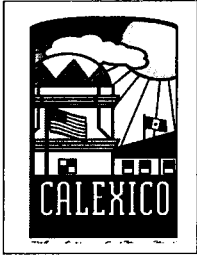


**AGENDA
ITEM**

6



AGENDA STAFF REPORT

DATE: June 2, 2021

TO: Mayor and City Council

PREPARED BY: Gabriela Garcia, City Clerk
Best Best & Krieger LLP, City Attorney

APPROVED BY: Miguel Figueroa, City Manager *MF*

SUBJECT: Second Reading and Adoption of Ordinance No. 1215 - An Ordinance Regarding the Use of Action Minutes for City Council, Commission, Boards and Committee Meetings.

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Recommendation:

It is recommended that the City Council adopt Ordinance No. 1215 - An Ordinance Amending the Calexico Municipal Code Sections 2.04.070 and 2.04.130 Regarding the Use of Action Minutes for City Council, Commission, Boards and Committee Meetings.

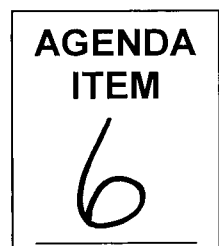
Discussion:

The primary purpose of minutes is to memorialize legislative body decisions; it is not to provide a comprehensive transcript of what happened at a legislative body meeting. 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 (with limited exceptions for public hearing items).

The City currently uses "detailed" or "discussion" minutes. Discussion minutes are records of agreement of the discussions that lead to the decisions and actions required. However, to conserve resources and enhance efficiency, the City should consider using action minutes. Action minutes generally include only the decisions reached and the actions to be taken, not including the discussion involved in making decisions. Action minutes provide an executive overview of decisions within a meeting.

Benefits of Using Action Minutes

Using action minutes is beneficial to the City Council, commissions, boards and committees, staff, and the public.



1. Saves Staff Time and Costs.

Using action minutes would greatly reduce the staff time and costs required to prepare minutes. On average, for every 20 minutes of meeting audio, it takes the City Clerk four hours to create discussion minutes. Action minutes would take approximately one hour to create 20 minutes of meeting audio. It takes approximately three full days for the City Clerk to create discussion minutes for a two hour meeting. This does not include other work duties and interruptions. Considering that meetings often last more than two hours and that the City has, in addition to City Council, nine committees and commissions, the staff time required to prepare discussion minutes is enormous. By using action minutes instead, the City could greatly reduce its staff time. Costs would also be saved by reducing materials (pages, books) used for preserving archival minutes. A 100 page minute book costs approximately \$200. Additionally, since COVID-19 and the use of the Zoom platform, meeting minutes have taken even longer to produce because prior to Zoom, the City Clerk could type minutes as the meeting went along and then supplement as necessary after the meeting. Now, the City Clerk has additional responsibilities managing the Zoom meeting, which makes it impossible to take minutes during the meeting.

2. Alleviates Staffing Constraints.

Using action minutes would alleviate staffing constraints because the City Clerk is currently the only staff person who is trained in preparing minutes, which dominates much of her time. There are no other staff persons who are trained or have capacity to assist with minute preparation. Hiring additional staff may not be viable due to the current uncertainties created by COVID-19, its associated economic impacts, and other fiscal constraints. Using action minutes would reduce staff time necessary to produce minutes, alleviating stress and boosting efficiency.

3. Action Minutes Are Lawful Records.

While city clerks are required to keep a correct record of City Council proceedings, they are not legally mandated to use a certain format for this record. (Gov. Code, §§ 36814, 40801.)

Public hearing action minutes will provide greater detail in that they will include each speaker's name (if provided) and a summary position of the speaker (i.e., supported or opposed). With this type of record, the City will be able to easily confirm who has exhausted their administrative remedies.

In addition, the following best practices for record keeping will remain in place:

- All hearings will be audio recorded.
- Audio tapes will be kept for a conservative period of time in compliance with the records retention policy.

ORDINANCE NO. 1215

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING CALEXICO MUNICIPAL CODE SECTIONS 2.04.070 AND 2.04.130 REGARDING THE USE OF ACTION MINUTES FOR CITY COUNCIL, COMMISSION, BOARD AND COMMITTEE MEETINGS

The City Council of the City of Calexico, California, does hereby ordain as follows:

SECTION 1. Amendment to Municipal Code. Calexico Municipal Code Chapter 2.04 *Council Procedures*, Section 2.04.070 *Minutes* is hereby amended as follows:

"2.04.070 - Minutes.

A. ~~The minutes shall be action minutes and include only motions made, votes on motions, and actions that need to be taken as a result of the vote. All city commissions boards and committees shall use action minutes. City commission, boards and committee action minutes may be presented to the city council as an informational item on the agenda. consist of a clear and concise statement of each and every council action, including the motions made and the vote thereon. The city council shall determine the scope and format for all minutes including city boards, commissions and agencies. The city clerk shall have exclusive responsibility for preparation of the minutes.~~

B. Minutes may be approved without reading if the city clerk has previously furnished each councilmember with a copy."

SECTION 2. Amendment to Municipal Code. Calexico Municipal Code Chapter 2.04 *Council Procedures*, Section 2.04.130 *Record of debate and remarks of council members* is hereby amended as follows:

"2.04.130 - Record of debate and remarks of council members.

Any member shall have the right to have the reasons for such member's dissent from, or such member's protest against, any action of the council entered on the record minutes."

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision,

paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

SECTION 5. Certification and Publication. The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

SECTION 6. CEQA. The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Calexico, California on the 2ND day of June, 2021, by the following roll-call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ROSIE ARREOLA-FERNANDEZ, MAYOR

ATTEST:

GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Imperial) s.s.
City of Calexico)

I, Gabriela T. Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1215, introduced at a regular meeting held on the 19th day of May 2021, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the 2nd day of June, 2021.

AYES:
NOES:
ABSTAIN:
ABSENT:

GABRIELA T. GARCIA, CITY CLERK