

Masterpiece

Minutes:

Wherein many mysteries are revealed and
a good time is had by all

Fay Cope, CMC and Emalee Curtis, AAE
ULCT Spring Conference - St George, UT
April 8, 2010

Producers:

Emalee Curtis, AAE Monroe City
Recorder

Fay Cope, CMC Springdale Town Clerk

Players:

Tom Dansie, AICP Springdale Town DCD

Brian Hall, Utah League of Cities and
Towns

Some other lucky people



"This meeting is going to be fun, even if it kills us."

Title 10 – Wherein we explore the ground rules

- 10-3-603. Public records.

The governing body of each municipality shall keep a journal of its proceedings. The books, records, accounts and documents of each municipality shall be kept at the office of the recorder and approved copies shall be open and available to the public during regular business hours for examination and copying...

Title 52 - In Which we explore how the Open and Public Meetings Act affects the minutes

- 52-4-203. Written minutes of open meetings - Public records - Recording of meetings.
 - (1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.
 - (2) Written minutes of an open meeting shall include:
 - (a) the date, time, and place of the meeting;
 - (b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;

(d) a record, by individual member, of each vote taken by the public body;

(e) the name of each person who:

(i) is not a member of the public body; and

(ii) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;

(f) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and

(g) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(3) A recording of an open meeting shall:

(a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and

(b) be properly labeled or identified with the date, time, and place of the meeting.

(4) The written minutes and recording of an open meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act, as follows:

(a) Written minutes that have been prepared in a form awaiting only formal approval by the public body are a public record.

(b) Written minutes shall be available to the public within a reasonable time after the end of the meeting.

Why do they call them *minutes* when they take you *days* to write??



(c) Written minutes that are made available to the public before approval by the public body under Subsection (4)(d) shall be clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the written minutes are subject to change until formally approved.

(d) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

(e) Written minutes are the official record of action taken at the meeting.

(f) A recording of an open meeting shall be available to the public for listening within three business days after the end of the meeting.

(5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.

(6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

Wherein we explore minutes as history



How do you want to be known? As the inventor of fire or the first to pollute the atmosphere?

- From ancient times, minutes have been the historical record of an officially convened meeting of an organized decision-making body
- Clerks have been with us always
- ‘Remembrancers’
- ‘Minutes’ have a broad context
- Every set of minutes = historical record
- Two reasons why minutes are important
 - Historical record
 - Informing the public

Monroe Jan 20, 1902
 Meeting of Board all present but
 Alena Magleby.
 Minutes of Jan 1st read and approved
 Bill of \$250 allowed to Richfield
 "Reaper" for stray pound forms.

A letter from E. J. Stewart, offering his
 services as Town attorney for \$50⁰⁰ per year
 laid over until next session.

The question of the warm water
 running from Mr. James Bath house
 to the great annoyance of parties
 on the east side of Main Street, was
 discussed by all present and on
 motion of P. D. Jansen it was unani-
 mously sustained that the same
 be abated.

The Town Marshal reported that
 Dr. Loring had stated to him that
 scarlet fever had been found at the
 home of Ole Larsen, but the patient
 was now better. After full discussion
 it was voted on motion of Alena Hohman
 that the parties be not quarantined.

The question of noise at the
 Post Office by assembled crowds during
 the distribution of mail was fully
 debated and on motion of Orlan
 Magleby the Marshal was instructed
 to see that proper order is kept

108 years ago in
 Monroe....

*Those who cannot remember the past are condemned
to repeat it - George Santayana*

Wherein we use minutes as management tools

Tracking Assignments: (Excerpt from Springdale Council Minutes, January, 2010, after new council members sworn in)

- Mayor: Town Admin, NPS, CCC Management Board, Events, Mosquito Abatement, Non-Profits, School District
- Mr. C: Community Development, Planning Commission Liaison, Affordable Housing Committee
- Mr. D: Streets
Committees: Trail, Streetscape/Sidewalk, Parking, River Use, and Land Use
- Ms. E: Parks and Recreation, Cemetery, SWAB, Fire District
Committees: Streetscape/Sidewalks, River Use, Non-Profits
- Mr. S: Utilities, SWAB, Travel Board

More examples of minutes as management tools

Extract of Council Discussion 01/12/10:

Tracking ongoing contracts or agreements:

- Ms. E reminded the Council that **they needed to review the County Hazard Plan**, which was discussed in an earlier meeting for later action.

Tracking projects:

- Mr. W reminded the Council that six months **ago the Council had decided to wait to act on tennis court repairs**. He had obtained two new bids. The Council thought it was time to get started. Mr. W said he would bring an official proposal up for approval on the next agenda.

Tracking staff directives:

- Mr. W announced Rocky Mountain Power was extending a power line underground. Because part of it was on BLM land, they had to go through environmental reviews. It would speed up the process if Springdale and Rockville wrote letters of support. The Council directed Mr. Wixom to write that letter.

Tracking some legal actions:

- Mr. D asked for an update about the settlement agreement with ZPI. Mr. W said Mr. DCD and Mr. Ed were working on revising the site plan and an addendum to the settlement agreement. They would make another presentation to the Council when they had worked out details.

Making public record of other entities' actions that effect the community:

(From Council minutes 3/17/10)

The Clerk announced that the **Washington County Commission** had adopted a resolution allowing small **precincts to vote by mail** unless they chose not to.

Tracking appointments:

(From Planning Commission 1/05/10)

Announcements: Mr. DCD **welcomed Ms. C** to the **Planning Commission**. She would fill **C. Dockstader's** term, **expiring September 2011**.

Reminder of important social/community events:

The Earth Day celebration would be held Saturday, April 24 at the Bit and Spur. The planners of the event asked if the Commission wanted to have a booth at the event. The event was scheduled from 12:00 to 6:00 PM and he suggested breaking coverage into 2-3 hour shifts. Mr. Mabbutt and Ms. Callister each agreed to be there for a 'shift'.

Information about training opportunities:

Mr. Dansie reminded the Commission about a Planning Commissioner training hosted by the Utah League of Cities and Towns in St. George City Hall at 6:00 on January 8. Mr. Mabbutt and Ms. Geldersma encouraged the other Commissioners to attend; it was a very informative and helpful training.

Any other examples or ideas?

Wherein we use minutes to keep the public informed

“Information is the currency of our democracy”.

- Thomas Jefferson

- Open and transparent government is essential
- Open and public meeting laws
- GRAMA
- TV!
- Internet/YouTube!

➤ Public meetings allow citizens to understand the 'why' behind decisions

➤ Integrated public records

➤ Minutes/recordings available online

➤ You have a great opportunity to set a new level of transparency

Wherein we show examples of public information:

- Reporting updates from 'partners': (From Council minutes 2/09/10)

Zion Park Update:

- Several months ago the US Legislature passed a strange law that allowed people to bring firearms into National Parks. There was a separate law that prohibited firearms in Federal buildings, so the Park Service was holding trainings for their personnel to learn how to deal with those contradictory situations. The new Chief Ranger, Cindy Purcell, would be arriving the first part of March and she and Supt. Whitworth would be attending those trainings.
- The east side road improvements were really going to happen. The Park team was meeting the next day to start planning specific details. The funding had been approved.

Updates from the Visitors Bureau (Chamber of Commerce):
(From Council minutes)

8/13/08

Visitors Bureau Report:

- Dean Cook said he thought the Transient Room Tax should be holding up very well this year. He said the motels were reporting very good occupancy rates.
- He said the foreign visitation was higher than it had been in the past few years.
- This season's brochures were now available.

*Wherein we discuss the importance of minutes as
research tools*

- Nobody can remember everything. Most of us can't remember anything.
 - Land use decisions
 - Street dedications
 - Public works projects
 - Important dates
 - Tracking the history of projects
 - Many other things.....

Research tools

Digital records are the bomb

- MP3 recordings
- Laserfiche

Indexing for the digitally impaired

Initial time and money investment is worth the price!

Wherein we explore the mysteries of the Administrative

Record

Keeping
out of trouble:
10-91a-801

Substantial
evidence



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10-91a-801. (3)(a) the courts shall: i) presume that a decision, ordinance, or regulation made under the authority of this chapter is valid; and (ii) determine only whether or not the decision, ordinance, or regulation is arbitrary, capricious, or illegal...

...(c) a final decision of a land use authority or an appeal authority is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.

Arbitrary and Capricious

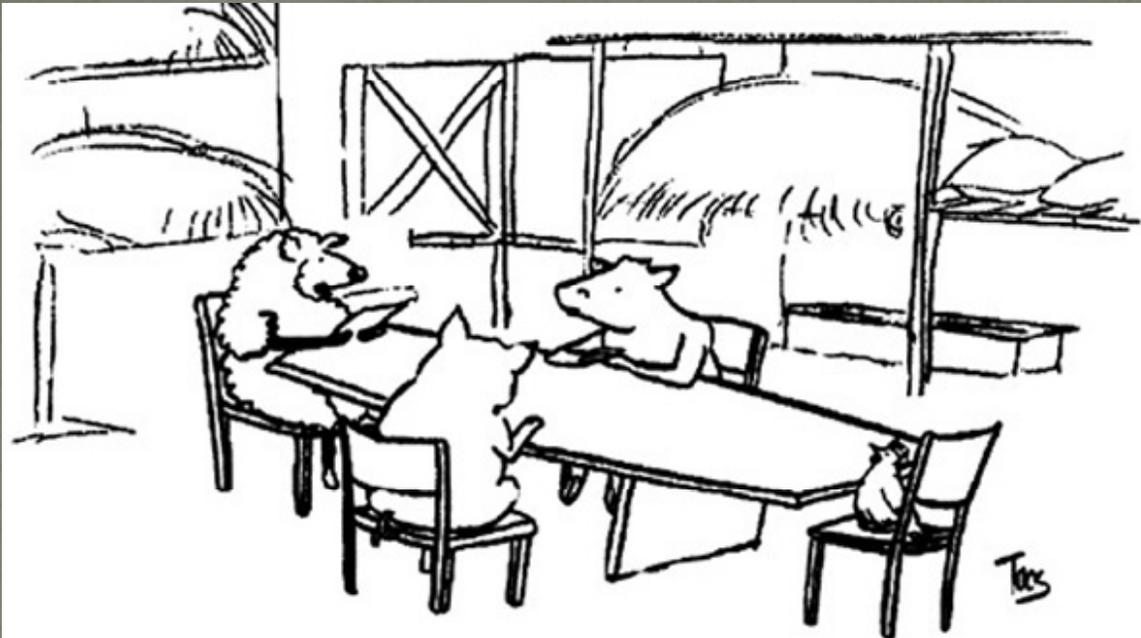
Has no reasonable basis

Absence of a rational connection between the facts found and the choice made

Arbitrary: marked by or resulting from the unrestricted exercise of power

Capricious: on a whim

Substantial evidence in the record keeps you out of those woods



"The cow said moo, the pig said oink, the chicken went cluck cluck, and then we did the quarterlies."

What is substantial evidence?

See 'Substantial evidence' folder for a thorough example

Wherein we play with some nuts and bolts

- Calling the roll
- Declaring conflicts
- Correcting minutes
- Approving minutes
- Minutes of executive sessions
- Style: formal vs. informal
- The horrors and stupidity of verbatim minutes

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by Mark Parisi

... AND, AS USUAL, THIS COMMITTEE IS DEADLOCKED...FOUR VOTING "AYE" AND FOUR VOTING "NAY" ...



MARK
PARISI

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*Wherein we explore
the burning question
of roll call voting -
and what the state
legislature can
possibly be thinking
about it*

Title 10: sometimes

**Title 52: each vote
for the record**

10-3-506. How the vote is taken.

A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

52-4-203. (2) Written minutes of an open meeting shall include: (d) a record, by individual member, of each vote taken by the public body;

Managing the meeting

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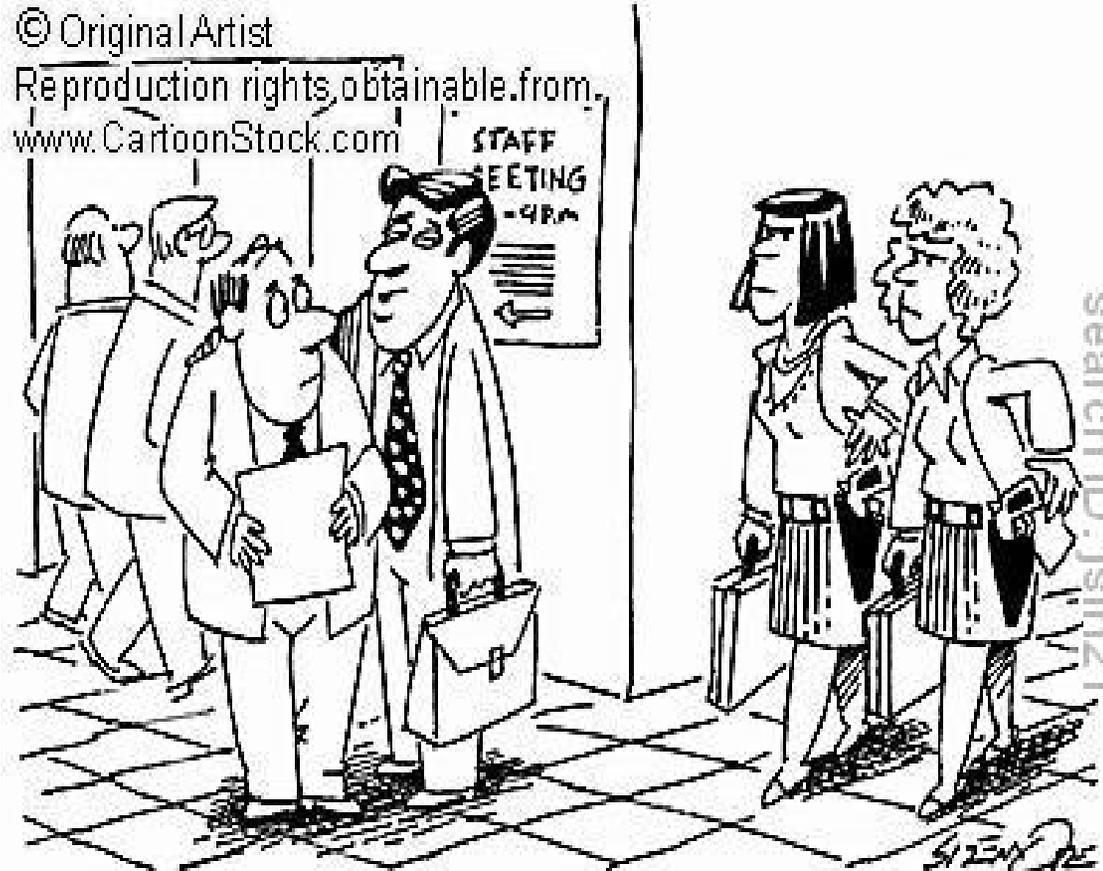


*Wherein we explore how a properly managed meeting
makes masterpiece minutes possible*

- Keep track
- Keep on track
- Keep the order
- Keep the lights on

Keep the Recorder happy - it's good for everybody

Wherein we look at some unhappy Recorders



"Relax, sir—I think it's just a fashion statement."

Wherein we discover if the mysteries are solved

Do you know everything you need to know in order to have:

A good meeting

Good minutes

A good time