



TOWN OF FAIRFAX

STAFF REPORT

August 17, 2023

TO: Planning Commission

FROM: Linda Neal, Principal Planner

SUBJECT: Continued consideration of transitioning to summary action meeting minutes

RECOMMENDATION

Move to have the minutes clerk prepare summary action minutes of the Planning Commission meetings in accordance with Town Council Resolution No. 2460.

DISCUSSION

Public meetings are now recorded and available for viewing on the Town website for anyone who wants to hear everything that occurs at any given meeting. The Department is looking to minimize the amount of time it takes to prepare the minutes for both the Minutes Clerk and the Planning Staff.

The Department would like to switch to summary action minutes in compliance with Town policy (see Attachment C – Town Council Resolution 2460). Like action minutes, summary action minutes contain a record of actions taken. However, summary minutes also include a record of the main points of discussion prior to any decision of the Planning Commission.

The Fairfax Town Clerk recently provided the Department of Planning and Building Services with the following:

- A. City Clerks Association of California Guidelines for Preparing Minutes for Governmental Agencies (Attachment A)
- B. An article by Ann Macfarlane, PRP, of MRSC (Attachment B).
- C. Resolution No. 2460 of the Fairfax Town Council affirming that minutes prepared for the Town Council and Planning Commission will be summary minutes and that recordings of all meetings will be retained for a period of ten (10) years.

Summary action minutes comply with all applicable Government Code sections relating to the preparation of meeting minutes and Robert's Rules of Order (Roberts Rules of Order, chapter 15, § 47, Minutes and Reports of Officers). The Town Council is currently using the "Summary Action Minutes" format for their meeting minutes and has been doing so since 2006 (Attachment C– Resolution No. 2460).

The summary minute format still provides the public's comments to the Commission, lets them know the people who spoke, and the issues they were concerned with, but does not assign a specific comment to a specific person. Commissioner comments will be presented, and the action will be reported as Planning Commission group comments and the group action.

ATTACHMENTS

- A – City Clerk's Association of California Guidelines For Preparing Minutes for Governmental Agencies
B – Article by Ann Mcfarlane, of MRSC
C – Town Council Resolution No. 2460

CITY CLERKS ASSOCIATION OF CALIFORNIA
GUIDELINES FOR
PREPARING MINUTES FOR GOVERNMENTAL AGENCIES

PURPOSE

The City Clerks Association of California issues these guidelines as a tool for government agencies to transition to minutes styles that are efficient, succinct, cost-effective for staff to prepare, and more appropriately aligned with the intent of the Government Code.

FINDINGS

- Legislative bodies must act, and must be *seen* to act, within the laws of the State of California and local charters, if applicable. Being *seen* to act within the law is important, because the legislative body's decisions may be subject to external scrutiny by the public, auditors, or judicial inquiry. Minutes *testify* that the correct procedures for decision-making were followed.
- Legislative body minutes shall be prepared in a manner consistent with the intent of the Government Code. Relevant Government Codes are as follows:
 - Government Code 40801. 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.
 - Government Code 36814. 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.
 - Government Code 54953(c)(2). The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
 - Government Code 53232.3(d). Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.
- All components of minutes shall be for the primary purpose of memorializing decisions made by the *legislative body*. Any minute component that does not serve this primary purpose should be minimized or eliminated; this includes comments made by *individual* body members and members of the *public*.

GUIDELINES

- Minutes should provide a record of a) when and where a meeting took place, and who was present (including member absences, late arrivals, departures, adjournment time); b) type of meeting (Regular/Special/Adjourned Regular); c) what was considered; d) what was decided; and e) agreed upon follow-up action. Pursuant to Government Code 54953(c)(2), minutes shall report any action taken and the vote or abstention on that action of each member present for the action.

- Appropriate styles are *action* minutes or *brief summary* minutes. Verbatim style minutes should not be used, because verbatim or lengthy summary minutes do not serve the intent of the Government Code, which is to record the proceedings of the *legislative body*.
- *Action* minutes merely record final decisions made.
- *Brief summary* minutes, at a minimum, record the final decisions made; and, at a maximum, may record what advice the body was given to enable it to make its decisions, the body's thought process in making the decision, and the final decisions made. Emphasis is given on the body's thought process, not individual members' thought processes. The minutes should summarize only the main points which arose in discussion if and only if they are relevant to the decision.
- Comments made by members such as "for the record" or "for the minutes" have no bearing on the content of minutes and are given no greater and no lesser consideration than other comments made at the public meeting. Members seeking to memorialize comments should incorporate such verbiage into the language of the motion. As an alternative, members may submit written statements to be retained with the agenda item.
- Since the main purpose of minutes is to record the legislative body's decision, summary minutes should be brief. By concentrating on the legislative body's decision, brief summary minutes will provide only a select recording of what was discussed at the meeting. Brief summary minutes should not attempt to reproduce, however summarily, what every speaker said. It should only record the essence of the discussion and include the main threads that lead to the body's conclusion.
- To the fullest extent possible, brief summary minutes should be impersonal and should not attribute views to individual persons. Only the positions and decisions taken by the whole legislative body are relevant, not those of individual members. The passive voice is favored i.e. "It was suggested that...", "It was generally felt that...", "It was questioned whether...", "During discussion, it was clarified..."
- There are reasons for not attributing comments to specific speakers. First, it makes for brevity--a point can be recorded more concisely in impersonal form. Second, a point raised by one speaker will often be further developed by others—in impersonal brief summary minutes, only the fully-developed point is recorded in its final form. Third, points by several speakers can be consolidated into a single paragraph. Fourth, the impersonal style averts future corrections to minutes.
- While the primary purpose of minutes is to memorialize decisions made by the legislative body as a whole, under limited circumstances it is necessary and/or appropriate to attribute comments to individual members including:
 - Individual member's reports pursuant to Government Code 53232.3(d) (enacted by AB 1234, 2005). The minute record shall include the type of meeting attended at the expense of the local agency and the subject matter.
 - Individual member's reports on intergovernmental agencies. Brief summary minutes should include the type of meeting at a minimum, and, at the maximum, include the subject matter.
 - Individuals speaking under public comment. Brief summary minutes shall, at a minimum, list the public member's name (if provided); and, at a maximum, include the overall topic and stance/position. Such as Mr. Jones spoke in opposition to the Project X. Being mindful that the minutes are recordings of the legislative body's proceedings, it is not appropriate to include detail of individual comments. There is an exception for public testimony provided during public hearings, for which the minutes shall include the speaker's name (if provided) and a summary position of the speaker (i.e., supported or opposed).

- For purposes of meeting Government Code 36814 and/or 54953(c)(2), the city clerk should enter the ayes and noes in the minutes. For informal consensus (i.e. providing staff direction), it is appropriate to note the dissention of one or more members by, at a minimum, stating the dissenting member's name and dissention, such as "Mr. Jones dissented," and at a maximum to also include a brief reason, such as "Mr. Jones dissented citing budget concerns."
- While the primary purpose of legislative body meetings is for the legislative body to take legislative action and make decisions to advance agency business, it is acknowledged that agency meetings also serve as platforms for ceremonial presentations and reports on social and community events. At a minimum, brief summary minutes should identify that presentations were made and event reports were given; and, at a maximum, report only the subject matter of the presentation or event.
- For community workshops and town hall meetings subject to the Brown Act, brief summary minutes, at a maximum, record the overall topic, provided that no legislative actions were taken. It is advisable to note in the minutes that no legislative action was taken.
- The guidelines contained herein are applicable to committees and commissions subject to the Brown Act. It is acknowledged that many boards and commissions take few legislative actions, and the tendency is to include more detail in the minutes on event reports and planning. At a maximum, brief summary minutes may include key points of the final reports or determinations, and all comments shall be attributable to the entire body and not attributable to individual members.
- Brief summary minutes shall serve to clarify decisions taken and who is expected to execute the decisions. It is not necessary to write down all action points or all tasks identified. Minutes shall not serve as a substitute for task lists, and the focus shall remain on the final decisions made by the *legislative body*.
- The language of brief summary minutes should be relatively restrained and neutral, however impassioned the discussion. Brief summary minutes will record the substance of the point in an intemperate way.
- To the fullest extent possible, minutes should be self-contained to be intelligible without reference to other documents.
- As a general rule, individual member comments are not identified in the brief summary minutes of discussions, and minutes should concentrate on the collective body's thought process and the collective decisions made by the majority, not individuals.
- Brief summary minutes should concentrate on central issues germane to the final decision. The record of the discussion should be presented in a logical sequence, rather than reproduced in the actual order they were made in discussion.
- The legislative body may wish to choose more substantive (summary) minutes if there's no archival audio/video backup recording available of its proceedings. If audio/video recording is available for future reference, minute notations can be more limited (action).

Action minutes serve the city best

<https://jurassicparliament.com/action-minutes-serve-the-city-best/>

Action minutes serve the city best

By [Ann Macfarlane](#) | April 18, 2015

If your council, commission or committee takes detailed minutes of your meetings, we recommend switching to action minutes. Action minutes record what is done at a meeting and not what is said. At Jurassic Parliament, we believe that action minutes serve the city best.

It is natural for elected officials and representatives appointed to public bodies to savor and enjoy reading a record of what they said at meetings. As servants of the public who take their duties seriously, they speak with care and appreciate knowing that what they say has been heard. We believe, however, that the time and effort required to prepare detailed minutes that record specific remarks far exceed the value to the organization and the public. (Quasi-judicial hearings, of course, are another case entirely.)

When a body wants its remarks “on the record,” the scribe or clerk has to spend hours, and yet more hours, transcribing those remarks, reviewing them, editing them, and preparing them for publication. Those are costly hours, hours that in our current tough economic climate could be better spent on other duties.

Once the minutes are prepared, the members of the body have to invest time and energy in turn reviewing the draft minutes. Corrections or changes often have to be made, requiring yet more work. Sometimes there are differences of opinion about whether the content was correctly noted or not. Sometimes people are offended by the way their remarks were written down. All corrections have to be voted on formally by the body. The result can be a big drawdown of time and emotional energy for modest return.

Finally, detailed minutes make it a challenge to locate key items and decisions within the pages and pages of text. The record is far less functional when it includes remarks as well as actions. The argument is sometimes made that detailed minutes are important for legislative history. A group with this goal in mind should include recitals and findings about its intentions within the body of the legislation. Legislation speaks for itself.

Robert’s Rules of Order offers a simple guideline: minutes should record what is done, not what is said. The minutes should include decisions made, postponements, referrals to committee. They may also include a note that discussion was held, if the group wants to have it clear that they did their due diligence on a given issue. By keeping the minutes to this core of essential facts, energy and effort can be devoted to the larger issues that face all our civic bodies today.

Many of our Washington cities already operate this way, particularly those who record their meetings on audiotape or video, so that anyone concerned can easily hear or see exactly how the discussion went. The website of the city of Issaquah offers fine samples of action minutes. We suggest that action minutes help a city council or public body keep focused on its future goals rather than on the record of its past. The savings in time and energy that accrue from a switch to action minutes are well worth the small sacrifice to individual amour propre.

This article was originally published by MRSC, a nonprofit dedicated to local government success in Washington. Visit www.mrsc.org for a wealth of valuable information and resources on local government.

RESOLUTION NO. 2460

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
ADOPTING A POLICY FOR RETAINING AUDIO RECORDINGS OF TOWN
COUNCIL REGULAR MEETINGS AND PLANNING COMMISSION
REGULAR MEETINGS FOR TEN YEARS**

WHEREAS, it is the policy of the Town of Fairfax to prepare summary action minutes of Town Council and Planning Commission meetings; and

WHEREAS, modern technology has made possible the audio recording of these meetings in a digitized format, making the recordings easily retainable, accessible and reproducible; and

WHEREAS, since the minutes of the meetings are the official record of the action taken at meetings and are not verbatim, the audio recordings, as public records, act as a resource when staff or the public desire to listen to the meeting; and

WHEREAS, the audio recordings of these meetings are available for purchase from the Town at a reasonable rate, currently at \$5.00 per compact disc (CD); and

WHEREAS, the retention and maintenance of these recordings for a period of ten years will not require an unreasonable amount of staff time or storage space, and will provide a benefit to staff and the community.

NOW therefore, it is hereby resolved that the Town of Fairfax is to retain audio recordings of Regular Meetings of the Town Council and Regular Meetings of the Planning Commission for a period of ten years, and make the recordings available for listening or purchase upon request.

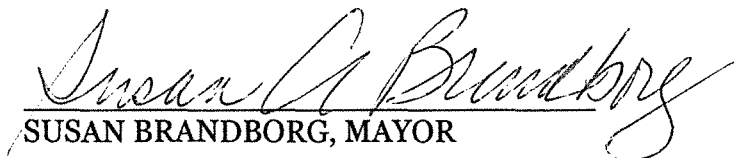
Furthermore, Resolution No. 2432 is hereby rescinded.

The foregoing Resolution No. 2460 was duly introduced and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 1st day of November, 2006, by the following vote:

AYES: Bragman, Brandborg, Maggiore, Tremaine, Weinsoff

NOES: None

ABSENT: None


SUSAN BRANDBORG, MAYOR

Attest:

 Anerson, Town Clerk