SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-A**

FROM: Ed Fortner, General Manager

Meeting Date: September 5, 2019

Subject: District Board Meeting Minutes Discussion

RECOMMENDED ACTION:

Receive report from the General Manager. Discussion and possible action.

FISCAL IMPACT:

None

DISCUSSION:

At the August 1st Board meeting, there was some discussion about how detailed the District could or should take and keep minutes as a public record. The legal requirement is to keep minutes that detail only the action items. Some comments related to a more in-depth descriptive form of minutes that would better serve as a historical record for clarity and reference.

California Code, Government Code - GOV § 54953 c(2) states "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." This gives direction that minutes are required to be taken. This language is regarded as a requirement for taking and keeping abridged minutes.

Sweetwater Springs Water District Policy number 5040.30 states: “Motions, resolutions or ordinances shall be recorded as having passed or failed, and individual votes shall be recorded unless the action was unanimous”. The entire policy number 5040 is in the Board packet.

The Brown Act is silent on a requirement of minutes. Audio recordings of the Sweetwater Springs Water District Board meetings are recorded and archived. An interesting ruling regarding audio recordings states: “The Brown Act does not require the school board itself to make any recordings. It does, however, provide that any recording made at the school board’s discretion would become a matter of public record”. Referencing California Government Code section 54953.5(b), the League of California Cities continues: “[a]ny tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local

agency is subject to the Public Records Act," adding the curious caveat that the recording nevertheless "may be erased or destroyed 30 days after the taping or recording."

The GM has begun summarizing a more detailed account of the Board meeting and submitting these accounts to the local press, copying the Board members. Hopefully, this summary and the available audio recordings will suffice for the stated need for more detail and for historical reference purpose.