

# Chapter VI: Council Minutes

City clerks in general law cities are specifically required to keep a record, journal or minutes of the council meetings [Florida Statutes 286.011(2)]. Cities governed by charters are subject to the same requirements.

## Purpose of Council Minutes

A most important principle of corporation law, applicable to both private, public and municipal corporations, is that such organizations can only act through their officers and employees. These corporations are governed by fixed rules found in the basic law of the organization. In the case of Florida municipal corporations, these rules are found in the city charter and the Florida Statutes.

An accurate, sufficiently clear record of all proceedings must be kept to demonstrate that the city council has complied with the law or rules by which it is governed.

## Form and Content of Council Meeting Minutes

Use of a standardized format is recommended to develop uniformity of minutes and to save time in composing the record. Agenda items should be identified in the minutes and follow the order of the agenda, (see Chapter V), summarize the discussion on items, and note the action taken.

Although there is no legal necessity to do so, it is appropriate to mention at the beginning of the minutes that the meeting was convened and held as noticed. To establish proof that jurisdictional requirements for holding a meeting have been complied with, it is important that minutes contain the date, hour, place and type of meeting, and names of council members present and absent, in addition to the staff members present. If there are late arrivals, indicate such by their name; note early departures at that point in the minutes.

The body of minutes should contain a separate paragraph for each agenda item and should reflect:

1. All main motions or motions to bring a main question before council;
2. The maker and seconder of the motions;
3. All points of order/appeals, together with the reasons given by the chair for ruling; and
4. The disposition of the motion.

If the council recesses during the meeting, the time of recess and the time of reconvening should be noted and recorded in the minutes.

## **Record of Action Taken**

Based on *Roberts Rules of Order* (RRO), the minutes need only record the motions adopted by council. The motion has no legal significance until it is either approved or denied by council. The minutes need not reflect the comments made by council members unless expressly requested. Many city clerks, however, will find that the city council, by precedent or by direction, has stipulated the keeping of detailed minutes to clarify or justify their actions. Whether this is done by stenographic transcript or by some form of recording is a decision for each council.

If a recording device is used, it may be helpful to note on your working copy of the minutes the tape and index number at the close of the subject. This expedites finding the specific item if a verbatim excerpt is needed.

## **Approval of Minutes**

Although there is no legal requirement that minutes be approved by the council, this traditional procedure is advisable as it lends further weight to the accuracy and completeness of the record. When approved as published, or as amended by the council, the minutes are considered to be official.

Corrections to the minutes may be written as follows: Page 5, Item 11, Mayor Smith requested the motion he revised to include, "based on the request not being in harmony with the Downtown Redevelopment effect, as well as overcrowding of the parcel."

## **Consent Agenda Items**

In reporting action taken on consent agenda items, the following format is suggested:

- Insert the motion approving the specific items, and the voting results.
- Following the motion/vote, list the agenda items in chronological order.
- This process is a space saver and provides concise minutes.

## **Ordinances and Resolutions**

Actions taken on ordinances and resolutions are recorded in council minutes. Florida Statutes 166.041(4) states that on final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. Generally speaking, minutes should record the following data concerning the introduction of an ordinance or resolution: