

<b>Question</b>	What information is required to be documented in the Minutes?
<b>Background</b>	We are looking into a citizen complaint in regards to documentation of discussions that occur during the Commissioners meetings for the Hospital District. During our review of the minutes, we also noted that starting in June of 2004, there is little documentation in regards to the public comment period. The citizen is concerned that all items being discussed by the Commissioners is not documented in the Minutes and that anyone requesting copies of the minutes will not receive an accurate reflection of all items discussed during the meeting. In specific, this citizen has raised several items of concern during the public comment period and it is not documented in the Minutes. Are there any specific requirements on what is required to be documented in the Minutes of board meetings?
<b>Category</b>	Open Public Meetings
<b>Entity</b>	
<b>Response</b>	<p>Answer:</p> <p>All meetings of the district’s commissioners are subject to the express and implied requirements of the Open Public Meeting Act (OPMA), RCW 42.30; of the district’s enabling authority, RCW 70.44; and of the general requirement to record and adopt minutes, RCW 42.32.030.</p> <p>RCW 42.32.30 reads as follows:          “The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.”</p> <p>Although RCW 42.32.030 does not provide guidance for the content or format for commission minutes, the minimum requirements for such minutes can be inferred from reading this statute in the context of RCW 70.44 and the OPMA. It is the author’s opinion that RCW 42.32.030 can and should be interpreted in the same spirit as the provision of the OPMA under the legislative declaration found at RCW 42.30.010. The nexus between RCW 42.32.030 (a statute that existed before the OPMA) and the OPMA is obvious—the minutes are simply the summary documentation of all public meetings and any actions taken at such meetings. This means that commission minutes should “aid the conduct of the people’s business” by documenting openly the transactions of the commission at any meeting so that citizens are adequately informed of the actions of the commission. Under RCW 42.30.020(3), the “actions” of the commission must occur in (regular or special) public meetings and “actions” can include deliberations, discussions as well as “final actions” where the commission makes a definitive decision (usually by vote). The minutes are also subject to permanent retention under a records retention schedule (RCW 40.14.070).</p> <p>Under these statutory provisions and principles, the following list provides suggested general minimum requirements for district commission minutes:</p> <ol style="list-style-type: none"> <li>1. The task of taking and preparing minutes should be assigned to a suitably trained and equipped staff person. [If/when a commissioner were to be assigned this responsibility it could distract from with his/her ability to participate more fully in deliberations and decision-making.]</li> <li>2. The minutes should document in logical/sequential order the actions at each meeting</li> </ol>

including the following information:  
 Date, place, and time meeting began and ended (and any time at recess);  
 Commissioners and staff in attendance;  
 Meeting notes in the order of any agenda used and followed;  
 Summary notes of deliberations by commissioners and others for each agenda item;  
 Verbatim documentation of every motion made by whom, of the votes cast (by whom) and whether the motion passed or failed.  
 Accurate identification of any documents or exhibits or transactional records used in the commissions deliberations and any final action—for example if the commission is acting to approve a resolution, the resolution should be identified by title and number; if the resolution is amended, the exact text of the proposed or adopted amendment should be included in the minutes or referenced to an existing document that is also available for public inspection; and,  
 Public hearings or other public comment received should include documentation of who spoke (usually there is a sign-in sheet to assist in recording this information) and at least a brief summary statement of the position/information conveyed to the commissioners by each speaker (and commissioner or staff response—if any).

3. Under RCW 42.32.030, the minutes should be prepared and presented for approval “promptly”—ideally at the next district meeting. This requirement appears related to the well-known fact that human memory can become less accurate with time. Prior to approval, minutes can and should be amended by motion if/when the commissioners determine that the proposed language inaccurately or incompletely documents the meeting.

Minutes which fail to meet format standards comparable to the above could be found to be non-compliant with the letter and the spirit of RCW 42.32.030, the OPMA, and RCW 70.44. Additionally failure to take and adopt adequate minutes could contribute to audit compliance findings—e.g., if the commissioners were to fail to take minutes or adequately document in minutes any meetings and actions required by statute (such as the budget hearing and adoption requirements under RCW 70.44.060(6)).

The minimum standards do not address all possible unique scenarios. For example, deliberations during an appropriately convened executive session would not be recorded in the minutes—however the minutes should document the stated statutory basis for the executive session (which should be announced by the commissioners before convening in executive session) and should fully document any action taken by the commissioners following their reconvening in the open meeting.

Although the above outline references the requirements for minutes for a hospital district operating under RCW 70.44, similar general requirements would apply to any local government agency.

**Changes**

**Status** CLOSED ~ **Closed** 11/2/2004 ~ **Technician** CALKINSM