

## **Title II - Meetings, Agendas and Minutes**

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  - 2.06 Open Public Meetings Act
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### **Chapter 2.04 Meetings**

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#### 2.04.010 CLERK OF THE COUNCIL.

The clerk in Washington State is customarily the "clerk of the council" or administrative support for the governing body and as such is expected to attend all council meetings. In the absence of the Clerk, the Deputy Clerk shall act. If there is no Deputy, the presiding officer shall appoint one of the councilmembers as Clerk pro tempore, although in code cities, the presiding officer, the council or the clerk may appoint some other qualified person. Duties most commonly performed by clerks during council meetings are discussed in this chapter. The scope of duties varies and the clerk as a matter of local practice may perform additional duties.

#### 2.04.020 PREPARATION OF COUNCIL CHAMBERS.

Preparation of the council chamber should be done by the clerk or at his or her direction. Sufficient time should be allowed to ensure the chamber is fully prepared prior to commencement of the meeting. Some clerks utilize a checklist for this procedure, which might contain the following items:

1. Verify quorum. (Council unable to attend should notify the clerk in advance, quorum is defined later in this Chapter and RCW 42.30).
2. Verify minister for invocation (if part of your proceedings.)
3. Name plates at correct places.
4. Gavel and sounding block at presiding officer's place.
5. Paper and pens or sharpened pencils at council places.
6. Water pitchers and glasses at council places.
7. Check microphone at each councilmember's location in the chamber to make sure it is in working order.
8. Set up public address system and ensure it is in working order, as well as auxiliary speakers if overflow crowd is expected.
9. Set up and test recording system.
10. Ensure there are ample copies of the agenda available for the public, and provide an agenda packet for public review.
11. Check position of the flags (American flag to the right of the presiding officer if presiding officer is raised above the level of the audience, and to the right of the audience if presiding officer is on same level). If other flags are displayed, they should be placed to the left of the American flag in the order of state, county, city. (As you face the dais, the flags would be placed from left to right.)
12. Check meeting room calendar or individual calendars.
13. Assemble clerk materials.
14. Check supply of speaker cards and pencils (if used).
15. Arrange for ADA accommodations in accordance to Federal Law.
16. Place applicable RCW's and Codes at the attorney's place.

On occasions when the council meeting is held at a location other than the council chamber, the clerk should supervise arrangements and provide the same equipment and materials as if the meeting were to be held in the council chamber.

The same basic "set up" should be followed even in smaller municipalities in which there is no public address system, or very few citizens attend the meetings. Since the council and presiding officer represent the municipality, it is the duty of the clerk to assist in every way to enhance the public image.

#### 2.04.030 ASSISTANCE AT MEETINGS.

In some municipalities, a recorder may be assigned to accompany the clerk to council meetings to take minutes. In other municipalities, the clerk takes the notes. The clerk may find it helpful to take to the meeting background material and/or files on agenda items, in the event the council refers to a previous action or needs more information on an item.

If someone accompanies the clerk to the council meeting, it is helpful for that person to sit close to the clerk in case the two need to confer during the meeting, or in the event the clerk needs to send for records or have copies prepared of an item presented to the council from the public.

#### 2.04.040 PARLIAMENTARY PROCEDURE.

In 1876, General Henry M. Robert developed a manual of parliamentary procedure, which he entitled Robert's Rules of Order. This manual followed the rules of the United States House of Representatives as a base but was designed for use of ordinary societies. The manual was published as Robert's Rules of Order in 1876 with the full title of "Pocket Manual of Rules of Order for Deliberative Assemblies." Between 1912 and 1915, the General revised his Rules of Order to incorporate all of the comments and letters received since the first publication.

These rules are generally followed now by a wide spectrum of organizations such as government and private corporations and are used in much less formal meetings such as clubs and committees. The rules are typically adopted by Resolution. Henry M. Robert stated in the first manual that "While it is important to every person in a free country to know something of parliamentary law, this knowledge should be used only to help, not to hinder business. One who is constantly raising points of order and insisting upon a strict observance of every rule in a peaceable assembly in which most of the members are.(unfamiliar with) these rules and customs, makes himself a nuisance, hinders business and prejudices people against parliamentary law. Such a person either (does not understand) it's real purpose or else willfully misuses his knowledge."

Educational courses and reference materials are offered by the National Association of Parliamentarians [www.parliamentarians.org](http://www.parliamentarians.org) and the American Institute of Parliamentarians [www.aipparl.org](http://www.aipparl.org).

#### 2.04.050 CONDUCT OF MEETING.

The state statutes provide general authority for the council to establish rules for the conduct of meetings. This includes authority to utilize agendas, limit debate, and eject unruly persons. The procedures hereinafter set forth are suggestions to be followed in the absence of adoption of specific Rules of Order.

##### 1. Processing of Motions.

When a motion is made and seconded, it should be restated by the presiding officer before debate (the clerk may be requested to read the motion). The motion then belongs to the whole council. A motion may not be withdrawn by the mover without the consent of the council.

a. Motions out of order. The presiding officer may at any time, by majority consent of the members, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order of business.

b. Division of Question. If the question contains two or more divisible propositions, the presiding officer may, and upon request of a councilmember shall (unless appealed), divide the question and require a vote on each portion of the question.

## 2. Precedence of Motion.

When a motion is before the council, no unrelated motion shall be entertained except: (a) to adjourn, (b) to fix the hour of adjournment, (c) to lay on the table, (d) to call for the previous question, (e) to postpone to a certain day, (f) to refer, (g) to amend, and (h) to postpone indefinitely. These motions shall have precedence in the order indicated.

a. Motion to adjourn. (not debatable) A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is to be adjourned.

b. Motion to fix hour of adjournment. The purpose is to set a definite time at which to adjourn. Not debatable or amendable except as to time set.

c. Motion to table. The purpose is to temporarily bypass the subject. A motion to "lay on the table" is nondebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the meeting and if not taken from the table the question is suppressed.

d. Motion for previous question. The purpose is to close debate on main motion. Nondebatable. Just shouting, "question" does not accomplish the same thing. If motion fails, debate is reopened, if motion passes, then vote on the main motion is in order.

e. Motion to amend. (debatable only as to amendment) A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment modifying the intention of a motion is in order, but an amendment relating to a different matter shall not be in order. (A substitute motion on the same subject is acceptable.) Amendments are voted first, then the main motion as amended.

f. Motion to postpone. A motion to postpone indefinitely is fully debatable and if the same is adopted, the principle question shall be declared lost. Motions to postpone to a definite time are amendable and debatable as to propriety of postponement and time set. Motions to "refer" are similarly not debatable except for the propriety of referring.

## 3. Voting.

The clerk shall enter the vote upon record.

a. Roll Call. Upon demand of any member, made before the negative has been put, the roll call shall be called for yeas and nays upon any question before the council. It shall not be in order for members to explain their vote during the roll call. Any member may challenge his vote before the next order of business.

b. Failure to vote. Every member should vote unless disqualified for cause accepted by vote of the council or by opinion of the attorney. Self-disqualification, with approval, which results in a tie vote, should be avoided as thwarting council action.

i. The abstainer, in effect, "consents" that a majority of the quorum may act for him. While there is one viewpoint which says that silence (by express abstention or otherwise) constitutes an affirmative vote, the far safer rule is to assume that the "votes" of councilmembers who are present but do not vote may not be counted for any purpose. Under this rule, only the audible ayes and noes may be counted.

ii. Tie votes are "lost" motions, and may be reconsidered later, but a lost motion does not imply the converse, thus a lost motion is not a tantamount to a denial.

iii. Reconsideration. Any member who voted with the majority may move a reconsideration of any action at the same meeting (or "have entered on the minutes" for vote at the next succeeding meeting), providing no legal rights have intervened to create an estoppel. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

#### 2.04.060 CLERK'S ROLE

During the course of a council meeting, the clerk may be called upon to perform some or all of the following tasks:

- Call the roll.
- Handle council correspondence.
- Read titles of resolutions and ordinances.
- Repeat motions upon request.
- Call roll for roll call votes.
- Summarize votes for audience (if voting board is used).
- Open bids when necessary (usually this is done at a separate time and place). In many small municipalities, bids are opened as a separate agenda item.
- Note the time when individual councilmember leaves or returns to the meeting (for the record).
- Record names and addresses of members of the public who speak at the meeting (some municipalities have a sign-in sheet at the podium and/or this information can be obtained from the speaker cards, if used).
- Present reports to council.
- Swear in those wishing to testify during a quasi-judicial hearing.
- Adjourn the meeting if all councilmembers are absent. (RCW 42.30.090).
- Maintain the future schedule of public hearings or presentations before the council.

#### 2.04.070 HANDLING OF CORRESPONDENCE.

Although most municipalities have done away with the custom of reading correspondence aloud, there is a variety of substitute procedures developed for assuring that councilmembers

are aware of correspondence. Many municipalities run copies or have previously distributed via e-mail all correspondence to each councilmember, and merely list each letter by name of sender and subject, either on the agenda or on a listing provided to councilmembers. In either case, the council has the option of discussing each item of correspondence and taking action if desired.

Some municipalities have adopted a policy or procedures on correspondence requiring council action that a copy of the correspondence is sent to the appropriate department with a request for a report for the council agenda. The report is then listed on the agenda and is duplicated, along with correspondence, for inclusion in the agenda packet. This can expedite the correspondence part of the meeting.

#### 2.04.080 OPERATION OF RECORDING EQUIPMENT.

During recent years, more councils are asking that meetings be recorded in their entirety on some type of recording equipment. If recording is requested, it is generally done by the clerk or an assistant. The individual assigned to run the recording equipment should be thoroughly instructed on its operation and the placement of microphones.

Where audio recorders are used, a footage indicator is usually available. This is an easy way for the clerk or an assistant to pinpoint where on the recordings an item was discussed, such as a public hearing or a controversial matter, which may need to be reviewed. It is suggested that the footage be noted at the beginning of an item of the above type. This notation could be either in your written notes or alongside the item on the agenda.

Many municipalities use digital audio or visual recording. This equipment and practice varies greatly on the entities population and budget.

Since the purpose behind the use of recording equipment is to ensure accuracy, it is important that a procedure be established by the council for participants at the meetings to identify themselves before addressing the council. Many clerks have instituted a sign-in or citizen comment forms to assist in the spelling of names.

#### 2.04.090 METHODS OF RECORDING VOTE.

Although other voting methods may be acceptable, a common practice in the voting on motions is for the presiding officer to call for "all those in favor," then call for "those opposed" and declare the motion carried or failed. Usually the words "aye" for those in favor and "nay" for those opposed are used. When a councilmember is silent, he or she is recorded as abstaining. Some councils require a vote granting permission for a councilmember to abstain. Where a difference of opinion is sensed or the majority vote is not clear, and a councilmember requests a roll call vote, the presiding officer will call for a roll call vote by the clerk or, in some municipalities, by the manager or administrator.

A roll call vote is also generally necessary for the adoption of an ordinance, because of the need to ensure that a majority of affirmative votes have been cast.

When calling the roll on motions, some possible sequences of calling include:

- Alphabetically, with presiding officer last.
- In order of seating, left to right, with presiding officer last.
- Maker and second of motion first, then alphabetically, with presiding officer last.

Some council chambers are equipped with electronic voting devices where a councilmember's vote is recorded by pressing a button at the dais. A tally board visible to the clerk indicates when all votes have been cast, makes the results visible to all, and declares the results of the vote. This method avoids the complaint that one councilmember always votes first or last.

#### 2.04.100 RECESSES.

Recesses are generally called by the presiding officer or sometimes at the request of a councilmember. The presiding officer will state the expected length of the recess. Recesses are not a device a council may employ to avoid the Open Public Meetings Act; therefore, a council should definitely avoid having a quorum session in a back room or any appearance of conducting public business during the recess.

The clerk should note for the record the time of the recess, the time the meeting reconvened, and the councilmembers present.

#### 2.04.110 PUBLIC PARTICIPATION.

Council meetings are primarily structured to permit its members to arrive at the decisions necessary to govern the jurisdiction. In some municipalities, this may preclude public participation except at required public hearings.

Where participation by the public is a matter of requirement under a specific code, it is important to ensure that all who wish to participate have been recognized and heard. A convenient method is the use of speaker cards. Generally in a public hearing, the presiding officer will ask those in favor speak first, followed by those in opposition, and then will provide an opportunity for rebuttal by the applicant (if applicable).

The extent to which members of the public are invited to participate regarding other agenda items is a matter of local custom. Some municipalities simply require a person approach the microphone in order to be recognized.

Most municipalities have a specific section of the agenda set aside for "Citizen Comment." In some municipalities, this section is towards the end of the agenda; after all listed matters have been handled. Other municipalities place this section towards the beginning of the agenda to prevent persons from having to sit through what may be a very lengthy meeting. Again, this is a matter of individual council preference. Some councils set the order for listing agenda items in an adopted "manual of procedure" or "resolution of procedure" for council meetings.

Some municipalities have found it necessary to impose strict rules on public participation. In other municipalities, the presiding officer will simply spell out, at each meeting, the limitations on public comments, such as a time limit or requirement for placing name on the record (card or announcement).

2.04.120 DISTURBANCES AT COUNCIL MEETINGS. From time to time disruptions may occur at council meetings. Preplanning for such an eventuality is highly recommended.

Most public meeting rooms have posted in a conspicuous place a sign stating the maximum number of people allowed to assemble therein. You may wish to request a representative from the fire department be present at council meetings where large crowds are expected to enforce this limitation.

If possible, the council should have a separate exit so in the event of a disturbance they will not have to exit through the audience. Many municipalities immediately recess the meeting when decorum is lost.

Some municipalities routinely have a sergeant at arms or a representative of the police department present during all council meetings. Other municipalities have an alarm system (usually controlled by the presiding officer, clerk, or manager) which alerts the police department when assistance is needed.

In planning for this eventuality, the local situation should be kept in mind. In certain communities or situations, fire prevention personnel or plain clothed police personnel may be preferable to using uniformed police officers. The Open Public Meeting Act permits the clearing of the council chamber in the event the orderly conduct of a meeting is disturbed. As in other aspects of the council meeting, some municipalities have set an established plan for handling disturbances by adopting a "manual of procedures" or "resolution of procedure." The function of the clerk in such situations is merely to remain cool and alert, to be helpful to the council under trying circumstances, and to remain sufficiently calm to handle the recording equipment, retrieval of needed documents, etc.

2.04.130 CLOSING COUNCIL CHAMBERS.

Closing the council chambers may be the responsibility of the clerk, whether or not custodial assistance is provided. A sample checklist is shown as follows:

1. Turn off recording equipment and sound system.
2. Secure building (lights, lock doors, etc.).
3. Store microphones, nameplates, gavel and sounding block, pads, pencils, etc.
4. Post notice of adjournment and time, place and date of next meeting on bulletin board for all adjourned meetings and hearings, which have been continued. This must be done within twenty-four hours of the time of adjournment.
5. Retrieve any original documents used by the council during the meeting.

#### 2.04.140 MEETING FOLLOW-UP.

In many municipalities the clerk issues a summary of council actions or annotated agenda early on the day after a council meeting (if held in the evening), or immediately following the meeting (if held during the daytime). The purpose is to disseminate needed information to staff in a timely manner, since formal minutes may be some time in being finalized. Some clerks broaden this distribution to include the press. This device can cut down on the number of individual inquiries and other departments can quickly be alerted to actions to be taken which affect their operation. Some entities add the "ACTIONS BY COUNCIL" as annotations to each agenda item.

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### **Chapter 2.06 Open Public Meetings Act**

#### **Sections:**

- 2.06.010 Generally
- 2.06.020 Purpose
- 2.06.030 Applications
- 2.06.040 Definitions
- 2.06.050 Regular meetings
- 2.06.060 Special meetings and Study Sessions
- 2.06.065 Emergency meetings
- 2.06.070 Place of meetings
- 2.06.080 Conduct of meeting
- 2.06.090 Executive sessions
- 2.06.100 Violations/remedies

#### 2.06.010 GENERALLY

Before 1971, this state had an "open meetings" law, which was then codified as RCW 42.32. It was ineffective; however, because it required only the "final" action of the council or other body to be taken in public (such as the final vote on an ordinance, resolution, motion, or contract). The Open Public Meetings Act of 1971 (now RCW 42.30) made some drastic changes. Most importantly, it requires that all meetings of state and municipal governing bodies must be open and public, with the exception of courts and the legislature.

Furthermore, a "meeting" generally includes any situation in which a majority of the council or other "governing body" meets and discusses the business of that body. Social gatherings are expressly accepted, unless the body's business is discussed. What follows is a more detailed examination of the 1971 Act, RCW 42.30.

Councils may establish their own policies and procedures for posting agendas and the conduct of their meetings. However, there are certain laws must be observed. A council meeting is held any time a majority or a quorum of the members are gathered for the purpose of reviewing and/or making decisions pertaining to the jurisdiction' s business. Generally, a quorum is

defined as a majority of the councilmembers. (i.e., in a five-member council, three members constitute a quorum). A quorum is required for the transaction of business.

#### 2.06.020 PURPOSE.

The declared purpose of the 1971 Open Public Meetings Act (RCW 42.30) is to make all meetings of the governing bodies of public agencies, even informal sessions, open and accessible to the public, with only minor specific exceptions.

The legislature intends that public agencies' actions and deliberations be conducted openly. (RCW 42.30.010)

Meetings must be open and public; all persons must be allowed to attend unless otherwise provided by law. (RCW 42.30.030)

Ordinances, rules, etc. must be adopted at open public meetings; otherwise, they are invalid. (RCW 42.30.060)

A vote by secret ballot at any meeting that is required to be open is also declared null and void. (RCW 42.30.060)

The act must be liberally construed to accomplish its purpose. (RCW 42.30.910)

#### 2.06.030 APPLICATIONS.

The Act applies to all meetings of:

1. All multi-member governing bodies of state and local agencies, and their subagencies. (RCW 42.30.020)
  - a. "Subagency" means a board, commission, or similar entity created by or pursuant to state or local legislation, including planning commissions and others. (RCW 42.30.020(1) (c))
  - b. "Governing body" includes a committee of a council or other governing body, "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." (RCW 42.30.020 as amended by Ch. 155, Laws of 1983)
2. Certain policy groups representing participants who have contracted for the output of an operating agency's (WPPSS') generating plant. (RCW 42.30.020(1)(d))
3. The multi-member student board of a recognized student association at a public institution of higher education. (RCW 42.30.200)

#### The Act does not apply to:

1. Courts or the State Legislature. (RCW 42.30.020(1)(a))

2. Proceedings expressly excluded by RCW 42.30.140; namely:
  - a. Certain licensing and disciplinary proceedings.
  - b. Quasi-judicial proceedings that affect only individual rights and not the public.
  - c. That portion of a meeting held during labor negotiations to formulate collective bargaining strategy or to consider proposals submitted, and collective bargaining sessions with employee organizations.
  - d. Generally, matters governed by the State Administrative Procedure Act (RCW 34.05).
3. Social gatherings if no "action" (as defined in RCW 42.30.020(3)) is taken. (RCW 42.30.070)  
Note: see the following explanation of "action."

#### 2.06.040 DEFINITIONS.

Meeting: meetings at which "action" is taken. (RCW 42.30.020(4))

Action: all transacting of a governing body's business, including receipt of public testimony, deliberations, discussions, considerations, reviews, and evaluations, as well as "final" action. (RCW 42.30.010) (RCW 42.30.020(3))

#### 2.06.050 REGULAR MEETINGS.

RCW 42.30.060-.075, defines a recurring meeting held pursuant to a schedule fixed by statute, ordinance, or other appropriate rule.

A schedule of a state agency's regular meetings, and changes, must be filed with the code reviser for publication in the Washington State Register. (RCW 42.30.075)

If the designated time falls on a holiday, the regular meeting must be held on the next business day.

There is no statutory limitation for the type of business that may be transacted at a "regular" (as distinguished from "special") meeting.

Regular meetings of the council are required to be held at least once a month at a time fixed by ordinance, resolution, or bylaw, at a designated place within the corporate limits of the jurisdiction. An adjourned regular meeting is accomplished by adjourning the previous regular meeting to a specific time, date, and place. A meeting cannot be adjourned past the next regular meeting date. Any council matter may be handled at an adjourned regular meeting, limited only by any rules or procedures of individual councils. In most municipalities, it is standard procedure to prepare a separate agenda, complete with backup material for the council, staff, and the press.

Whenever a meeting is adjourned, notice of the order of adjournment should be posted on or near the door of the place of the meeting, being adjourned (RCW 42.30.090).

The council, or less than a quorum of the council, may adjourn all meetings to a time and place specified in the order of adjournment. If all members are absent from any meeting, the clerk may adjourn the meeting to a specified time and place, but notice must be provided as is required for a special meeting. Once adjourned, a meeting may not be reconvened.

#### 2.06.060 SPECIAL MEETINGS.

RCW 42.30.080 defines a special meeting as any meeting other than "regular."

The presiding officer or a majority of the members may call a special meeting.

It must be announced by written notice to all members of the governing body; also to members of the news media who have filed written requests for such notice. The notice:

- Must specify the time and place of the meeting and the business to be transacted.
- Must be delivered personally, by mail or e-mail 24 hours in advance.
- May be waived by a member. (See RCW 42.30.080 for specifics.)
- Is not necessary in specified emergencies. (See RCW 42.30.070.)

Only the business specified on the notice may be transacted at a special meeting and action items must be clearly identified.

The notice must be posted prominently at the main entrance of the agency's principle location, at the meeting site if not held at the principle location and on the agency's website unless there are no employees who maintain the site.

In second-class cities and towns, there are some statutory restrictions as to what types of actions may be taken at a special meeting. For example, in towns no resolution or order for the payment of money may be enacted at a special meeting. See RCW 35.23.181 for second-class cities, and RCW 35.27.270 for towns.

Study sessions, often called "work sessions," are sometimes held during, just prior to or just after regular meetings. They can also be scheduled on any other day and time. These sessions are usually informal, though they must be open to the public, and many councils prefer to hold the sessions in a place other than the formal setting of the council chamber. Study sessions that are not conducted as part of a regular meeting are considered special meetings. These meetings allow the council an opportunity to discuss a matter in detail without taking any action.

#### 2.06.065 EMERGENCY MEETING.

Special meeting notice requirements may be dispensed with when a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when the time requirements of the notice would make notice impractical and increase the likelihood of such injury or damage. An emergency meeting must, nevertheless, be open to the public.

2.06.070 PLACE OF MEETINGS. As far as the Open Meetings Act is concerned, the meeting may be held any place within or outside the territorial jurisdiction of the body unless otherwise provided in the act under which the agency was formed. (RCW 42.30.070) However, the meeting place should not be designed to exclude members of the public. (RCW 42.30.030)

The place of a special meeting must be designated in the notice. (RCW 42.30.080)

In certain emergencies requiring expedited action, the meeting or meetings may be held in such place as is designated by the presiding officer and notice requirements are suspended. (RCW 42.30.070 and 42.30.080)

#### 2.06.080 CONDUCT OF MEETINGS.

All persons must be permitted to attend (RCW 42.30.030) except unruly persons as provided in RCW 42.30.050.

Attendance may not be conditioned upon registration or similar requirements. (RCW 42.30.040) (The Act does not prohibit a requirement that persons identify themselves prior to testifying at hearings.)

#### Disorderly Conduct:

- Disorderly persons may be expelled.
- If expulsion is insufficient to restore order, the meeting place may be cleared and/or relocated.
- Non-offending members of the news media may not be excluded.
- If the meeting is relocated, final action may be taken only on agenda items. (RCW 42.30.050)

Adjournments/Continuances: RCW 42.30.090 - .100 provides that any meeting (including hearings) may be adjourned/continued to a specified time and place.

- Less than a quorum may adjourn.
- The clerk or secretary may adjourn a meeting in the same manner if no members are present; must then give written notice as required for a special meeting.
- A copy of the order or notice must be posted immediately on or near the door where the meeting was being held.
- An adjourned regular meeting continues to be a regular meeting for all purposes.

Adjournment of the council meeting is customarily by motion of the council, although many municipalities have adopted a "unanimous consent" format and the presiding officer simply declares the meeting adjourned. The clerk should note the time for the record for those municipalities whose minutes include the time of closing.

If at any time during the course of the meeting a councilmember departs from the chamber and leaves the council without a quorum, it is the duty of the clerk to call this fact to the attention of the presiding officer.

## 2.06.090 EXECUTIVE SESSION.

An executive session is defined as that portion of a meeting from which the public may be excluded. (RCW 42.30.110) It is permissible when:

- Considering matters affecting national security.
- Considering the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- Considering the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property must be taken in a meeting open to the public;
- Reviewing negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
- Receiving and evaluating complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or meeting open to the public must be conducted upon such complaint or charge;
- Evaluating the qualifications of an applicant for public employment or reviewing the performance of a public employee. However, ..." (except when certain exempted labor negotiations are involved), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public ..." Furthermore, the final action of hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, must also be taken in an open public meeting. Many attorneys now take the position that this exception allows an executive session to review applications for appointive public office and to review the performance of public officers, as well as employees.
- Evaluating the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
- Discussing with legal counsel representing the agency matters relating to agency enforcement actions; or litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency." (RCW 42.30.110(1), in part)

### Conduct of Executive Sessions

An executive session must be part of a regular or special meeting. (RCW 42.30.110)

Final adoption of an "ordinance, resolution, rule, regulation, order, or directive" must be done in the "open" meeting. (RCW 42.30.060)

Before convening in executive session, the presiding officer must publicly announce the general purpose of the session, cite the corresponding RCW, and the time the session will be concluded (sometimes done with a formal motion and vote of the council). The time of the executive session may be extended by subsequent announcement of the presiding officer. In either case,

it is advisable that the council convene for roll call prior to a session. The information is clearly stated in the meeting minutes for audit purposes.

The council has the option to request the presence of specific staff advisors, such as the manager or the attorney. The attorney must be present for any discussion regarding litigation. The clerk attends sessions only on request of the council. Meeting minutes or other recording are not required or recommended.

Documents reviewed during an Executive Session are not always a public record and extra copies are typically destroyed at the conclusion of the meeting.

#### 2.06.100 VIOLATIONS/ REMEDIES.

Ordinances, rules, resolutions, regulations, orders, or directives adopted in violation of the act are invalid. (RCW 42.30.060)

A member of a governing body who knowingly participates in violating the act is subject to a \$100 civil penalty. (RCW 42.30.120)

Mandamus or injunctive action may be brought to stop or prevent violations. (RCW 42.17.130)

Any person may sue to recover the penalty or to stop or prevent violations. (RCW 42.30.120 - .130) Auditor/Attorney General may enforce. (RCW 43.09.260 - .330)

A person prevailing against an agency is entitled to be awarded all costs including reasonable attorneys' fees. However, if the court finds the action was frivolous and advanced without reasonable cause, the court may award to the agency reasonable expenses and attorneys' fees. (RCW 42.30.120(2))

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## **Chapter 2.08 Agendas**

### **Sections:**

- 2.08.010 Philosophy - purpose
- 2.08.020 Order of business
- 2.08.030 Content of the agenda
- 2.08.040 Explanation of headings
- 2.08.050 Suggestions for preparation of agenda
- 2.08.060 Agenda packets
- 2.08.070 Organization of packets
- 2.08.080 Internal duplication
- 2.08.090 Public distribution of packets

### 2.08.010 PHILOSOPHY-PURPOSE.

The agenda may be viewed as a program invitation, to be prepared concisely, accurately, in a logical order and generally to present to its reader a clear picture of what business will be considered. Since clerks are in the business of providing a service to citizens, care should be given to produce a professional document that will aid the presiding officer and its members to conduct an orderly, open, and effective meeting.

The purpose of an agenda is to provide a framework in which a meeting can be conducted. Each municipality will have to decide on the agenda format that will best suit its needs. The suggested agenda formats exhibited in this chapter include items likely to come before a council.

### 2.08.020 ORDER OF BUSINESS.

The order in which items are listed must be at the discretion of the individual council. Many councils adopt their agenda format by resolution or ordinance, and in the same resolution or ordinance, they may establish rules of conduct for meetings. State statutes authorize the council to establish such rules, but do not spell out the legal means for doing so. Some councils choose to follow the aforementioned Robert's Rules of Order.

Such order can be most significant in determining the flow of business.

### 2.08.030 CONTENT OF THE AGENDA.

The following is a non-comprehensive list of headings/items that are included in many agendas for a regular meeting. Many of these headings are self-explanatory, while others will be described in more detail. The content on a special meeting cannot be changed without proper notice prior to the meeting and therefore the jurisdiction is limited to make decisions only on the items on an agenda properly posted in advance of the meeting.

Headings or groupings of headings can be consolidated and modified to meet the specific needs and ambience of the jurisdiction. The terminology used should be that which best identifies with a particular organization.

- Type of meeting (regular, special, adjourned, recessed)
- Name of governing body (council, redevelopment agency, commission)
- Date of meeting
- Place of meeting (address, room number or name)
- Time of meeting
- Invocation, if any
- Call to order; roll call
- Pledge of Allegiance
- Approval of minutes from prior meeting(s)
- Approval of the agenda
- Public comment

- Ceremonial matters (presentations, awards, proclamations, introductions)
- Consent agenda
- Public hearings (legally advertised and set for a specific time)
- Unfinished business (items from a recent meeting)
- New business
- Directors and council reports
- Communications
- Informational matters
- Executive session (reference RCW 42.30, Open Public Meetings Act)
- Adjournment

#### 2.08.040 EXPLANATION OF HEADINGS.

Public Comment. An established and identified time on the agenda where members of the public may address the body. It is recommended that the rules of order of business contain a policy statement as to the manner and length of time permitted to an individual who wishes to address the body. It is then appropriate to note this time limitation on the public agenda.

Consent Agenda. A consent agenda contains routine items which are not controversial in nature and which do not need further discussion. These items should have been reviewed by management and have been determined to be non-controversial and routine, such that no discussion is necessary due to their very nature. The consent calendar may include:

- Approval of Vouchers
- Approval of Minutes
- Setting Public Hearings
- Approval of Budgeted Contracts
- Award of Budgeted Bids
- Confirmation of previously discussed issues

It is recommended that consent calendar items be physically grouped together on the printed agenda and the recommended action provided to the council at the meeting. It is also appropriate to add an explanatory note to the public that consent agenda items are considered routine and may be adopted by one motion with a majority vote.

Items removed from the Consent Agenda during the agenda approval process should be voted on individually following the discussion of the item.

#### 2.08.050 SUGGESTIONS FOR PREPARATION OF AGENDA.

- Use specially designed agenda templates or letterhead.
- Center the meeting date, time, and place block.
- Capitalize and underline major headings.
- Number major headings.
- Use capital letter designators for major sub-headings and numbers for subs under those sub-heads. If more subs are required, use lower case letters.

- Double space between subjects.
- Single space if a subject is more than one line.
- Be consistent when using capitalization of titles or proper names of organizations, districts, or companies.
- Avoid acronyms or abbreviations not generally known to the public.
- Attempt to be politically sensitive as to the order of placement of items on the agenda, and as to titling.
- Be realistic when scheduling time-specific items so that sufficient time is given for deliberation and concluding action.
- Prepare a draft agenda for appropriate managers and/or elected officials to review.
- Be receptive to changes in agenda where revisions would expedite the conduct of business.
- Make sure that the council has been provided with the information they need to make a decision about the items on the agenda.
- Attempt to spread newsworthy items out evenly over agendas, so that the media is not faced with one agenda with too many important items to cover properly, and another with nothing of real significance to write about.
- When wording agenda item headings use objective, fact-based terms.
- Due to court cases in some states, some municipalities have a statement on the agenda indicating that any subject placed on the agenda, regardless of how the matter is stated on the agenda, may be acted on by the council. This ensures items labeled "Consideration of ..." or "Discussion regarding ..." may be legally approved at the meeting. In addition, the council may legally add and act on items not appearing on the agenda at a regular or adjourned regular meeting.

Examples of other municipality's agenda formats can be found online.

#### 2.08.060 AGENDA PACKETS.

Agenda packets consist of supporting documentation on agenda items, provided by staff for the council for review and consideration.

#### 2.08.070 ORGANIZATION OF PACKETS.

In most municipalities, the clerk prepares the agenda for the council meetings. The agenda should be prepared by the clerk's office a sufficient number of days prior to the council meeting to allow for duplication and distribution of agenda packets to councilmembers and staff. The clerk should establish a definite deadline for submittal of agenda items. An example would be if packets are prepared for distribution on Friday, the deadline could be the preceding Wednesday at noon. This will allow time for review, possible rewrites, and assembly of packet content for timely distribution. The established deadline should be strictly adhered to except in cases of extreme emergency. Some municipalities establish this deadline by separate resolution or administrative regulation or as part of a resolution setting council meeting procedure, which is advisable as protection for staff.

In municipalities with a manager or administrator, the clerk may meet with the manager and other staff members prior to finalizing the agenda. In non-manager municipalities the presiding

officer or various department directors may be consulted by the clerk on the final agenda. The clerk generally does not make changes to the agenda after such a meeting unless the other officials involved are consulted or notified.

Some municipalities will use a formal approval process using an "agenda bill," typically routed electronically to affected departments for review and approval prior to inclusion in the agenda packet. The format and content varies for each jurisdiction and usually includes a recommended motion for the council.

This is not intended to dictate to the council, but only to assist in expediting the meeting. It indicates to council that staff has researched an agenda item, will be able to respond to questions on an item, and in many cases, will have a recommendation for council.

#### 2.08.080 DUPLICATION.

Upon approval of the agenda, the clerk will compile the information using agenda building software and sufficient copies are reproduced for distribution with the packets.

The clerk decides the number of agendas to be run. If it is anticipated that the audience will be larger than normal, extra copies of the agenda or face sheet should be run.

#### 2.08.090 DISTRIBUTION OF AGENDA PACKETS.

Agenda packets containing all supporting documents receive a limited distribution (i.e. councilmembers and department directors). Some municipalities are required to post a link online in accordance to RCW 42.30. Most municipalities have a packet available at a public counter for review by the public prior to the meeting, and extra copies at the meeting.

The agenda usually receives a wider distribution and a supply should be available at the meeting for members of the audience.

The agenda packets should be distributed to councilmembers and department directors a sufficient number of days prior to the meeting to allow for review. The agenda itself will be distributed to persons on the ongoing distribution list, but not prior to receipt of the agenda by councilmembers. This is not only a matter of courtesy, as it could be embarrassing for a councilmember to be questioned on an agenda item that has not been reviewed and of which the councilmember has no knowledge. "Preliminary drafts" are exempt from public disclosure requirements if they express opinions or formulate or recommended policies.

Each municipality handles the distribution to councilmembers differently; options include arranging for councilmembers to pick their packets up at a designated time; delivering each packet individually; or arranging for pick-up after regular business hours. Posting agenda packets to the website, sending via e-mail or through the use of agenda preparation software are examples of electronic or paperless methods for distribution.

It is also advisable to send project proponents or interested parties of record a copy of related agenda materials.

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## **Chapter 2.12 Minutes**

### **Sections:**

- 2.12.010 Generally
- 2.12.020 Purpose of minutes
- 2.12.030 Content of minutes
- 2.12.040 Standard format
- 2.12.050 Jurisdictional matters
- 2.12.060 Approval of previous minutes
- 2.12.070 Record of action taken
- 2.12.080 Oral debates, arguments and discussions
- 2.12.090 Hearings
- 2.12.100 Adjournment
- 2.12.110 Signing the minutes
- 2.12.120 Use of recordings and retention
- 2.12.130 Preparation of the minutes
- 2.12.140 Summary - Annotated agenda
- 2.12.150 Purpose of format
- 2.12.160 Format characteristics
- 2.12.170 Preparation suggestions
- 2.12.180 Motions
- 2.12.190 Corrections to minutes
- 2.12.200 Excerpt from minutes
- 2.12.210 Preservation of minutes
- 2.12.220 Distribution
- 2.12.230 Indexing

### 2.12.010 GENERALLY.

Clerks in Washington State are legally required to keep a permanent record, journal of proceedings or minutes of council meetings. Most charter cities have this requirement contained in their charter. The form in which this record is to be maintained is not spelled out in the RCW. However, this chapter gives suggestions as to format and content.

RCW 42.32.030 requires minutes of regular and special meetings to be promptly recorded and open to public inspection.

No minutes are required or recommended to be recorded for executive session discussions. The record should show the presiding officers announcement of the Executive Session including the time the Executive Session began (or time of recess), the amount of time expected to be in

Executive Session, the reason along with specific statute for an executive session and the time the Executive Session concluded (or time reconvened into regular session). If the time stated is exceeded, the presiding officer should disclose an updated time to return to open session.

Notes and audio recordings are not "minutes" but are "public records."

While there may be working copies or file copies of all minutes in the clerk's office there should be official, signed original copies of all minutes. This official record can be in various forms, but it is suggested that official minute books be kept and stored in a fireproof vault, and microfilmed and transferred to the Regional State Archives for storage, on a regular basis. The paper in these books is usually of a specially treated type to guard against deterioration. It is well to remember that this is the history of your jurisdiction, and in the event of a disaster, it will be invaluable in recreating records, etc. You may wish to consider having a duplicate set of minutes created by the microfilming department of the State Division of Archives and Records Management and kept off-site (in Cheney) in the event of a disaster.

#### 2.12.020 PURPOSE OF MINUTES.

Keeping a good record of council proceedings is very important. A sufficient record must be kept to furnish evidence that the council has complied with the law or rules by which it is 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.

#### 2.12.030 CONTENT OF MINUTES.

Minutes need to be clear, concise, precise, and unambiguous. They need to show clearly, beyond doubt, exactly what actions were taken, and decisions made at the meeting but not necessarily everything that was said. Remarks that clarify the "intent" of the legislative body in its decisions should be noted.

The following is a non-comprehensive list of information to be included in the minutes:

- Date of meeting
- Location of meeting
- Type of meeting (regular, adjourned, special)
- Time of meeting
- Time meeting commenced
- Officials/members present
- Officials/members absent
- Topics of business
- Actions taken on each business matter
- Record of motions
- Record of voting
- Time of adjournment
- Signature blocks for presiding officer and clerk/secretary

#### 2.12.040 STANDARD FORMAT.

Use of standardized format is recommended to develop uniformity of minute entries and to save time in composing the record. A template can be set up for standardized items, such as adoption of resolutions and ordinances, approval of prior meeting minutes, award of contracts, claim denials, etc., which then requires you input only the specifics, such as titles of resolutions and ordinances, project numbers, names of claimants, etc.

#### 2.12.050 JURISDICTIONAL MATTERS.

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

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

#### 2.12.060 APPROVAL OF PREVIOUS MINUTES.

Most municipalities place minutes on the agenda for approval, in order to comply with council rules of procedure. In addition, this lends further weight to the accuracy and completeness of the record. If copies of the minutes are provided to councilmembers in sufficient time prior to a council meeting, it will avoid any necessity of reading of the minutes at the meeting by the clerk. When approved as written, or as amended by the council, the minutes are then official record.

#### 2.12.070 RECORD OF ACTION TAKEN.

Some councils require "action" minutes, where little, if any, narrative is included, and only motions and votes are shown in the record.

Other councils require more extensive minutes, which may include not only detail of each agenda item listed, but also discussion thereon. The attorney is a good source if the clerk is uncertain how much detail to include.

In adoption of a resolution or an ordinance, the minutes should include its title; if it is not going to be read in full, the motion should include, and the minutes should show that full reading was waived as well as the vote thereon.

Since any written record is the best evidence of its contents, a written report or written communication presented at a 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 need only be referenced in the minutes by name of person, address (if desired), the subject matter, and the disposition made by the council.

#### 2.12.080 ORAL DEBATES, ARGUMENTS AND DISCUSSIONS.

Some clerks, as a matter of course, make no reference in the minutes regarding councilmember's remarks, except where a councilmember specifically requests that his remarks be included in the minutes. Municipalities that follow this concept use as their basis the principle that minutes should only record the "actions" taken by the council, and were never meant to include the reasons for taking such actions.

Other clerks make reference in the minutes to councilmembers comments and reasons for voting for or against a motion. It is really a matter of preference. However, if a councilmember requests "the record show" his or her reason for voting, the clerk is well advised to include such in the minutes, unless council policy precludes it.

#### 2.12.090 HEARINGS. Minutes of council meetings with respect to hearings should include:

- Jurisdictional facts. In order that there is sufficient proof that a hearing was held in compliance with the statute or ordinance governing same, the minutes should record the fact that required notice was given in accordance therewith, and the hearing was held at the time and place specified in the notice.
- Evidence Produced at Hearing.
  - Written Evidence. Minutes should 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 should show the name of the person speaking, his or her address, and whether testimony was for or against the hearing subject. Some clerks briefly refer to content of testimony in the minutes; however, there is no requirement that this be done.
- Findings of council. Usually the findings made by the councils 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 should refer to the resolution or ordinance voted upon by the council. Some councils prefer; however, to have public hearing comments included in the record.
- Arguments and Debates at Hearing. Once again, the inclusion of arguments and debates occurring at public hearings is a matter of personal preference of the clerk or council. There is no requirement for inclusion in the record, but some municipalities, as a matter of procedure, briefly note arguments or debates.

### 2.12.100 ADJOURNMENT.

In recording adjournment, the minutes should show whether it was adjourned to another time prior to the next regular meeting, or merely adjourned. Some councils adjourn by motion. In other municipalities, the presiding officer or presiding officer may declare the meeting adjourned.

### 2.12.110 SIGNING THE MINUTES.

Frequently the governing rules will require the clerk sign the minutes. (Some also require the presiding officer to sign.) Regardless of whether such a procedure is legally necessary, it is recommended the clerk sign all minutes, as it adds authenticity to the minutes as public record and reflects the approval of the council.

### 2.12.120 USE OF RECORDINGS AND RETENTION.

There is no statutory requirement that council meetings have an audio or visual recording (quasi-judicial hearings; however, must have an audio recording). Where a clerk makes an authorized recording of a council meeting to facilitate the preparation of the minutes, any person has a right to inspect the recording and to listen to the recording on equipment provided by the jurisdiction. Any person also has the right to receive a copy of the recording, by either purchasing a copy, or making a duplicate copy on his or her own equipment. This does not include the right to have a written transcript made by the entity. Larger municipalities provide audio/visual recording on the local cable network and/or their official website.

Recordings may be used to prepare written minutes. Due to the limited lifespan of media types, they do not serve as a permanent record of proceedings and should be kept in accordance with the State Archives records retention schedule.

### 2.12.130 PREPARATION OF THE MINUTES.

Minutes of each council meeting should be prepared as soon as possible to be available for approval by the council at its next meeting. This may not be practical or possible for a clerk whose council meets each week. It is advisable that the minutes be done in rough draft prior to final preparation, and the draft checked against the agenda to be sure each item was included. If possible, a second person should proofread the draft for errors and content.

### 2.12.140 SUMMARY - ANNOTATED AGENDA.

A summary of council actions is used to transmit information quickly to staff and members of the press. The summary may be presented in several different ways; however, there are two used by most municipalities.

1. The first is the annotated agenda. This is done by marking the agenda face sheet with a notation as to the action taken by the council. (i.e., Roll Call: All members present.)

2. The second is the brief or memo to staff, which is a short paragraph on each item of the agenda, the action taken by the council, and possible direction to staff for follow-up.

#### 2.12.150 PURPOSE OF FORMAT.

Much can be learned from the minutes of other municipalities. We learn how other municipalities conduct business, the kinds of business they conduct, and what style is used for minutes.

Minute formats should not change with every new clerk or recorder. While some municipalities have the same employee for twenty or more years, others change recorders frequently. If minute formats changed frequently, the lack of uniformity would lead to a lack of credibility. However, there are many times when a change (small or large) is warranted:

- To Help Create/Improve an Indexing/Document Tracking System
- To Make Minutes Easier To Read
- To Make Minutes Easier To Understand
- To More Accurately Record Business

#### 2.12.160 FORMAT CHARACTERISTICS.

Below is a list of various characteristics for minute formats.

- Number each minute page
- Date each page
- Use subtitles
- Underline subtitles
- Use columns
- Include the numbers and titles of ordinances and resolutions
- Indent text of minutes
- Include agenda numbers
- Minute book, volume or page number (some books come with pre-numbered pages)
- Put municipalities name on each page
- Bold subtitles
- Capitalize subtitles
- Include file numbers that identify action

No set of minutes could contain all of the above without becoming cluttered and confusing. However, this list will help you evaluate your minute format.

#### 2.12.170 PREPARATION OF MINUTES.

- Single space the text.
- Double space between each paragraph and triple space between each item in the order of business.
- Use block style.

- Captions (subject and abbreviated action) may be typed in the left-hand margin. This procedure will facilitate locating and identifying specific business matters later.
- Capitalize and center the heading designating the meeting, time, date, and place.
- Be consistent when using capitalization of titles or proper names, organizations, districts, companies or proper nouns.
- Reference any official document by its assigned number, such as Ordinance 1234, Resolution 88-20, Zoning Permit 5678, and the like.
- Item numbering, especially when linked with a minute index system, is used by many agencies as a useful aid in locating reports and other business items.
- Identify names and addresses of businesses, applicants, property addresses - people, places, and things.
- Attempt to acquire at the meeting the name, address, and affiliation, if applicable, of persons speaking before the body.
- Use past tense.
- Avoid genders in titles. Instead of using "councilman" or "councilwoman," use "councilmember" or "councilor."
- Refer to speakers by "Mr. or Ms. and "last name," not first name or nickname. If two members have same surname, use first name to distinguish between them.
- After the minutes are prepared in final draft, have someone proofread for spelling, grammar and other errors.
- Prior to the meeting, read the agenda and any supporting material to be more familiar with potential actions and to expedite minute preparation.
- Take notes as the meeting proceeds, including the time each item begins.
- If the meeting is being audio recorded, make a notation of the time or audio counter location for any statements or motions that are unclear. This will expedite preparation of the minutes if further review is necessary.
- Avoid the use of colorful adjectives and adverbs, such as: "He angrily stated," "hotly added" or "extolled the virtues" of his position!

#### 2.12.180 MOTIONS.

There are various styles of reporting motions and votes. Roll call votes, unless otherwise instructed, should be called for in alphabetical order of the members' last names, with the presiding officer being called and recorded last. Votes should be recorded in the following manner:

AYES: Councilmembers Alpha, Beta, Ceta, Data, Eggo, Mover

NOES: None

If applicable, also list Councilmembers abstaining or absent. Council rules should address how abstentions should be treated.

A roll call vote may be requested by any member and is usually honored by the presiding officer. However, not all motions require a roll call vote.

Unanimous votes are recorded as a consensus. These motions are usually non-controversial, non-budgetary, business matters.

Preparation of voting slips may be prepared in advance of each meeting for each item to expedite recording of votes.

#### 2.12.190 CORRECTIONS TO MINUTES.

A municipal body has the right and duty to amend its minutes to make them speak the truth. Minutes do not "belong" to the clerk; the clerk is simply the submitter and custodian of the minutes. Do not become defensive when corrections to the draft minutes are offered. The art of hearing and writing actions develops with experience.

Amendments must be made promptly and either expressly or implied and authorized by its members, its attorney, or administrative staff.

All authorized corrections to the submitted draft minutes should be recorded in the meeting minutes of the meeting at which they were approved, as amended. This is important, as the State Auditor requires this procedure. Following the meeting, the draft minutes should be corrected to include the amendment(s) prior to placement of the final, executed minutes in the minute book.

Minutes of a meeting are submitted for approval at the next meeting before they become the permanent record of the municipality.

#### 2.12.200 EXCERPT FROM MINUTES.

Certified copies of minutes often are requested. The entire minutes of a meeting may be certified. If only a small section or one business matter is requested to be certified, the clerk may certify the appropriate excerpt from the minutes.

#### 2.12.210 PRESERVATION OF MINUTES.

The RCW requires minutes of councils to be a permanent record. Therefore, special attention, care, and security measures should be implemented to protect the orderly and safekeeping of minutes.

#### 2.12.220 DISTRIBUTION.

Copies of minutes should be provided to councilmembers with the agenda on which they appear for approval. Copies distributed prior to approval should be clearly marked "draft." After approval by the council, the official minutes should be made available on the website, to each department and those organizations and members of the public requesting them.

### 2.12.230 INDEXING.

Although it is not legally required, it may be desirable to maintain a comprehensive general index of the official minutes.