# Agenda Writing & Taking Effective Minutes

Committee Staff Academy Training – January 29, 2020
Assistant City Attorney Lara Mainella
Council Legislative Services Manager Lisa Veldran

### Session 3 - Learning Objectives

- Understand purpose and importance of agendas & minutes the "WHY"
  - Where do the rules for agendas and minutes come from?
  - Why do they matter?
- Learn the "HOW" how to correctly prepare and post your agenda:
  - Required and discouraged agenda content
  - ► Learn rules for posting meeting notices & agendas
- ► HOW to take good minutes what's required, what isn't, Legistar tips
- Special problems and hot topics

### Part 1 - AGENDAS

### The Role of the Chair (Agenda)

- City ordinance clarifies that the Chair sets the Agenda:
- ► MGO 33.01(7)(c) "unless modified by a rule of a sub-unit or otherwise required by ordinance, the chair shall set the agenda for meetings, with the assistance of City staff as needed."
- Develop an understanding with your chair for how and when to get their approval for each agenda
- ▶ Discussion: How do you handle the approval of the agenda by your chair? What works well?

### The Role of Staff (Agenda)

Make sure agenda includes all mandatory components (details on this later)

Open Meetings law compliance: making sure meeting is noticed and agendas posted, and agenda is followed.

▶ Good communication with Chair

### Agenda - Law and Purpose

Wisconsin's Open Meeting Law (sec. 19.81, et seq.) and MGO 3.71.

- **19.83(1)** Every meeting of a governmental body shall be preceded by public notice as provided in s. <u>19.84</u>, and shall be held in open session...
- **19.84 (1) Public notice** of all meetings of a governmental body shall be given
- (a) As required by any other statutes; and
- (b) By communication from the chief presiding officer of a governmental body or such person's designee to the public, to... news media who have filed a written request for such notice, and to the official newspaper...."
- Wis. Stat. s. 19.84 sets the rule that the CHAIR provides the notice, and provides the basics for what must be included in the agenda.

### Rules for Agendas - Content

State Law: Wis. Stat. sec. 19.84

(2) Every public notice of a meeting of a governmental body shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof. The public notice of a meeting of a governmental body may provide for a period of public comment, during which the body may receive information from members of the public.

### Each Agenda Item must be Specific

- ► Each item on the agenda must be worded to clearly apprise the public of the matter to be considered.
- ➤ **Tip**: Educate your chair on these rules and importance of following
- **▶** Good example:
  - Legislative File No. 12345 Presentation: 311/CRM Feasibility Study by ICMA Representative / City Information Technology Staff
- ▶ Bad example: Legislative File No. 12345 – Presentation by Staff

### City Rules for Agenda Content

- ➤ City ordinances & rules that address agenda **content**: MGO 3.71(3), 33.01, APM 3-2.
- ► MGO 3.71(3) overview of basic requirements (time, date, place, subject matter)
- ▶ Language / hearing assistance notices APM 3-2
- ► Telephone appearances APM 3-2
- ► MGO 33.01(9)(e) Public Comment Period mandatory
  - ► Exceptions: quasi-judicial hearings, confidential advisory requests to Ethics Board
  - "Public Hearing items" additional special rules for certain committees / business

### Rules for Agendas - Content in Legistar

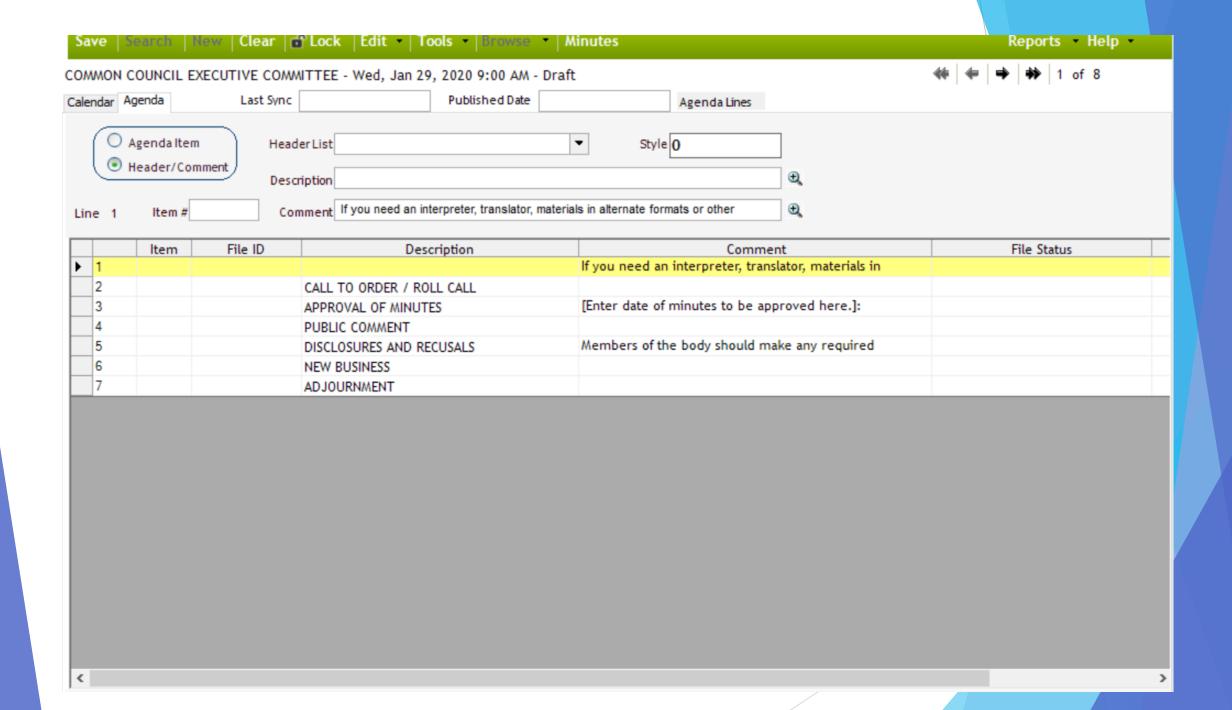
All agenda are required to have

Date, time, location of meeting

Required components of agendas in Legistar:

- Call to Order/Roll Call
- Approval of Minutes
- Public Comment (see 33.01(9)(e))
- Disclosures or Recusals (see 33.01(9)(f))
- Adjournment

Note: Legistar automatically adds a header "NEW BUSINESS" (immediately after "DISCLOSURES AND RECUSALS") this header can be modified for your committee. (I like to change mine to either "REFERRALS FROM THE COMMON COUNCIL" or "DISCUSSION ITEMS".)



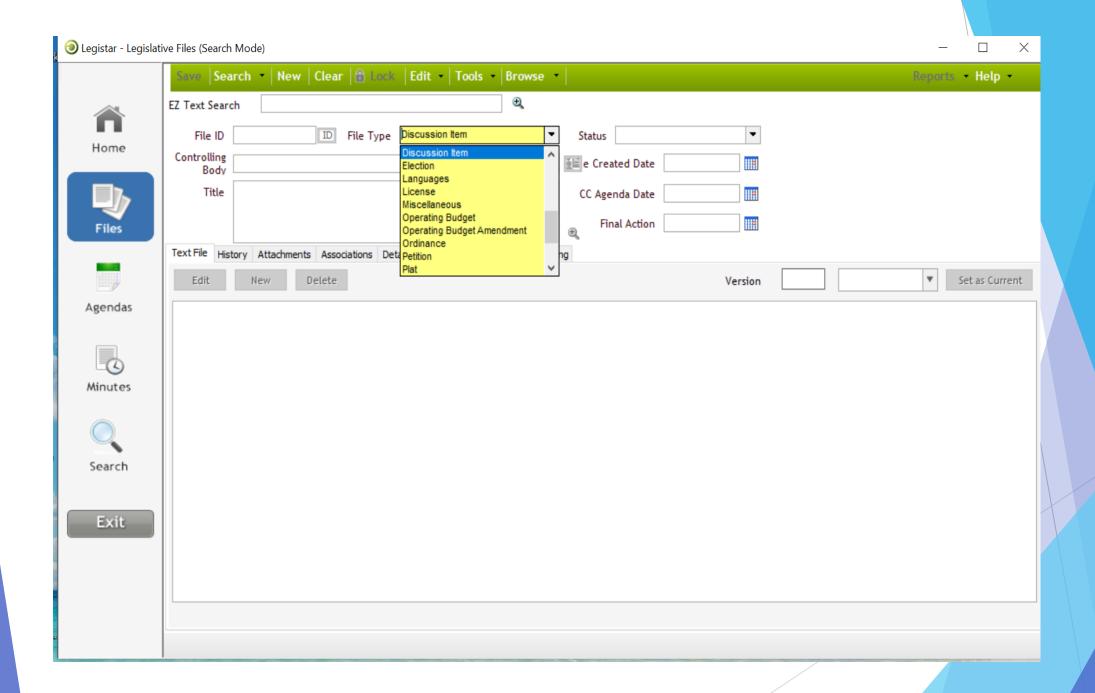
### Legislative Files for Agendas

ALWAYS CREATE YOUR LEGISLATIVE FILES FIRST BEFORE GENERATING YOUR AGENDA (this does not apply to resolutions or ordinances they are already created and referred to BCC's by the Common Council)

Legislative Files (File Types) can be:

- Discussion Items
- Reports
- Presentations
- Miscellaneous (catch-all)

(Note: There are several other File Types for specific agencies but those listed above are the typical BCC file types you would create)



### Preparing Your Agenda

- How to Create Agendas Flowchart found in Legislative Center <a href="https://www.cityofmadison.com/Employeenet/legistar/Documents/LegislativeProcessAgendas.pdf">https://www.cityofmadison.com/Employeenet/legistar/Documents/LegislativeProcessAgendas.pdf</a>
- ▶ All attachments in Legistar must be imported as a PDF file type. Files must be renamed if the description of the attachment does not clearly describe what the attachment is (i.e., if the attachment is a report, the attached would be renamed as Report of XXXX.pdf.) Contact the City Attorney's Office for attachments to ordinances.
- ▶ Meeting notices must be posted at least 24 hours before the start of a meeting. Saturdays and Sundays are excluded in calculating the 24 hour notice. Thus, all Monday meetings should be preceded by the proper posting on Friday. (APM 3-2)

### Notice of the Meeting - Rules for POSTING Agendas

- No action can be taken if not on agenda and properly noticed.
- ► This should be on every committee staff person's calendar every Friday @ 12 noon as reminder to get your agenda for the next week into the Clerk!:

The Council President has requested that the Clerk's Office send committee staff a calendar reminder about the <u>APM 3-2</u> deadline for submitting meeting agendas to the <u>Clerk's Office</u> in time to be included on the Weekly Meetings Schedule. The APM gives a deadline of noon the Friday before a meeting takes place.

- Remember to send your agenda to CL Meetings.
- When you have a question, check APM 3-2 or call the City Clerk's office for assistance.

### Agendas - Special Issues

- "Public Hearing"
- ► Listening Sessions & Informational Meetings
  - No business is conducted but must be noticed if a quorum of body is present
- ► Site Visits
- Joint Meetings
- Appeals / Quasi-judicial hearings (license revocations, etc.)
- Going in and out of Closed Session

### Public Hearing

- ➤ Some bodies have special rules for a "Public Hearing," such as the Common Council and the Plan Commission.
- ► Often includes a newspaper publication requirement
- Special section on the agenda where items must be noticed by State law (or City ordinance) for a Public Hearing
- May be rules for the chair to open and close the public hearing
- ► Longer speaking limits (5 minutes in some cases)
- ► Committee-specific if you have this, you'll know it

## Sample Agendas with Special Circumstances ©

Example of an Agenda with Closed Session, Possible Quorum & a Conference Call!

Administrative Review Board Agenda from March 31, 2015



### City of Madison

City of Madison Madison, WI 53703 www.cityofmadison.com

### Agenda - Approved ADMINISTRATIVE REVIEW BOARD

Tuesday, March 31, 2015

5:00 PM

Room 108, City-County Building 210 Martin Luther King, Jr. Boulevard

\*Please note that the Administrative Review Board may go into closed session\* 🛶

Quorums of the Common Council Organizational Committee

& Common Council may be present at this meeting

\*Note: Appellant may be participating via conference call\* 🚤

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below immediately.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese inmediatamente al número de teléfono que figura a continuación.

Yog tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntaub ntawv ua lwm yam los sis lwm cov kev pab kom siv tau qhov kev pab, kev ua num los sis kev pab cuam no, thov hu rau tus xov tooj hauv qab no tam sim no.

Contact: Lisa Veldran, Legislative Administrative Assistant, Common Council Office, (608) 266-4071 or Iveldran@cityofmadison.com

### 1. CALL TO ORDER / ROLL CALL

### 2. DISCLOSURES AND RECUSALS

Members of the body should make any required disclosures or recusals under the City's Ethics Code.

### APPEAL

3. 37633

Appeal to Administrative Review Board: Michael Spindler - Appeal of Snow/Ice Removal Charges

Attachments: 3/3/15 Michael Spindler ARB Appeal Letter Attachments.pdf

031115 Spindler Hearing Notice.pdf

CCOC Rules of Procedure for ARB Hearings 2013.pdf

NOTICE: The Administrative Review Board may, by proper motion and majority vote, convene in closed session during the course of Legislative File No. 37633, Agenda Item #4 for one or more of the following purposes, as authorized by Wisconsin Statute:

1. Deliberating concerning a case which was the subject of any quasi-judicial hearing before the Board, under Wis. Stats. sec. 19.85(1)(a),

City of Madison Page 1 Printed on 3/26/2015

ADMINISTRATIVE REVIEW BOARD

Agenda - Approved

March 31, 2015

Conferring with legal counsel for the Board who is rendering oral or written advice concerning a strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, under Wis. Stats. sec. 19.85(1)(g).

PLEASE TAKE FURTHER NOTICE that if the Board convenes in closed session, the Board may reconvene again into open session to continue its proper business, to schedule further meetings of the Board, and for other lawful purposes.

### 4. ADJOURNMENT

City of Madison Page 2 Printed on 3/26/2015

Example of an agenda for a Joint Bus Tour and Possible Quorums of UDC, Plan Commission and Council

<u>Urban Design Commission Joint Bus Tour of UDC and Plan</u> <u>Commission Agenda from June 6, 2019</u>



### City of Madison

City of Madison Madison, WI 53703 www.cityofmadison.com

### Agenda - Approved URBAN DESIGN COMMISSION

Wednesday, June 5, 2019

5:30 PM

Metro Bus Stop #1486 on the corner of E. Wilson

St. & MLK, Jr. Blvd.

### SPECIAL JOINT BUS TOUR OF UDC/PC

NOTE: A quorum of the Urban Design Commission, Plan Commission and Common Council may be present.

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below immediately.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese inmediatamente al número de teléfono que figura a continuación.

Yog tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntaub ntawv ua lwm yam los sis lwm cov kev pab kom siv tau qhov kev pab, kev ua num los sis kev pab cuam no, thov hu rau tus xov tooj hauv qab no tam sim no.

### CALL TO ORDER / ROLL CALL

Please arrive by 5:15 p.m., as the bus will depart promptly at 5:30 p.m.

### **BEGIN BUS TOUR**

Metro bus stop #1486 on the corner of E. Wilson Street and Martin Luther King, Jr. Blvd.

1. 202 E. Washington Avenue

The AC Hotel

700 E. Johnson Street

700 East

3. 1010 E. Washington Avenue

The Lyric

803 E. Washington Avenue/25 S. Livingston Street

The Gebhardt Building/The Sylvee

5. 211 S. Livingston Street

Capitol East Parking Garage

City of Madison Page 1 Printed on 6/4/2019

Example of an agenda for a phone participant

Community Services Committee Agenda from November 20, 2019



### **City of Madison**

City of Madison Madison, WI 53703 www.cityofmadison.com

### Agenda - Amended COMMUNITY SERVICES COMMITTEE

Wednesday, November 20, 2019

5:30 PM

Madison Water Utility 119 E. Olin Avenue

### Bridget Rogers will be participating by telephone.

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below immediately.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese inmediatamente al número de teléfono que figura a continuación.

Yog tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntaub ntawv ua lwm yam los sis lwm cov kev pab kom siv tau qhov kev pab, kev ua num los sis kev pab cuam no, thov hu rau tus xov tooj hauv qab no tam sim no.

Community Development Dvision 608-266-6520

### CALL TO ORDER / ROLL CALL

### APPROVAL OF MINUTES

August 28, 2019: http://madison.legistar.com/Calendar.aspx

### PUBLIC COMMENT

### DISCLOSURES AND RECUSALS

Members of the body should make any required disclosures or recusals under the City's Ethics Code.

- 1. 58333 Introductions
  - -New CSC member, Diane Farsetta
  - -Community Resources Program Manager, Yolanda Shelton-Morris
- 58334 Selection of CDD Conference Committee Members for 2020.

### **ACTION ITEMS**

58272 Approving the allocation of up to \$193,500 of City funds, authorized in the City's

Adopted 2020 Operating Budget, for use in supporting the expansion of School-Age Child and Youth Development program capacity on Madison's West Side, as part of a broader effort to assist families residing in Tree Lane

City of Madison Page 1 Printed on 11/19/2019

### Example of a quorum notice for a site visit

Task Force on Municipal Golf in Madison Parks, Board of Park Commissioners and Council Tour of West Side Golf Facilities: Glenway and Odana Hills November 2, 2019 Notice



### City of Madison NOTICE OF POSSIBLE QUORUM OF THE

City of Madison Madison, WI 53703 www.cityofmadison.com

### ASK FORCE ON MUNICIPAL GOLF IN MADISON PARKS BOARD OF PARK COMMISSIONERS COMMON COUNCIL

Tour of West Side Golf Facilities: Glenway and Odana Hills

Satuday, November 2, 2019 9:00 am – Glenway Golf Course, 3747 Speedway Road 9:30 am – Odana Hills Golf Course, 4635 Odana Road

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnub ua hauj lwm ua ntej yuav tuaj sib tham.

For more information on this meeting, please contact Eric Knepp, Parks Superintendent, 266-4711 or eknepp@cityofmadison.com

Members of the Task Force on Municipal Golf in Madison Parks have been invited to a tour of Glenway (9:00 am) and Odana Hills (9:30 am/approximately) Golf Courses conducted by Parks Division staff on Saturday, November 2, 2019.

A possible quorum of the Task Force on Municipal Golf in Madison Parks, Board of Park Commissioner and Common Council members may be in attendance at this tour.

Note: Quorum Notices are different from regular agendas. Usually the BCC is doing something outside a regular meeting that would require an agenda. Examples: visiting a site, attendance at a special event, etc. Please see Roger Allen's presentation on Open Meetings Law

### Part 2 - MINUTES

### Minutes with a Capital M....

- What do you think of when somebody asks for meeting minutes?
  - What about minutes of an official government body?
  - Minutes of your book club?
  - ► How about minutes that must be entered into a proprietary software system?
- "Minutes" for purposes of a City of Madison BCC are a very specific thing, controlled by a combination of Roberts Rules, Wisconsin open meetings law, City ordinance and local practice and custom.
- Purpose: To record the outcome of the official action of a City Board, Committee or Commission taken a public meeting, so the public can learn what happened and there is a reliable record.

### Where are the rules for minutes established?

- ▶ Robert's Rules of Order (11th ed.) at p. 468, II. 14-18: "The official record of the proceedings of a deliberative assembly is usually called the *minutes*....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."
- ▶ Wis. Stat. s. 19.88(3) The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in subch. <u>II of ch. 19</u>.
- ▶ MGO 33.01(9)(a): "Every Sub-unit shall keep minutes of its proceedings. After the minutes have been approved by the board, committee or commission, a copy shall be filed with the City Clerk within five (5) business days."
- City Attorney Guidance: Point of Order Memo <a href="https://www.cityofmadison.com/attorney/documents/PointOfOrder-TakingCommitteeMinutes.pdf">https://www.cityofmadison.com/attorney/documents/PointOfOrder-TakingCommitteeMinutes.pdf</a>

### "Brevity is the soul of good minutes"

Michael P. May, City Attorney

Per Robert's Rules, minutes should contain what was *DONE*, not what was *SAID*.

► Here's that handy City Attorney memo : "Point of Order – Taking Committee Minutes:

https://www.cityofmadison.com/attorney/documents/PointOfOrder-TakingCommitteeMinutes.pdf

### Required Content for Minutes

- Name of body
- Type of meeting (regular, special, adjourned)
- Date, time and place of the meeting
- Note that the agenda was posted in compliance with Open Meetings Laws
- Who chaired the meeting, and note of members present (for quorum)
- Whether previous minutes were read and approved
- Substance and disposition of all motions, including amendments, and the votes thereon: Who made the motion, who seconded it, method of voting and vote results.
- Results of a Roll call vote (if any)
- Time of adjournment
- Closed session mechanics (if any)

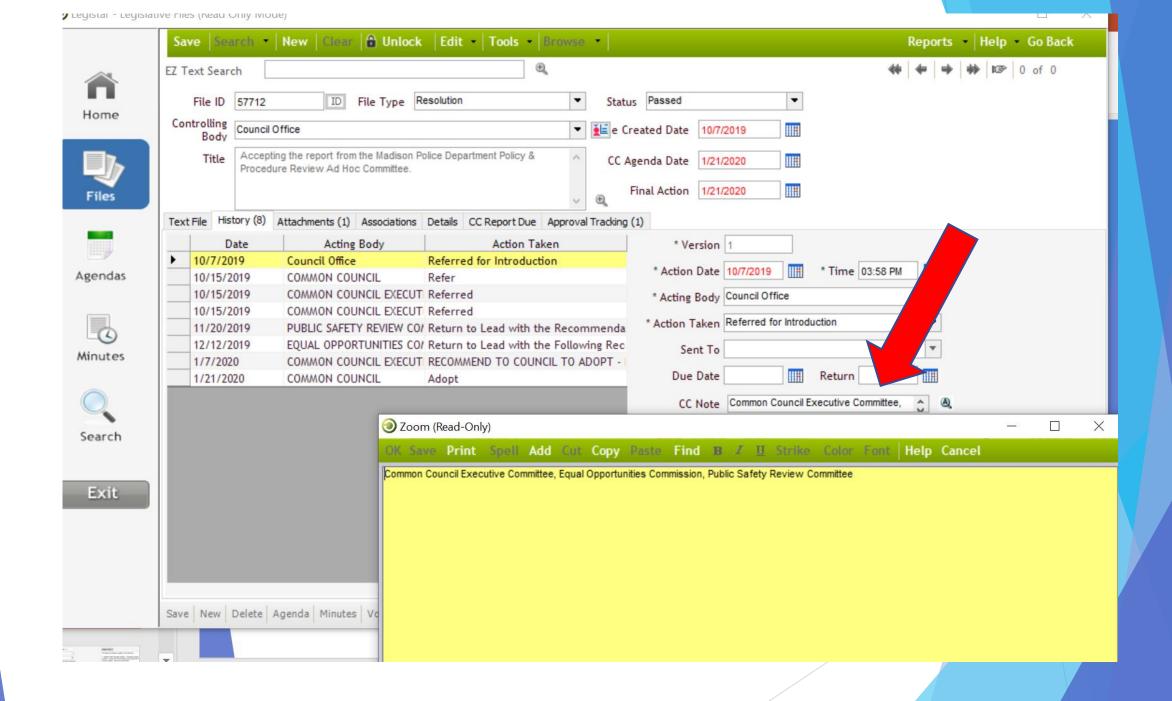
### Minutes: What You NEED to Know

- Only legal requirements\*: The agenda item, the motion, the method of voting and the outcome of the vote.(if roll call, each vote is noted, etc.)
- Do NOT attempt to be a stenographer or capture all conversation verbatim.
- Record the action of the body: all important info can be captured in the language of the motion and the agenda item itself. This is why the wording of motions and the wording of your agenda is so important.
- \* But see later slide about how to note closed session in your minutes.

### **Preparing Your Minutes**

- ► How to Create Minutes Flowchart found in Legislative Center <a href="https://www.cityofmadison.com/Employeenet/legistar/Documents/LegislativeProcessMinutes.pdf">https://www.cityofmadison.com/Employeenet/legistar/Documents/LegislativeProcessMinutes.pdf</a>
- ► Make sure you check referral note on the Legislative File!
  - -Is your committee the lead committee? Your action will be Report to Council (plus recommendation)
  - -Is your committee a secondary referral? Your action will be Return to Lead (plus recommendation)

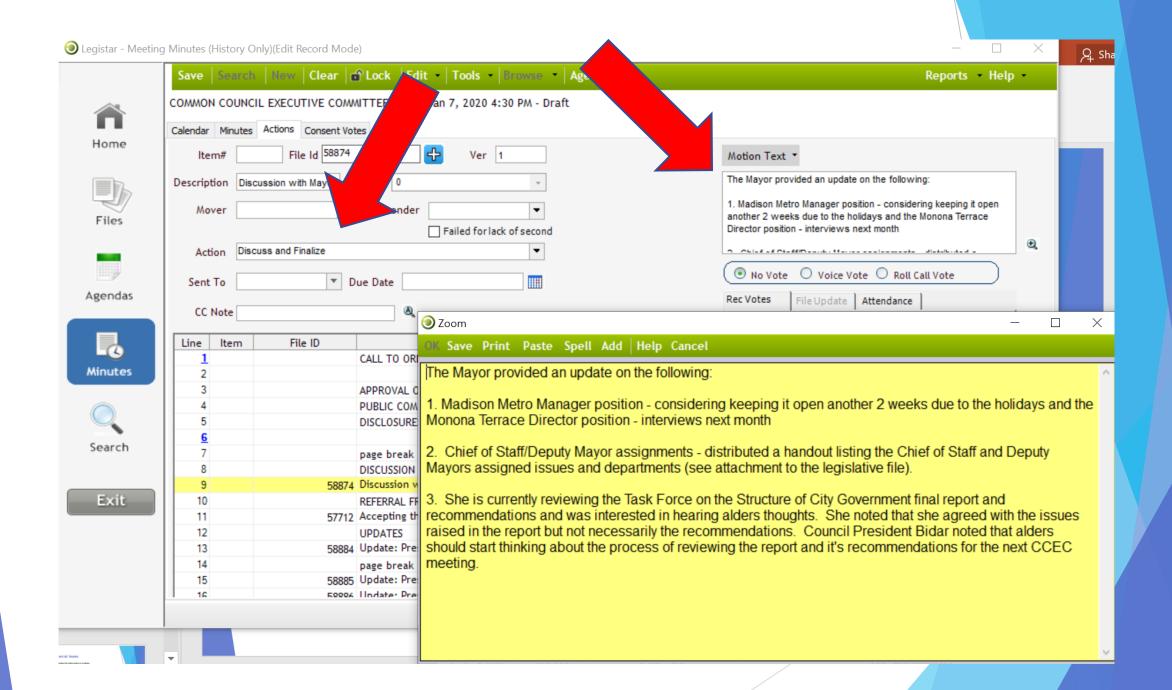
This information is found the CC NOTE that is found in the History Tab of the Legislative File.



### Preparing Your Minutes (continued)

Discussion Items that you create as Legislative Files

► Take action "Discuss and Finalize" if the BCC is done with the item. You can still enter your minutes in the Motion Text box



### **Minutes Reminders**

- Not correctly recording the action taken in Legistar:
  - ► Example: Secondary referral BCC "Recommend to Council to adopt" instead of "Recommend to Lead to Adopt"
- Keeping discussion items from reappearing on your agenda
  - "Discuss and Finalize" (don't use "Discuss and Continue")
- ► How or whether to note public speakers, etc.
- How to properly record going into and out of closed session in minutes

### Special Issues with "Detailed" Minutes...

- ➤ Your members want to see details beyond what is legally required:
  - ► A word-for-word transcript of discussion
  - "I want this noted in the minutes!"
  - ▶ Other
- ► Appeals and Quasi-Judicial determinations might warrant such details
  - ► Findings required by the ordinance
  - List of exhibits
  - ► List of witnesses

### Special Issues -Going Into and Coming Out of Closed Session

- ▶ In addition to the requirements for your Agenda when going into closed session, your minutes must include the following details:
  - ► That the chair read the language about going into closed session
  - ▶ Motion to go into closed session "for the reasons just stated by the chair..." or "the reasons listed in agenda item # \_\_\_\_\_" who made and 2<sup>nd</sup> the motion & results of that vote.
  - ▶ Note the time and who stayed in the room
  - Note the time that the body reconvened in open session (if permitted by your agenda.)
  - ▶ It is recommended to make motion and take vote in open session

### Questions

► Questions?

Thank you!
Lara Mainella
Lisa Veldran
And special appearance by Karl Van Lith