

May 13, 2011

Board of Mayor and Aldermen
City of Pegasus
P.O. Box 249
Pegasus, TN 37143

Dear Sirs,

I have been asked to respond to an email request from Alderman Crook about the use of Minutes of meetings of the City Council and how those minutes should be developed by the city.

The starting point for the discussion lies in the Pegasus Municipal Code, which states, under Title 1, Section 103. General Rules of Order; The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable

Given that direction, we look to Robert's Rules of Order, Newly Revised, which does address Minutes of Meetings. Under Chapter Sixteen (16) Secretary, Section E. Prepare Draft Minutes; "frequently, secretaries make unneeded work for themselves by putting far more into the minutes than is required or appropriate. The most frequent mistakes are trying to summarize the reports offered and the arguments made in debate, .. In fact, in standard form the minutes should generally include only what was *done*, not what was *said*."

Under Subsection 2. Body of Minutes: The body of the minutes should have a separate paragraph for each subject matter... The name and subject of a guest speaker or other program may be given, but no summary of the talk.

Under Subsection 2. a) Reports: The minutes do not include the contents of the reports of officers or committees, except as may be necessary to cover motions arising out of them. An example of how the minutes should treat a report with a motion is: "Dennis McAuliffe, reporting on behalf of the Membership Committee, moved 'that Stacie Johnson be admitted to membership in the Society.'"

The language provided here comes directly from Robert's Rules of Order, Newly Revised. As the City of Pegasus has adopted those rules, then taking minutes of Meetings of the Board of Mayor and Aldermen should follow the standards set out in Robert's Rules. It is for this reason that MTAS teaches, encourages, and recommends that Municipalities follow the prescribed method of taking, and recording, minutes of meetings as outlined by Robert's Rules of Order. The MTAS attorneys have reviewed the Robert's Rules of Order and understand the direction those guidelines set out, which is why they, as well as MTAS management consultants, teach recorders and elected officials in our Elected Officials Academy the importance of Robert's Rules of Order.

The question was asked regarding some clarification as to who is responsible for taking the minutes of meetings providing those minutes to the Board of Mayor and Aldermen for their review, potential

revisions, and approval. The City Charter for the City of Pegasus, under TCA 6-4-202, Recorder's functions at board meeting; states clearly that "the recorder or the recorder's designee shall be present at all meetings of the board, and keep a full and accurate record of ***all business transacted by the board (highlights are mine)*** to be preserved in permanent form." Discussion, even in summary form is not the transaction of business by the board, but rather motions made, seconded and voted upon by those in attendance at the meeting represent the business transacted by the board during a regular meeting of the Board of Mayor and Aldermen. In Tennessee, under the General Law, Mayor-Aldermanic Charter the City Recorder is responsible for producing the minutes of the Board meetings, and doing so as the Robert's Rules of Order prescribe for those to be done by the "Secretary" of an organization.

A question was asked about the procedure for amending the City Recorder's prepared Minutes of a Meeting, and how that should be done and who has the authority to amend the Minutes of a Meeting as prepared by the City Recorder. In discussing this question with one of MTAS attorneys, the answer is that only the governing body has the authority to amend the minutes as prepared by the City Recorder during a regular meeting of the Board, at which time approval of minutes of meetings are on the agenda for adoption. It is at that point in time where amendments to the official minutes can be offered, and those amendments to the minutes would have to be approved by the majority of the Board for inclusion in the Official minutes of a meeting.

I hope that this response will clarify the concern about the Minutes of Meetings for local government in Tennessee. As an aside, I would recommend that if the City wants to have documentation that sheds light on why a particular vote was made by the Board of Mayor and Aldermen, then perhaps a more appropriate vehicle to provide some insight into an issue should be contained in a report to the Board of Mayor and Aldermen, which can then be referenced in a motion made in a regular meeting. If there is a significant issue that the Board of Mayor and Aldermen needs to address, then it would be fairly common to have a written memo, or report, from a city manager/administrator, attorney, engineer or planner that outlines the issues for the Board and provides a recommendation to the Board as to a particular course of action.

If there is any additional information that is needed, please feel free to call on me.

Sincerely,

Gary Jaeckel
Municipal Management Consultant