Accordingly, work sessions must be open to the public, properly noticed, and minutes must be maintained.

When to Use Ordinances, Resolutions, and Motions

Motion

What is a ***motion***?

- A "proposal made under formal parliamentary procedure." (Black's Dictionary, Second Pocket Edition).
- Action by the legislative authority not required by law to be taken by ordinance or resolution may be taken by motion.
- A motion must be approved by at least a majority vote of the members present.
  - ¾ Majority vote is necessary to waive readings of ordinances or resolutions

Motion *(continued)*

When should a motion be used?

A motion is normally used to **expedite** and **control** the deliberations of the legislative authority in the transaction of business.

Procedural matters; e.g., accepting minutes; adjournment; deciding to pass a resolution

Resolutions and Ordinances

In order to comply with the ***"full and accurate"*** requirement – discussion regarding ordinances and resolutions should be recorded in the minutes.

Resolution

A ***resolution*** is a formal expression of an opinion, intention, or decision by an official body or assembly which becomes the regulation of the board.

- Typically used for short-term policies or decisions

  e.g., entering into contracts; all major expenditures purchasing or selling land, buildings or equipment; transfers of money; adopting policies or other regulations for the governing of the board, clerk, fiscal officer and employees.

Ordinance

An ***ordinance*** is a formal written enactment

Typically used for **permanent** laws or regulations –

- Requires publication
- Governs matters not already covered by state or federal laws:

  i.e. zoning, safety, building regulations

Summary: *Resolution or Ordinance?*

What is the difference and when should each be used?

Ordinances are typically used for ***permanent laws*** *or regulations.*

Resolutions are typically used for ***short-term*** *policies or decisions such as expenditures.*

Proper Storage/Retention of Minutes

General Requirements:

- County Records Commission
  - required to meet 2 times per year
  - Chair-member of board of county commissioners, prosecutor, auditor, recorder, clerk of common pleas
- Records Officer
- Retention Schedules