Minute Taking Requirements
In Compliance with Open Meeting Law and City Policy

Prepared by the City Clerk Department
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1. **ARE MINUTES REQUIRED?**

All boards, commissions, and committees (all decision-making bodies) must keep minutes as required by Open Meeting Law (OML). These minutes are permanent record (including City Council Subcommittees). Advisory committee minutes must be retained for three years. All minutes must be filed in the City Clerk Department.

2. **WHAT MUST BE INCLUDED IN MINUTES?**

Minutes shall include:

a. The date, time, and place of the meeting.
b. The members recorded as either present or absent.
c. A general description of matters discussed or considered. Minutes must contain information regarding matters considered or discussed even though no vote was taken.
d. An accurate description of all legal actions proposed, discussed, or taken and the names of members who propose each motion. This would include: who made the motion, who seconded the motion, and the numerical breakdown of the vote, i.e. 4 in favor, 1 opposed. If a member declares a conflict of interest, that vote is noted as an abstention. In some cases it might be beneficial to reflect the names of those who voted in favor of or opposed to the motion.
e. The names of persons (as given) making statements or presenting material, and a reference to the item or topic about which they made statements or presented material.

3. **WHAT IF A MEMBER(S) IS LATE TO THE MEETING?**

If the meeting has already started by the time members arrive, list their names under “Members Present” and then make a notation by the item number in the minutes to indicate when they arrived. The time is not as important as at what point during the meeting they arrived.

4. **WHAT IF A MEMBER(S) LEAVES DURING A MEETING?**

If members leaving during the meeting, make a notation by the item number in the minutes, or during the discussion of the item to indicate at what point they left. (Be aware that a quorum must be present for a meeting to take place. If a quorum is lost anytime during the meeting, it is no longer a meeting. A quorum is a majority of members.)
5. **WHAT OTHER INFORMATION SHOULD BE INCLUDED?**

- Include the actual time the meeting was called to order and the actual time the meeting was adjourned, in their respective places.
- Include the names of staff members and citizens attending the meeting.
- Use the agenda items as a format for the minutes. The discussion and legal action can then be summarized under each item which speeds the indexing of the minutes and assists anyone researching the information. Bold or underline the agenda item to set it off from the summary.
- Bold speakers names, especially during a lengthy discussion. Include the names of committee members and citizens that have input during the meeting.
- The motion and the vote should be in a separate paragraph after the discussion paragraph(s). Bold the person's name making the motion, seconding the motion, and the breakdown of the vote.

Example: **Gordon Miller** made a motion that minutes be approved as amended. The motion was seconded by **Ann Jones** and carried by a vote of **11-0**.

Motions may be amended or withdrawn. A motion can die for lack of a second. If a motion is amended, the original motion is included in the discussion at the point it occurred. If an amended motion fails, the original motion would still be on the floor for a vote. Minutes should accurately reflect what took place.

- Minutes should be signed by the person taking the minutes. Once minutes are approved, the minutes may also be signed by a board/commission/committee representative.
- If members participate via telephone, minutes should identify those members participating by telephone and describe the procedures followed to provide public access to all communications during the meeting.

6. **WHAT ABOUT MINUTES IF THERE IS NO QUORUM?**

If there is no quorum present, there is no meeting. There are no minutes to take. Any discussion taking place without a quorum is as if it did not happen. If people had been invited for a special presentation and they could not be rescheduled, the presentation could be given, but could not be discussed. Written notes may be made of the presentation and a report could be presented to the committee at the next meeting. This information would then be included in the minutes from the next meeting along with any discussion regarding the presentation. (Since the notes would have no legal significance because of the lack of a quorum, they would not be filed with the City Clerk.)
7. **WHAT IF BOTH THE CHAIR AND/OR VICE CHAIR CANNOT ATTEND?**

If the Vice Chair assumes the chair, a notation is made in the minutes. If neither the Chair nor Vice Chair can attend the meeting, the past chairperson or vice chairperson may act as chair. There is no formal order of who would take over. The presiding officer would be selected by the committee members and a notation would be made in the minutes. (Since selecting a chair would be an administrative matter, it could be done at a meeting even though it was not listed on the agenda.)

8. **SHOULD THERE BE ANY ATTACHMENTS TO MINUTES?**

Usually there are no attachments to minutes. If a critical report is handed out and discussed at the meeting, the key points should be addressed under that agenda item. Occasionally a list of citizens attending a meeting may be attached if the list is very long. Any background information would be retained by staff.

9. **WHAT IF A MEMBER HAS A CONFLICT OF INTEREST?**

If a committee member has a conflict of interest (or even a possible conflict) on an item, the conflicting interest must be fully disclosed and the member shall not participate in any discussion nor shall the member vote on that item. The member shall not be counted for purposes of a quorum on that item. The circumstances in which the board or commission’s actions might affect the member or a member’s relative must be identified and recorded in the minutes. The member’s vote would be recorded as an abstention because of a conflict of interest. Conflicts of interest must be recorded each time they apply. A written disclosure is required and must be kept for public record. (Recording the conflict in minutes meets this requirement.)

10. **WHAT IF THE MEMBER WISHES TO ABSTAIN FROM VOTING?**

If a member wishes to avoid voting on a matter and does not have a conflict of interest, his only option is the leave the meeting during the vote or the vote would be counted as a “yes” vote. If the member leaves the meeting, the minutes would need to reflect that fact and also note when/if the member returned. The member may not be counted for quorum requirements during his absence. Abstentions are only recognized for conflicts of interest. (Information regarding abstentions is based on *Rules of Council Proceedings*.)

11. **MAY THE CHAIR OF THE COMMITTEE VOTE ON AN ISSUE?**

The chair of the committee is allowed to vote on all motions. Although Robert’s Rules of Order may be used as the basis for conducting meetings, this is one exception to Robert’s Rules that is used by the City of Phoenix.
12. **MUST MINUTES BE APPROVED?**

There is no legal requirement to approve minutes, but usually the minutes are approved by the board/commission/committee at the next meeting. Then the approval will be noted in the minutes for that meeting.

13. **WHO IS RESPONSIBLE FOR RETAINING MINUTES?**

All minutes (except for Executive Sessions) **MUST** be filed in the City Clerk Department. Even minutes not approved, must be filed. Executive Session minutes are confidential, so only the public body and certain necessary staff members would have access to Executive Session minutes. They are retained by the staffing department. Board and Commission minutes are retained permanently. Advisory (ad hoc) committees and subcommittee minutes are retained for three years.

14. **CAN MINUTES BE REVISED AFTER APPROVED?**

Once approved, minutes become official government documents and their form is fixed. Any changes to approved minutes can only be made by a vote of the public body that approved them.

15. **ARE THERE ANY OTHER REQUIREMENTS?**

Minutes for boards, commissions, committees, and subcommittees are generally sent with the agenda of the next meeting to be reviewed by all members.

If a member makes a correction to the minutes and no one on the committee objects, it is generally considered approved when members vote. Any disputed corrections would need to be formally voted on by the group. Clerical errors such as spelling or grammatical errors which **do not affect the meaning of a sentence** may be corrected by the secretary.

Any member may make a motion to approve minutes. Even a member not present during the meeting for which minutes are being approved may make the motion. It is the committee’s vote that has legal significance. The member who makes the motion, or seconds it, is not critical.

16. **ARE MINUTES PUBLIC RECORD?**

Minutes are public record and must be available to the public within three working days of the meeting. A tape recording of the meeting or handwritten, readable notes will meet this requirement. (Minutes written in shorthand or speed writing would **not** meet this requirement.)
17. WHEN ARE MINUTES FILED WITH THE CITY CLERK?

Minutes should be filed with the City Clerk Department when distributed to committee members. If minutes are distributed with the next month’s agenda, they should be sent at that time. If the minutes are approved prior to distribution, they should be filed with the City Clerk as soon as possible after approval.

18. WHAT IF MINUTES ARE REVISED?

If minutes are sent to the City Clerk Department prior to approval and then are revised at the meeting, the minutes must be corrected and resubmitted to the City Clerk Department. These minutes should be marked with “REVISED [date]” in the upper right hand corner so the previously submitted minutes may be replaced with the revised/approved minutes.

If the minutes are not distributed until after approved, minutes may be correct as approved at the meeting without a revised notation and then sent to the City Clerk Department. (If minutes are revised after approved, the above procedure would apply.)

19. ARE MINUTES REQUIRED FOR AN EXECUTIVE SESSION?

Minutes are required for an executive session; however, minutes of an executive session are confidential and may not be disclosed to anyone except certain authorized persons.

20. WHAT MUST BE INCLUDED IN EXECUTIVE SESSION MINUTES?

Executive session minutes must include:

a. The date, time, and place of the meeting.

b. The members recorded as either present or absent.

c. A general description of the matters considered. (The detail of the minutes should be the same as in regular meeting minutes. The minutes should provide a record of what took place in the executive session; however, no decisions can be made, therefore, there will be no votes to record.)

d. “An accurate description of all instructions given” to attorney’s (regarding the public body's position on certain narrowly proscribed matters), labor representatives (regarding negotiations with employee organizations), and real estate representatives (regarding the public body's position on the purchase, sale, or lease of real property).

e. Any other information deemed appropriate. For example, the public body might record that those present were advised that the information discussed and the minutes are confidential. (Violations can more easily be disproved by providing more detail.)
21. **WHO MAY ATTEND EXECUTIVE SESSIONS?**

Only those individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session. Certain City staff such as the Executive Secretary (Department Head) or staff attorney may attend executive sessions. Police officers in attendance for security purposes may attend. (It could probably be defended having a secretary present to take minutes.) The Attorney General’s Office would not approve of several executive staff, staff assistants, etc. routinely attending executive sessions.

22. **WHO IS RESPONSIBLE FOR MAINTAINING COMMITTEE RECORDS?**

The office copies of agendas (three year retention period) and minutes are maintained in the City Clerk Department. Names and addresses of committee members, any handouts, correspondence, notes, research, or background information would be retained by the staff liaison/staffing department. This would include any final reports that did not result in any action. Final reports resulting in a project or program would be filed with the project or program records within the department. These records would be retained according to records retention schedules (three years or retention period for particular program/project.)

23. **WHAT ARE SOME OTHER HELPFUL HINTS?**

- Minutes are always written in the past tense.
- Minutes should be written in a consistent format, i.e. use agenda items as headers for items, bold names/votes, place vote after all discussion of an item, etc.
- Minutes must not be a summary of events, but must include all basic information. Some minutes may not be as detailed, but they need to accurately reflect what took place at the meeting.
- If in doubt on how meetings should be conducted, refer to the *Rules of Council Proceedings*. Robert’s Rules of Order are used only as a supplement to the *Rules of Council Proceedings*; therefore, in any conflict between Robert’s Rules and Council Rules, the Council Rules take precedence.

24. **WHO DO I CONTACT FOR INFORMATION?**

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