



AGENDA

SPECIAL CITY COUNCIL MEETING

CITY OF BANNING, CALIFORNIA

May 9, 2023

4:00 p.m.

In Chambers and via Zoom

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

This meeting is being held via Zoom so that members of the public may observe and participate in this meeting electronically. If you participate in this meeting via Zoom, you are agreeing to abide by the City's Zoom Community Standards for Public Meetings (provided in full on the last page of the agenda). Esta reunión se lleva a cabo en la Cámara y a través de Video/Teleconferencia en Zoom para que los miembros del público puedan observar y participar en esta reunión de manera electrónica. Si elige participar en esta reunión a través de Zoom, acepta cumplir con los Estándares comunitarios de Zoom para reuniones públicas de la ciudad (que se proporcionan en su totalidad en la última página de la agenda).

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/81007280759?pwd=d0JCK0oyeGhOQk5Cek1kd3FJUmlsQT09>

Meeting ID: 810 0728 0759
Password: 092220

Dial in: +1 669 900 9128 • Meeting ID: 810 0728 0759

1. **CALL TO ORDER**

Roll Call

2. **WORKSHOP**

2.1. Meeting Minutes Workshop..... **4**
(Caroline Patton, Deputy City Clerk)

Recommendation: Receive staff report and discuss the type of Meeting Minutes City Council desires. If changes to the current policy are desired, direct staff to prepare updated policy documents for City Council review at their next regular meeting. Staff respectfully recommend continuing under the current policy as it is currently drafted.

3. **ADJOURNMENT**

Zoom Community Standards for Public Meetings

By participating in this meeting on Zoom, you are agreeing to abide by the City of Banning's Community Standards for Public Meetings. Zoom attendees that fail to adhere to these standards may be removed from the meeting room.

- Your microphone must remain on mute, and you may only unmute your microphone when/if you are recognized by the Mayor.
- Your camera must be turned off unless/until you are recognized by the Mayor.
- To indicate a desire to make Public Comment, you must use the Raise Hand function. The Mayor will not recognize those who have not used the Raise Hand function.
- Public Comment from Zoom attendees will immediately follow in person comment from members of the public in Council Chambers.
- If you fail to adhere to these community guidelines, **you may be removed** for disrupting the meeting occurring in Council Chambers. You may rejoin the meeting but may be removed for each violation of these community standards.
- The chat function will be disabled for all City Council meetings on Zoom.

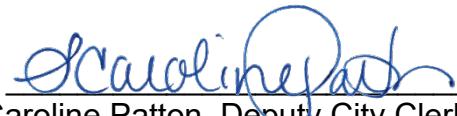
Estándares comunitarios de Zoom para Reuniones Públicas

Al participar en esta reunión en Zoom, usted acepta cumplir con los Estándares Comunitarios para Reuniones Públicas de la ciudad de Banning. Los que atienden por Zoom que no cumplan con estos estándares pueden ser retirados de la sala de reuniones.

- Su micrófono debe permanecer en silencio, y solo puede reactivar su micrófono cuando / si es reconocido por el alcalde.
- Su cámara debe estar apagada a menos que sea reconocido por el alcalde.
- Para indicar el deseo de hacer un Comentario Público, debe utilizar la función Levantar la mano. El alcalde no reconocerá a quienes no hayan utilizado la función Levantar la mano.
- Los comentarios públicos de lo que atienden por Zoom seguirán inmediatamente los comentarios en persona de los miembros del público en las Cámaras del Consejo.
- Si no cumple con estas pautas de la comunidad, es posible que lo destituyan por interrumpir la reunión que tiene lugar en las Cámaras del Consejo. Puede volver a unirse a la reunión, pero es posible que lo eliminan por cada violación de estos estándares de la comunidad.
- La función de chat estará deshabilitada para todas las Reuniones del Ayuntamiento en Zoom.

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220 by 4:00 P.M. on the 4th day of May 2023.



Caroline Patton, Deputy City Clerk
Secretario adjunto de la ciudad

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/archive).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person. *Special meetings do not have public comment periods for non-agenda items.*

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

¿Necesita servicios de traducción para participar? Contacto Oficina del Secretario de la Ciudad.

CONTACT • CONTACTO

Office of the City Clerk • 951-922-3102 • CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Caroline Patton, Deputy City Clerk *CP*

MEETING DATE: May 9, 2023

SUBJECT: Meeting Minutes Workshop

RECOMMENDATION:

Receive staff report and discuss the type of Meeting Minutes City Council desires. If changes to the current policy are desired, direct staff to prepare updated policy documents for City Council review at their next regular meeting. Staff respectfully recommend continuing under the current policy as it is currently drafted.

INTRODUCTION:

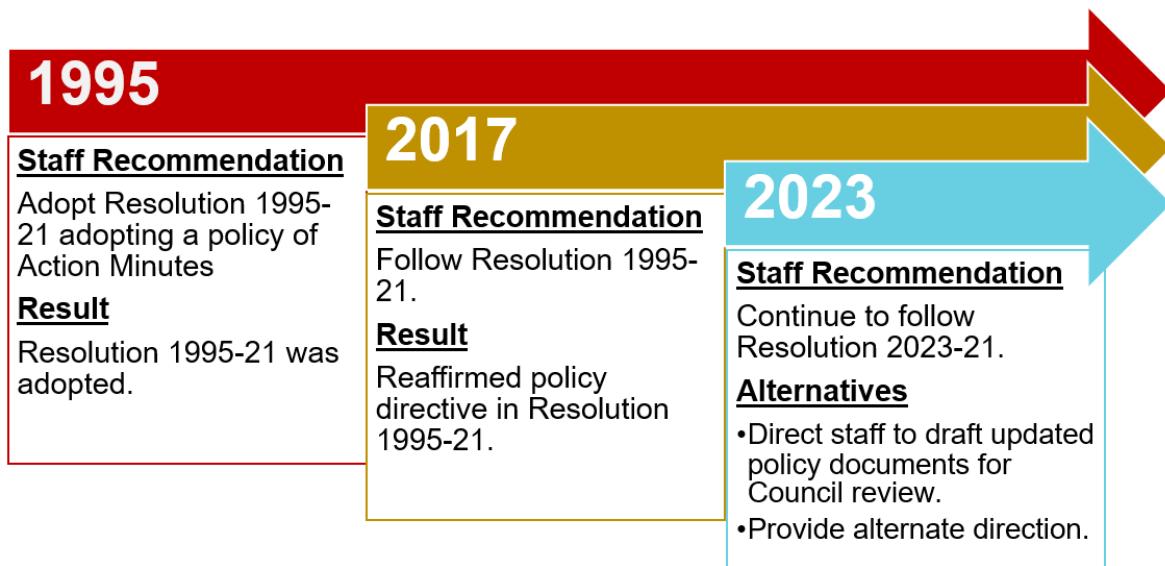
Types of Meeting Minutes:

- **Action Minutes** are a record of all actions that occur in a meeting. They include only the decisions of the board and not the discussions that went into making them, unless explicitly moved by the board.
- **Summary Minutes**, sometimes called Discussion Minutes, include summarized descriptions of the discussions that occurred. This form of minutes requires staff to synthesize board members' comments and those of the public.
- **Verbatim Minutes** are a word-for-word transcription of everything said in a meeting.

BACKGROUND:

Several City Councils have considered how the official meeting minutes should be composed. The timeline below provides an overview of when the Council reviewed this matter and their final disposition.

At the Banning City Council meeting on February 14, 1995, staff presented Resolution 1995-21 for adoption. The resolution was adopted. In 2017, City Council reviewed the policy. Staff recommended continuing "Action Minutes" under Resolution 1995-21. City Council made no policy changes at that time. It is important to note here that the example provided to City Council was not an example of Action Minutes, but detailed Summary Minutes, including discussions and comments of members of the Council and the public.



The Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Banning (“Manual”) directs the City Clerk’s Office as well as Board and Commission secretaries on procedures for drafting meeting minutes. In Section 5.10, entitled “Minutes and Recordings,” the Manual states:

(a) An account of all proceedings of Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meetings proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. [emphases added]

In addition to the existing policy directive in Resolution 1995-21, the City Council has continuously reaffirmed the use of “abbreviated” minutes through the adoption of each revised Manual document (in 2012, 2013, 2020, and most recently by City Council Resolution 2023-34 on February 14, 2023).

Despite continually reaffirming this policy direction, the City has never truly implemented this practice. Meeting minutes have been completed as Summary Minutes, with verbose descriptions of every discussion and comment made. This is different from what staff intend to continue, since the City Council has an existing policy to complete Action minutes, which are widely accepted as best practice for municipal clerks internationally.

JUSTIFICATION:

Meeting Procedure Best Practices

Robert’s Rules of Order, the preeminent manual on parliamentary procedure, famously states, “In an ordinary society, the minutes should contain mainly a record of what was *done* at the meeting, not what was said by the members.”¹ In addition to the basics—name of the body, meeting type (e.g. regular or special), date, time and location, as well

¹ *Robert’s Rules of Order* (12th ed.) 48:2.

as adjournment time—the majority of the content of minutes are most often **motions** made by the members.

Most California cities have transitioned from long-form minutes to either Brief Summary or Action Minutes as the most efficient, succinct, and cost-effective manner for preparing a record of City Council action.

Official Meeting Record

In case of someone wishing to review the discussion leading up to the Council's final decision, audio/video recordings of the Council's proceedings, as well as agenda packets are available for 10 years per the City's current records retention policy, last updated by Resolution 2013-24. Staff plan to update the retention schedule in the next year and, as they will be considered the meeting record, plan to make recordings permanent archives.

Relevant California Government Code Sections include:

- Government Code Section 40801. The city clerk shall keep an accurate record of the proceedings of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively. The books shall have a comprehensive general index.
- Government Code Section 36814. The council shall cause the clerk to keep a correct record of its proceedings. At the request of a member, the city clerk shall enter the ayes and noes in the journal.
- Government Code Section 54953(c)(2). The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

Further, the City's Manual states in Section 5.10(a), "The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available."

In general, the official meeting recording is the meeting recording where one exists. The City has been recording all public meetings for over a decade, so these recordings serve as the official record.

The Problem with Summary Minutes

Given that the meeting video serves as the verbatim record of the proceedings, there are a number of reasons that Summary Minutes present a problem to the organization. Foremost is the conflict created by a Clerk/Secretary in summarization. In order to do their job effectively, the Clerk/Secretary must maintain neutrality. Since the Clerk/Secretary to the Board must necessarily synthesize what is said in the meeting, there are choices they must make about what to include and how to phrase another's comments. This raises two more substantive issues:

- **Legal** – Exposure to litigation due to the necessary interpretation on the part of the Clerk/Secretary in completing summarizations of positions or comments.
- **Personal** – Risk that the public or Council feel that their position or comments on an issue were misrepresented in the meeting minutes.

Given the propensity to create more changes, Summary Minutes add time to the existing process and reduce staff time available for other vital job duties.

Staff Time versus Benefit Analysis

The City's current policy of completing Action Minutes reduces the amount of staff time spent in minute preparation. The time and effort required to prepare detailed minutes that record specific remarks far exceed the value to the City and the public. This time could be better spent on other duties more crucial to the City Clerk's Office's operations.

If the City Council chose to change the current policy, the current time to draft and review would become exponentially longer. Following the meeting, the Clerk/Secretary will not be able to complete minutes in the meetings but will need to spend considerable time listening back to the meeting recordings. City Council then have to review the draft minutes and would customarily provide comments before the meeting.

Additional content in the minutes leads to additional corrections or changes, since there are frequently differences of opinion about whether content was characterized correctly. Sometimes people are offended by the way their remarks are recorded or disagree with the way they were presented.

Any minutes corrections have to be voted on formally by the body and sometimes brought back to future meetings. Searching meeting records would become exponentially harder, as lengthy meeting minutes with a lot of extra content make it harder to locate specific decisions within the many pages of text. The record is far less functional when it includes comments and specific remarks as opposed to strictly actions.

People from a variety of professions such as auditors, officers of the court, grant coordinators, etc. rely on minutes to accurately reflect final, official decisions of the City Council. Meeting commentary is not relevant for these purposes.

Coming Soon: Agenda Management System

The City Clerk's Office is currently engaged with a new Agenda Management Platform that will bring a number of additional features to allow anyone and everyone greater access City meeting content.

Additional Features:

- All electronic meeting materials (no printed materials!);
- Linked staff reports from meeting agendas;
- Meeting minutes will be viewable side-by-side with video recording;
- Video recording is **time-stamped** so viewers can click the section of the minutes to immediately jump to that point in the meeting video recording;

- Minutes fully word-searchable by topics and phrases; and,
- Seamless access to City meeting minutes and video recordings (all found in a single location *on the City's website*—No more outside webhosts).

FISCAL IMPACT:

To complete verbatim meeting minutes, the City Clerk's office will require an additional FTE. Additionally, a change in this policy will impact every Commission, Board and Committee. At the current level, at least 4 city staff members' work schedules would be affected by this potential policy change.

ALTERNATIVES:

1. Direct staff to continue under the existing policy (adopted in Resolution 1995-21).
2. Define new policy and direct staff to prepare new policy documents for Council consideration that would update the existing policy directive.

ATTACHMENTS:

1. Manual of Procedural Guidelines as Amended 2/14/2023
https://banningca.gov/DocumentCenter/View/12517/Att-1-2023-02-14_Manual-of-Procedural-Guidelines_Resolution-2023-34
2. City Council Resolution 1995-21
<https://banningca.gov/DocumentCenter/View/12518/Att-2-CC-Resolution-No-1995-021>
3. Staff Report from February 14, 1995, Consideration of Resolution 1995-21
https://banningca.gov/DocumentCenter/View/12515/Att-3-1995-02-14_CC-Agenda-Packet---Regular-Meeting
4. City Clerks' Association of California (CCAC) Guidelines for Preparing Minutes
https://banningca.gov/DocumentCenter/View/12516/Att-4-CCAC_Guidelines-for-Preparing-Minutes_2015

Approved by:



Douglas Schulze
City Manager