

LAFCO

Santa Barbara Local Agency Formation Commission

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August 4, 2011 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

Direction on the Format of Minutes of Commission Meetings

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission direct the Clerk to maintain the current practice of recording the motion made, maker of the motion, maker of the second to the motion, and individual vote for each item on the agenda that requires Commission action.

DISCUSSION

After each Commission meeting, the Clerk prepares the proposed official minutes of the meeting. These minutes are then placed on the agenda of the next Commission meeting where they are reviewed and approved by the Commission with any needed amendments.

Typically, minutes include the following for each agenda item:

- Identification of Agenda item.
- Names of those who give testimony
- Identification of any written materials that are received into the record
- The action that is taken, including:
 - Motion made on the item;
 - Identification of Commissioner making any motion
 - Identification of Commissioner seconding the motion;
 - Vote cast by each Commissioner on the motion.

It has been suggested the minutes should include a narrative of the comments made by individual Commissioners meeting. This suggestion is not recommended for the following reasons:

1. All LAFCO meetings are broadcast on public access television. Any member of the public wishing to watch or participate in the meetings is free to do so.
2. After each Commission meeting, the Clerk makes available to any person who requests a copy of the DVD of the entire Commission meeting.
3. Narrative minutes would be time consuming for the Clerk.
4. It is difficult for anyone other than a court reporter to record exactly what is said at each hearing. Narrative minutes would require the Clerk to exercise judgment to determine what comments need to be memorialized and how to summarize such comments. The result would be that the Clerk would paraphrase what was said. This can be especially difficult for any hearings before the Commission that are subject to much debate and dispute.
5. The Commission is required to review and approve the minutes at the next hearing. Where narrative minutes are involved, this can lead to considerable time and effort at Commission meetings while Commissioners seek revisions or clarifications of their statements as set forth in the draft narrative minutes.
6. The Commission's legal counsel advises that there little if any evidentiary value to narrative minutes. In any matter subject to litigation, any court will look to the transcripts of the proceedings, which are made by a certified court reporter from the DVD recordings, to determine what was said. In contrast, the narrative minutes would be nothing more than hearsay evidence which would be accorded little if any evidentiary value.

For all of these reasons, it is recommended there be no change to the current practice for preparation and approval of the Commission's minutes.

Sincerely,

BOB BRAITMAN
Executive Officer