

RESOLUTION NO. 2010-07

**A POLICY RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SAN JUAN BAUTISTA
ESTABLISHING POLICY REGARDING
MINUTES OF THE CITY COUNCIL**

WHEREAS, the City Clerk is specifically required to keep a record of proceedings of minutes of City Council meetings (G.C. 36814 and 40801); and

WHEREAS, the form in which this record is to be maintained is not spelled out in the Government Code.

NOW, THEREFORE, BE IT RESOLVED that City Council minutes shall be prepared as follows:

A sufficient record must be kept to furnish evidence that the City Council complied with the law or rules by which they are governed, thus pointing to the need for accurate and clear proceedings. The facts contained in the minutes are also treated as evidence in a court of law.

Section 1. Form and Content of Council Meeting Minutes

A. Standard Format

The minutes will be drafted and retained on word processing equipment to increase the efficiency of preparation, if possible.

B. Jurisdiction Matters

To establish proof that jurisdictional requirements have been complied with, minutes shall contain the following:

1. Date, hour and place of meeting.
2. Whether it is a regular, adjourned regular, or special meeting.
3. That proper notice has been given if it is a special meeting.
4. The names of council members in attendance. If a councilmember arrives late or departs before adjournment, the minutes will reflect the time of arrival and/or departure at that point in the minutes.

C. Approval of Previous Minutes

Although there is no legal requirement that minutes be approved by the Council, the City of San Juan Bautista will place them on the agenda for approval, since it lends further weight to the accuracy and completeness of the record. Copies of the minutes will be provided to council members in sufficient time prior to a City Council meeting to allow review. When approved as written, or as amended by the City Council, the minutes are then official record.

D. Record of Action Taken

The City of San Juan Bautista requires “Action Based” minutes, where little narrative is included, and only motions and votes are shown in the record.

In adoption of a resolution, introduction or second reading (adoption) of an ordinance, the minutes shall include the title of the resolution or ordinance. If the ordinance is not read in full, the motion shall include and the minutes reflect that full reading was waived by unanimous vote of the members present.

Since any written record is the best evidence of its contents, a written report or written communication presented at a City Council meeting need only be referenced in the minutes with the name and title of the author, date of the report or communication, subject of the communication or title of report, and the action taken on the matter.

Oral reports or communications will be referenced in the minutes by name of person, address, the subject matter and any motion or unanimous direction made by the Council.

Public Comments will include the name and address, if provided, of the speaker and a brief statement describing the issue only.

E. Oral Debates, Arguments and Discussions

The City Clerk will, as a matter of course, make no reference in the minutes regarding oral debates, arguments and discussion on all items listed on the agenda with the exception of items listed under Public Hearings and Appeals. No reference will be made to councilmember’s remarks, unless it is a reference to reasons for voting in opposition of the consensus in a motion.

F. Hearings

1. Minutes of City Council meetings with respect to hearings shall include:

a. Jurisdictional facts:

In order that there be sufficient proof that a hearing was held in compliance with the statute or ordinance governing same, the minutes shall record the fact that required notice was given in accordance therewith, and that the hearing was held at the time specified in the notice.

b. Evidence produced at hearings:

Written Evidence. Minutes shall make appropriate reference to any written evidence in the form of statements, affidavits, reports, photographs, maps, correspondence, or other objects filed at the hearing and included as part of the record.

Oral Testimony. The record shall show the name of the person speaking, his or her address, if provided, and whether testimony was for or against the hearing subject. The City Clerk may briefly refer to the content of the testimony in the minutes.

G. Adjournment

In recording adjournment, the minutes shall show whether it is to another time prior to the next regular meeting or merely adjourned. Adjournment will be declared by the Mayor and the City Clerk will note the time for the record.

H. Signing the Minutes

The approved minutes will be executed by the Mayor and the City Clerk. The City Clerk shall enter the original, executed minutes into the official records of the City as a permanent document.

Section 2. Findings of Council. Usually the findings made by City Council in respect to public hearings are incorporated in the ordinance or resolution adopted as a result of the hearing. When this is done, the minutes need not record these findings in the body of the minutes, but shall refer to the resolution or ordinance voted upon by the City Council.

THE FOREGOING RESOLUTION WAS ADOPTED at a regular meeting of the San Juan Bautista City Council on the 15th day of February, 2010, by the following vote:

AYES: Laverone, Bilich, Hill, Edge, Moore

NOES: None

ABSENT: None

ABSTAIN: None

Ed Laverone, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk