

# “Full and Accurate” Minutes: A Primer

Trey Allen

Like other public bodies in North Carolina, local government boards must keep “full and accurate” minutes of their official meetings.<sup>1</sup> This bulletin lays out

- the level of detail necessary for minutes to qualify as full and accurate,
- the standard features that should be part of a local board’s minutes,
- the approval process for minutes, and
- the scope of a board’s authority to amend minutes previously adopted.

This bulletin focuses primarily on minutes maintained by city councils or boards of county commissioners, but most of its content applies equally to the minutes of meetings of local appointed boards.

## “Full and Accurate Minutes”—The *Maready* Decision

In North Carolina, the open meetings law imposes a number of legal requirements on the official meetings of public bodies.<sup>2</sup> One is that all public bodies must maintain “full and accurate minutes” of their official meetings.<sup>3</sup> Separate statutes expressly direct city councils and boards of county commissioners to keep “full and accurate minutes” of their meetings.<sup>4</sup> Thus, city and county governing boards would have to prepare minutes even if there were no open meetings law.

Although the phrase “full and accurate minutes” might seem to imply that minutes must offer a comprehensive account of everything done or said at a meeting, the North Carolina Supreme Court has interpreted the phrase more narrowly. In *Maready v. City of Winston-Salem*, the plaintiff filed suit against the City of Winston-Salem and Forsyth County challenging the constitutionality of economic development incentive grants to private corporations.<sup>5</sup> The plaintiff alleged that the county’s board of commissioners had failed to keep full and

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1. Section 143-318.10(e) of the North Carolina General Statutes (hereinafter G.S.).
2. G.S. 143-318.9, -318.18.
3. G.S. 143-318.10(e).
4. G.S. 153A-42 (counties); 160A-72 (cities).
5. 342 N.C. 708 (1996).

accurate minutes of two closed sessions during which members talked about economic development matters. The minutes for those closed sessions merely noted that “discussion” had taken place.<sup>6</sup>

The court held that the minutes satisfied the open meetings law’s “full and accurate” standard. It explained that a public body’s minutes “should contain mainly a record of what was *done* at the meeting, not what was *said* by the members.”<sup>7</sup> In other words, minutes should “reflect matters such as motions made, the movant, points of order, and appeals—not . . . show discussion or the absence of action.”<sup>8</sup> The court supported this conclusion by pointing to the purpose of minutes, which is “to provide a record of the *actions taken* by a board and evidence that the actions were taken according to proper procedures.”<sup>9</sup> Because the board of county commissioners did not take any action during the closed sessions, the court “perceive[d] no violation” of the open meetings law in the minutes’ one-word reference to discussion.<sup>10</sup>

Following *Maready* the North Carolina General Assembly amended the open meetings law to mandate that public bodies keep both minutes *and* a general account for each of their closed sessions.<sup>11</sup> (See below for more on general accounts.) The *Maready* decision still states the basic rule for meeting minutes, however. The upshot is that the minutes for an open session in which no action took place may be quite brief, no matter how long discussion lasted. On the other hand, while *Maready* discourages boards from incorporating detailed accounts of discussions into their minutes, each board “has discretion in determining the amount of detail to include.”<sup>12</sup> The *Maready* decision is best understood as articulating the minimum, not the maximum, level of detail that minutes must contain.

## Exceptions to *Maready*

The *Maready* minimum standard is not sufficient in two situations. When a meeting of a local government board involves a closed session or quasi-judicial hearing, the board must do more than merely document its actions.

### Closed Sessions—General Accounts

Under the open meetings law, a public body may enter closed session only on one of the grounds set out in Section 143-318.11(a) of the North Carolina General Statutes (hereinafter G.S.). As previously noted, the General Assembly amended the open meetings law after *Maready* to

6. *Id.* at 732.

7. *Id.* at 733 (quoting ROBERT’S RULES OF ORDER NEWLY REVISED (hereinafter *RONR*) § 47, at 458 (9th ed. 1990)). See also AMERICAN INSTITUTE OF PARLIAMENTARIANS STANDARD CODE OF PARLIAMENTARY PROCEDURE (hereinafter *STANDARD CODE*) 229 (2012) (“Minutes are generally a record of all actions and proceedings but *not* a record of discussion.”).

8. *Maready*, 342 N.C. at 733.

9. *Id.* (internal quotation marks omitted). See also *STANDARD CODE*, *supra* note 7, at 227 (“Minutes are the legal history and record of official actions of an organization.”).

10. *Maready*, 342 N.C. at 734.

11. Session Law 1997-290, § 1.

12. FRAYDA S. BLUESTEIN & DAVID M. LAWRENCE, *OPEN MEETINGS AND LOCAL GOVERNMENTS IN NORTH CAROLINA: SOME QUESTIONS AND ANSWERS* 79 (8th ed. 2017).

mandate that public bodies keep both minutes *and* general accounts of their closed sessions. The general account of a closed session must be detailed enough to give a person who was not present “a reasonable understanding of what transpired.”<sup>13</sup>

In adopting the general account requirement, the legislature aimed to require each public body to provide “some sort of record of the discussion that took place in the closed session, whether action was taken or not.”<sup>14</sup> The decision of the North Carolina Court of Appeals in *Multimedia Publishing of North Carolina v. Henderson County*<sup>15</sup> supplies a “useful model” of what the general account standard demands in practice.<sup>16</sup>

The defendant board of county commissioners in *Multimedia Publishing* entered closed session to consult the county attorney regarding a proposed countywide moratorium on racetracks. The board’s description of the closed session read as follows:

ITEM DISCUSSED pursuant to NCGS § 143–318.11(a)(3)  
CONSULT WITH ATTORNEY

Staff Attorney, Jennifer Jackson informed the Board that we have already been informed that action on a moratorium will be challenged. *She briefly explained the difference between a “Land Use Ordinance” and a “Police Power Ordinance.”*

*There was discussion about the legality of making the term longer than 90 days.* It was decided that 90 days would be enough time to give staff time to complete the Noise Ordinance.

The County Attorney then suggested some wording changes to the Ordinance as follows:

under Moratorium paragraph it will now read “There is hereby imposed a moratorium on the construction or operation of racetracks within the County of Henderson. No permits may be issued by any County department under the control of the Board of Commissioners during the moratorium. This moratorium shall continue in full force and effect for ninety (90) days expiring at midnight on February 9, 1999.” (The underlined sentence was the added verbiage.) Also an additional paragraph was suggested entitled Enforcement which read “This Ordinance may be enforced by any legal and equitable remedies including but not limited to injunctive relief.”

After conferring with the County Attorney, it was the consensus of the Board to amend the Moratorium Ordinance as recommended by the County Attorney.<sup>17</sup>

The plaintiff alleged that this description was not adequate under the open meetings law. The North Carolina Court of Appeals disagreed, holding that the write-up satisfied the open meetings law’s requirement for full and accurate minutes *and* for a general account of the closed

13. G.S. 143-318.10(e).

14. BLUESTEIN & LAWRENCE, *supra* note 12, at 79.

15. 145 N.C. App. 365 (2001).

16. BLUESTEIN & LAWRENCE, *supra* note 12, at 81.

17. *Multimedia Publ’g*, 145 N.C. App. at 366–67.

session.<sup>18</sup> The court’s ruling supports at least two major conclusions regarding the minutes and general accounts of closed sessions.

- *Detailed accounts of closed session discussions are not necessary to satisfy the general account standard.* The record approved in *Multimedia Publishing* summarized the closed session discussion without attributing specific comments to individual board members. Moreover, while it documented the proposals presented by the county attorney and the board’s corporate response to each of them, the record did not state the particular views expressed by individual board members. The apparent takeaway is that a general account must document the substance of closed session discussion but may omit what individual board members said about the matters under consideration.
- *The minutes and general account of a closed session may be combined into a single record.* In many jurisdictions, the minutes of each closed session double as the board’s general account. The *Multimedia Publishing* decision establishes that this practice is lawful, so long as the closed session minutes contain sufficient information to qualify as both full and accurate minutes *and* a general account. This means, if they are to serve as the sole record of a closed session, the minutes must record any actions taken by the board and say enough about the discussion to afford a person who was not present a reasonable understanding of what transpired. In *Multimedia Publishing*, the closed session minutes did this by (1) setting out each of the county attorney’s proposals and recording the board’s reaction to each and (2) describing the substance of the board’s discussion.<sup>19</sup>

### Quasi-Judicial Hearings

When a city or county board holds a quasi-judicial hearing—usually on a conditional or special use permit or a variance request—“[t]he routine summary minutes that are acceptable for . . . routine governmental meetings will not suffice.”<sup>20</sup> The minutes must instead provide a detailed record of the evidence presented, including witness testimony. Although the minutes need not amount to a verbatim transcript, most boards make audio recordings of their quasi-judicial hearings. In so doing, they make it possible to prepare a verbatim transcript in the event that a board’s decision on a quasi-judicial matter prompts an appeal to superior court.<sup>21</sup>

18. *Id.* at 373 (“[W]e agree with the Board that its minutes of the closed session satisfy both the ‘full and accurate minutes’ and the ‘general account’ requirements of [G.S.] 143-318.10(e) (1999).”).

19. *See also* *Times New Publ’g Co. v. Alamance-Burlington Bd. of Educ.*, \_\_\_ N.C. App. \_\_\_, \_\_\_, 797 S.E.2d 375, 378 (2017) (“In accordance with *Multimedia*, we hold that where a public body has kept minutes which are sufficient to give someone not in attendance ‘a reasonable understanding of what transpired,’ the public body has met its obligation to create a ‘general account.’”).

20. DAVID W. OWENS, *LAND USE LAW IN NORTH CAROLINA* 152 (2d. ed. 2011).

21. *See In re* Application of City of Raleigh, 107 N.C. App. 505, 510 (1992) (verbatim transcripts make it easier for the courts to review quasi-judicial decisions).

## Minutes—Recommended Elements

While minutes ordinarily do not have to contain lots of detail, certain components should routinely appear therein to ensure that the minutes capture any actions taken and document the local government board’s compliance with pertinent procedural requirements.<sup>22</sup> These components are listed below. The suggestions in the accompanying discussion draw primarily on relevant state laws and court decisions; *Robert’s Rules of Order Newly Revised* and similar procedural manuals; and School of Government resources, especially the 2017 editions of *Suggested Rules of Procedure for a City Council* and *Suggested Rules of Procedure for the Board of County Commissioners* (collectively, *Suggested Rules*). The two appendices at the end of this bulletin provide the recommend components in the form of two checklists, one for minutes of meetings of city and county governing boards, the other for minutes of meetings of local appointed boards.

### ***1. The meeting’s date, time, place, and type (regular, special, emergency, or recessed)***

The minutes of a meeting of a deliberative body commonly state the date, time, and place of the meeting.<sup>23</sup> They also indicate whether the body met pursuant to its regular meeting schedule or called the meeting for a special purpose.<sup>24</sup>

Local government boards should put such information in their minutes as a means of demonstrating that they satisfied the open meetings law’s public notice requirements, which vary depending on the type of meeting in question. Under the open meetings law, a city or county board that adopts a regular meeting schedule must file it with the clerk to the relevant governing board and post the schedule on the board’s website, if there is one.<sup>25</sup> More demanding notice requirements apply to special meetings. At least 48 hours before a special meeting, the board must cause written notice of the meeting’s time, place, and purpose(s) to be (1) posted on the board’s principal bulletin board or, if the board has no such bulletin board, at the door of the board’s usual meeting room and (2) delivered, emailed, or mailed to each person or media organization that has filed a written request for notice with the clerk.<sup>26</sup> (The list of individuals and media organizations that have requested notice is often referred to as the “sunshine list.”) Additionally, the board must post notice on its website prior to the special meeting, if a board employee maintains the website.<sup>27</sup>

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22. A Fleming Bell, II, *The Attorney and the Clerk, in COUNTY AND MUNICIPAL GOVERNMENT IN NORTH CAROLINA* 238 (Frayda S. Bluestein ed.) (2d ed. 2014) (“[T]he minutes must record the results of each vote taken by the governing board, and they should also show the existence of any condition that is required before a particular action may validly be taken.”).

23. According to *Robert’s*, the first paragraph of an assembly’s minutes should document “the date and time of the meeting, and the place, if it is not always the same.” *RONR* (11th ed.), at 468, ll. 31–32.

24. *STANDARD CODE*, *supra* note 7, at 229 (“The opening paragraph [of the minutes] records the . . . type of meeting (regular, special, or continued)[.]”).

25. G.S. 143-318.12(a), (d). Other statutory provisions require a board of county commissioners that has adopted a regular meeting schedule to (1) publish the schedule at least 10 days before the first meeting on the schedule and (2) post a copy of the schedule on the courthouse bulletin board unless it has designated by ordinance a different location for posting. G.S. 153A-40(a); -443.

26. G.S. 143-318.12(b)(2).

27. G.S. 143-318.12(e). If the board is a city council or board of county commissioners, other statutory provisions mandate that the members themselves receive notice of a special meeting in certain situations. G.S. 153A-40(b); 160A-71(b)(1). For a blog post that examines all

By noting the type of meeting held, the minutes make it easy to tell which public notice requirements applied. The best practice is for the minutes to go further and document the board's compliance with those requirements. In the event of a special meeting, the board could attach the written meeting notice to the minutes as evidence that the board satisfied the open meetings law's rules for posted notice. If the clerk distributed the notice to the sunshine list by email, the board may want to make the email an attachment to the minutes, since it shows the exact time at which the notice went out. (Whenever a board attaches an item to the minutes, the minutes should identify the attachment.)

Why should the board bother to document its compliance with the open meetings law? Anyone who believes that the board has conducted a meeting without satisfying public notice requirements may file a lawsuit asking the court to find that the meeting violated the open meetings law.<sup>28</sup> If the court finds that a violation occurred, one potential remedy is a judicial declaration nullifying any action taken at the meeting.<sup>29</sup> Other potential remedies include the issuance of a court order directing the board or one or more board members individually to pay the plaintiff's reasonable attorney's fees.<sup>30</sup>

## **2. A list of all members present and the name(s) of any absent member(s)**

- *Quorum.* Unless a quorum of its members attend a meeting, a local government board lacks the power to conduct business.<sup>31</sup> To enable the public and, if necessary, a court to verify that the board had sufficient members to take action, the minutes should record the names of the members who attended and note the names of any absent members.

If there was a vacant seat on the board at the time of the meeting, the minutes should document that fact as well. Depending on the board, vacancies might reduce the number of members needed to establish a quorum. Interestingly, state law treats vacancies on city councils differently from vacancies on boards of county commissioners. City councils must exclude vacant seats when determining the presence or absence of a quorum, but boards of county commissioners have to count vacant seats.<sup>32</sup> Consequently, although

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of the notice requirements that apply to special meetings of city councils or boards of county commissioners, see Trey Allen, *Statutory Permission to Take Up Items Not on the Special Meeting Notice*, COATES' CANONS: NC LOC. GOV'T L. BLOG (Jan. 26, 2016), <https://canons.sog.unc.edu/statutory-permission-to-take-up-items-not-on-the-special-meeting-notice>.

28. G.S. 143-318.16A(a).

29. *Id.* Before it may invalidate an action taken in violation of the open meetings law, the court must consider the factors listed in G.S. 143-318.16A(c) and "any other relevant factors."

30. G.S. 143-318.16B. The court may order a board member to pay the plaintiff's reasonable attorney's fees if it finds that the member "knowingly or intentionally" committed the open meetings law violation at issue. *Id.* The court may not order the member to pay the plaintiff's attorney's fees if, in violating the law, the member acted in accordance with an attorney's advice. *Id.*

31. See *Hill v. Ponder*, 221 N.C. 58, 62 (1942) ("It is a fundamental rule of parliamentary procedure, applicable as well to municipal and electing boards, that a majority of the members of a body consisting of a definite number constitutes a quorum for the transaction of business. . . ."); *RONR* (11th ed.), at 345, ll. 3–5 ("[A] quorum in an assembly is the number of members . . . who must be present in order that business can be validly transacted."); *STANDARD CODE*, *supra* note 7, at 122 ("A *quorum* is the minimum number or minimal proportion of the members of an organization that must be present at a meeting in order to transact business legally.").

32. G.S. 153A-43; 160A-74. If a city's charter states that vacant seats are to be included in the city council's quorum calculations, the council should follow its charter.

vacancies can reduce the number of members who must attend a meeting for a quorum of the council to exist, they have no impact on the quorum requirement for a board of county commissioners. For the most part, city and county governing boards may adopt rules dictating how vacancies affect quorum calculations for their appointed boards.

- *Remote Participation.* The minutes should note when a member who is not physically present takes part in a meeting by electronic means. It is not clear whether, under current law, city and county governing boards may rely on members who participate remotely to establish a quorum or cast deciding votes.<sup>33</sup> For this reason, a city or county governing board might not let members take part in meetings unless they are in the meeting room. Even when boards do permit remote participation, they might decline to count members who take part remotely as present for quorum purposes, or they might prohibit those members from voting. If a member participates remotely subject to these kinds of restrictions, the minutes should describe the restrictions (“Commissioner Davis attended the meeting by telephone. Pursuant to board policy, he was not counted as present for quorum purposes, nor did he vote on any matter before the board.”).

### ***3. The name of any member who leaves the meeting prior to adjournment, along with the time of departure and, if applicable, whether the member was excused***

- *Member departures.* A board can lose a quorum if enough members leave early. The minutes should record early departures so that they accurately reflect the existence or nonexistence of a quorum throughout the meeting.

A basic principle of parliamentary procedure is that a quorum in existence at the outset of a meeting is presumed to continue unless the presiding officer notices that it has been lost or a member brings the absence of a quorum to the presiding officer’s attention.<sup>34</sup> In the case of a small board, this presumption means little because it will nearly always be apparent to the presiding officer when a member’s departure deprives the board of a quorum.

- *Excused/unexcused departures.* Under state law, if a member of a city council or board of county commissioners leaves an ongoing meeting without being excused by a majority vote of the remaining members in attendance, he or she is still deemed present for quorum purposes.<sup>35</sup> Recording whether the member was excused enables readers of the minutes to ascertain whether the member’s departure deprived the city or county governing board of a quorum. If the city or county governing board has adopted a similar excusal rule for its appointed boards, the same reasoning dictates that their minutes record whether members who left early were excused.

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33. Frayda S. Bluestein, *Remote Participation in Local Government Board Meetings*, LOC. GOV’T L. BULL. 133 (Aug. 2013), at 2–4, <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/lglb133.pdf>.

34. See *RONR* (11th ed.), at 349, ll. 8–19 (“When the chair has called a meeting to order after finding that a quorum is present, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present. . . . Any member noticing the apparent absence of a quorum can make a point of order to that effect at any time so long as he does not interrupt a person who is speaking.”).

35. G.S. 153A-43; 160A-74.

#### 4. *Public comment periods, public hearings, quasi-judicial hearings*

- *Public comment periods.* Each board of county commissioners must hold a minimum of one public comment period every month at a regular meeting.<sup>36</sup> City councils may adopt regular meeting schedules under which they do not meet monthly; however, if a council holds one or more regular meetings during a given month, it must provide at least one public comment period at a regular meeting.<sup>37</sup>

The minutes need document only that the public comment period occurred. This can be accomplished by noting in the minutes when the public comment period began and ended and the number of individuals who spoke. In many jurisdictions the minutes go further, listing the individuals who spoke and summarizing their comments. Strictly speaking, this level of detail is unnecessary. The goal is to show that the board fulfilled its public comment obligations, not to create a record of what was said.

- *Public hearings.* State law requires some public bodies to hold public hearings before taking certain actions.<sup>38</sup> For example, a city or county governing board may not adopt, amend, or repeal a zoning ordinance without first holding a public hearing on the proposed action and publishing advance notice of the hearing.<sup>39</sup>

For public hearings of this sort, it is a good idea for the minutes to document the board's compliance with any legal notice requirements. As with public comment periods, the board should note when the hearing began and ended and the number of people who spoke. It may also want to attach the published notice to the minutes. Again, though, the minutes do not have to quote or even summarize the speakers' remarks. The board needs to show that the hearing took place in accordance with the relevant statutory provisions, not create a transcript of the statements made by members of the public.

- *Quasi-judicial hearings.* Although, as discussed previously, the minutes must provide a detailed account of any quasi-judicial hearing held by a local government board, it is not always feasible for the minutes to contain the entire hearing record. In complex cases, the record could encompass hundreds of pages of documentary evidence and contain photographs, video recordings, or other forms of evidence that cannot be attached to the minutes without significant inconvenience. Some boards handle this problem by keeping the evidence files for quasi-judicial hearings in separate locations and noting those locations in the minutes.

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36. G.S. 153A-40(a); -52.1.

37. G.S. 160A-81.1.

38. See David Lawrence, *When Are Public Hearings Required*, Coates' Canons: NC Loc. Gov't L. BLOG (Aug. 21, 2009) (chart of local government actions subject to statutory public hearing requirements), <https://canons.sog.unc.edu/when-are-public-hearings-required>.

39. G.S. 153A-323(a); 160A-364(a). The board must publish notice of the hearing once a week for two consecutive weeks, with the first notice appearing in the newspaper a minimum of 10 days but not more than 25 days before the hearing. G.S. 153A-323(a); 160A-364(a).

**5. *The precise wording of any motion made and, if a second was required, whether the motion received a second or died for lack of one***

- *Categories of motions.* The *Suggested Rules* divide motions into two categories: (a) substantive motions and (b) procedural motions.<sup>40</sup> These categories correspond roughly to the division of motions into main motions and secondary motions in *Robert’s*.<sup>41</sup> Substantive (or main) motions bring new business before the board. A motion to approve a proposed budget ordinance is such a motion. Most procedural (or secondary) motions affect substantive motions either directly or indirectly. A motion to refer a pending substantive motion to a committee is a procedural motion that, if adopted, has a direct impact on the substantive motion.

According to *Robert’s*, the minutes should name the maker and record the wording of each main motion, but they do not have to include secondary motions except when “it is necessary to record them for completeness or clarity.”<sup>42</sup> This rule may not work for the minutes of local government board meetings. In explaining that such minutes should document motions made, the *Maready* decision does not distinguish between main and secondary motions.<sup>43</sup> Furthermore, state law directs that the minutes of a meeting of a city or county governing board record “the results of each vote” taken.<sup>44</sup> On its face, this statutory language mandates that the minutes document the outcome of the vote on any substantive *or* procedural motion. It stands to reason that, if the result of a vote on a procedural motion must appear in the minutes, the minutes have to record the motion itself.

- *Motions restated by the presiding officer.* Customary parliamentary practice calls for the presiding officer to restate a motion prior to inviting debate and again before calling for a vote.<sup>45</sup> The minutes should record the version of the motion stated by the presiding officer because that is the version on which the members take action.<sup>46</sup> If the board votes to amend the motion, the presiding officer should restate the motion as amended, and that version should appear in the minutes.

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40. SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL, at 40–52; SUGGESTED RULES OF PROCEDURE FOR THE BOARD OF COUNTY COMMISSIONERS, at 40–51.

41. See *RONR* (11th ed.) § 5, at 58–62 (fundamental characteristics of secondary motions).

42. *RONR* (11th ed.), at 470, ll. 2–3. See also *STANDARD CODE*, *supra* note 7, at 230 (“Minutes should not contain procedural motions that are handled during deliberation of the main motion, except when they affect future action, as when a meeting votes to adjourn with a main motion pending. . . .”).

43. There is perhaps one situation in which the minutes may omit a substantive motion, even under a strict reading of *Maready*. In general, *Robert’s* does not require that the minutes record a main motion that was withdrawn prior to a vote. *RONR* (11th ed.), at 469, ll. 15–16. It makes sense not to record a withdrawn motion because the motion did not result in board action.

44. G.S. 153A-42; 160A-72.

45. See *RONR* (11th ed.), at 37, ll. 21–26 (“When a motion that is in order has been made and seconded, the chair formally places it before the assembly by *stating the question*; that is, he states the exact motion and indicates that it is open to debate . . . as appropriate to the case[.]”); *id.* at 44, ll. 16–18 (When debate on a motion ends, “the chair proceeds to put the question—that is, he puts it to a vote after once more making clear the exact question that the assembly is called upon to decide.”); *STANDARD CODE*, *supra* note 7, at 32 (“Prior to the vote, the presiding officer should restate the motion as it is pending at the time.”).

46. See *STANDARD CODE*, *supra* note 7, at 229 (“The minutes record all main motions or resolutions stated by the presiding officer[.]”).

- *Seconds to Motions.* Both *Robert's* and the *Suggested Rules* recommend that small boards not require seconds for motions.<sup>47</sup> If the board's policy or custom demands a second, the minutes should note the presence or lack of a second as indicated by the presiding officer. The minutes do not have to name the member who seconds a motion.<sup>48</sup>

### 6. *The results of all votes*

State law mandates that the minutes of a meeting of a city or county governing board record the result of any vote taken at the meeting.<sup>49</sup> In this context, the term *result* probably refers to whether the motion passed or failed. Merely indicating whether a motion passed or failed is not always sufficient, however.

- *Recording member votes by name.* There is no general legal requirement that the minutes document how each member voted on every motion. If the body in question is a city council or board of county commissioners, any member may request that the minutes record how each member voted on a particular motion, and the council or board must honor that request.<sup>50</sup> Moreover, anytime a local government board conducts a vote by ballot (as it might do in filling a vacancy), the minutes must “show the vote of each member voting.”<sup>51</sup>
- *Recording actual vote totals in other situations.* Under *Robert's*, the minutes need not include actual vote totals except in certain situations, such as when a ballot vote occurs.<sup>52</sup> There are sound reasons, though, for local government boards to record the total number of votes cast either for or against a motion (“Motion passed 5 to 1” or “Vote: 5 in favor, 1 opposed. Motion passed.”). Perhaps most significantly, the size of the majority necessary to adopt a motion can vary depending on the motion's subject matter. The general rule is that a motion passes if it receives a simple majority—more than half—of votes cast, a quorum being present.<sup>53</sup> State law imposes supermajority requirements on some local government actions. With certain exceptions, for instance, a motion to approve a county ordinance on

47. *RONR* (11th ed.), at 488, ll. SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL, at 35; SUGGESTED RULES OF PROCEDURE FOR THE BOARD OF COUNTY COMMISSIONERS, at 35. Under *Robert's*, a small board is a board of not more than a dozen or so members present. *RONR* (11th ed.), at 487, ll. 26–28.

48. See *RONR* (11th ed.), at 470, ll. 26–28 (“The name of the maker of a main motion should be entered in the minutes, but the name of the seconder should not be entered unless ordered by the assembly.”).

49. G.S. 153A-42; 160A-72.

50. G.S. 153A-42; 160A-72.

51. G.S. 143-318.13(b).

52. *RONR* (11th ed.), at 470, ll. 29–33 (“When a count has been ordered or the vote is by ballot, the number of votes on each side should be entered; and when the voting is by roll call, the names of those voting on each side and those answering “Present” should be entered.”)

53. *RONR* (11th ed.), at 4, ll. 5–9 (“The basic principle of decision in a deliberative assembly is that, to become the act or choice of the body, a proposition must be adopted by a *majority vote*; that is, direct approval . . . must be registered by more than half of the members present and voting on the particular matter, in a regular or properly called meeting of the body. . . .”); *STANDARD CODE*, *supra* note 7, at 135 (“A *majority vote* in this book, unless otherwise qualified, is defined as a majority of the legal votes cast by members present and voting.”); SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL, at 37 (“A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.”); SUGGESTED RULES OF PROCEDURE FOR THE BOARD OF COUNTY COMMISSIONERS, at 37 (same).

the date of introduction does not pass unless it receives affirmative votes from all members of the board of commissioners.<sup>54</sup> Similarly, for a city council to approve a proposed ordinance on the date of introduction, the ordinance must receive affirmative votes equal to at least two-thirds of the council’s actual membership, excluding vacant seats and counting the mayor only if the mayor has the right to vote on all questions.<sup>55</sup> Supermajority thresholds also apply to certain procedural motions. A two-thirds majority is typically necessary to adopt a motion to suspend the rules, for example.<sup>56</sup>

When a motion is subject to a supermajority requirement, and the minutes merely indicate that it passed, the door is left open to allegations that the motion actually failed for lack of a sufficient majority. By recording the number of affirmative votes and the number of negative votes, the minutes can establish that the motion attracted the requisite affirmative votes.<sup>57</sup>

- *Recording a member’s failure to vote.* If a member of a city council who has not been excused from voting leaves a meeting without being excused, or fails to vote on a motion while physically present in the meeting room, the minutes must record the member’s failure to vote as a vote in the affirmative, except when the motion concerns the amendment or repeal of a zoning ordinance.<sup>58</sup> State law does not impose a default “yes” rule on boards of county commissioners, but many of those boards have adopted local rules to that effect.

When a member who fails to vote is recorded as having voted in the affirmative pursuant to state law or local rules, the minutes should note that fact (“Pursuant to G.S. 160A-75, Mr. Griffith is recorded as having voted in the affirmative because he left the meeting without being excused by majority vote of the remaining members present.”). The notation will make it clear that the board did not mistakenly record an affirmative vote on the part of a member who did not vote on the motion.

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In some cases involving government bodies, the North Carolina Supreme Court has said that a motion is adopted if approved by a majority of the quorum, e.g., *Hill v. Ponder*, 221 N.C. 58, 62 (1942) (“[I]t is equally well settled that a majority of the quorum has power to act.”). While at first glance this might seem to be the same standard as “a majority of votes cast, a quorum being present,” it is possible to imagine scenarios in which the two formulations lead to different outcomes. Consequently, if a city or county governing board lacks a local rule that tracks the basic majority vote requirement found in the *Suggested Rules*, a court might determine that the “majority of the quorum” standard governs some of the board’s actions.

54. G.S. 153A-45. The unanimity requirement does not apply to the budget ordinance, any bond order, or any other ordinance for which a public hearing must be held prior to adoption. *Id.*

55. G.S. 160A-75. Other kinds of substantive motions also trigger supermajority requirements, e.g., G.S. 160A-388(e)(1) (four-fifths majority necessary for a board of adjustment to approve a variance request).

56. See SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL, at 44 (“To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the council’s actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in the case of a tie.”). *But see* SUGGESTED RULES OF PROCEDURE FOR THE BOARD OF COUNTY COMMISSIONERS, at 44 (“To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least a quorum of the board.”).

57. See BLUESTEIN & LAWRENCE, *supra* note 12, at 80 (“[I]t may not be sufficient for the minutes to say simply that a motion passed. If a subsequent challenge alleges that a vote of more than a majority was required, there would be no way to determine whether the vote was sufficient.”).

58. G.S. 160A-75.

### **7. *The full text of all ordinances and resolutions adopted by the board***

The adoption and amendment of an ordinance represents the ultimate exercise of a city or county governing board's legislative powers. Depending on the circumstances, an individual who violates an ordinance can face criminal prosecution, a civil penalty, or other legal consequences.<sup>59</sup> Given the importance of ordinances, the precise wording of any ordinance or ordinance amendment adopted by the board should be part of the minutes. A city or county governing board can accomplish this by setting out the full text of the ordinance in the body of the minutes or by attaching the original ordinance or a true copy of it to the minutes.<sup>60</sup>

It is a good idea to incorporate resolutions adopted by the board into the minutes as well. In many cases, resolutions are statements of the board's views on issues of local, statewide, or national significance. In other situations, state law mandates that city or county governing boards take certain actions by resolution. To initiate the charter-change process, a city council must adopt a resolution of intent that briefly but completely describes the proposed charter amendments with references to the pertinent provisions in G.S. 160A-101.<sup>61</sup> Several of the statutes governing the disposal of city or county property also require the governing board to act by resolution.<sup>62</sup>

### **8. *Other documents considered by the board***

No law obliges a city council or board of county commissioners to attach every document presented at a meeting to the minutes of that meeting. City and county governing boards and their appointed boards enjoy broad discretion in deciding which items to incorporate.

- *Documents voted on by the board.* City councils and boards of county commissioners often vote on documents other than ordinances and resolutions, with contracts being one prominent example. If the minutes do not incorporate a document on which the board took action, they should specify the item's location. This information could prove useful if anyone asks the local government to make the document available for inspection or copying pursuant to North Carolina's public records law.<sup>63</sup>

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59. G.S. 153A-123; 160A-175. For an overview of ordinance enforcement mechanisms, see Trey Allen, *Ordinance Enforcement Basics*, COATES' CANONS: NC LOC. GOV'T L. BLOG (Feb. 1, 2016), <https://canons.sog.unc.edu/ordinance-enforcement-basics>.

60. Pursuant to G.S. 160A-79(b)(3), a copy of an ordinance "as set out in the minutes" has the same force and effect as the original ordinance in any judicial or administrative proceeding, if the clerk to the city or county governing board has certified the copy as a true copy. Thus, by incorporating a copy of the ordinance into its minutes, a city or county governing board can save prosecutors or its own attorneys the trouble of calling witnesses or introducing other evidence to prove the text of the ordinance in a criminal prosecution or civil action brought against a person accused of having violated the ordinance.

61. G.S. 160A-102.

62. *E.g.*, G.S. 160A-267 (procedures for private negotiation and sale of personal property); -270(a) (procedures for public auction of land); -271 (procedures for exchange of real or personal property); -272 (procedures for lease of city-owned property).

63. The public records law is contained in Chapter 132 of the General Statutes. It generally requires state agencies and local governments to make public records available upon request for inspection or copying unless an exception applies. *See generally* DAVID M. LAWRENCE, PUBLIC RECORDS LAW FOR NORTH CAROLINA LOCAL GOVERNMENTS (2d ed. 2009) (analyzing the various provisions of the public records law).

- *Reports/Presentations.* Many city and county governing boards routinely ask for and receive reports from standing or ad hoc committees on matters of concern to the boards. Similarly, staff reports and presentations by invited guests are frequently among the materials presented at board meetings. Practical considerations can weigh against encumbering the minutes with such items. For instance, a board that routinely attaches lengthy committee reports into its minutes could have trouble finding adequate online or physical storage space for those minutes. When a presentation or committee or staff report is not attached to the minutes, the board may want to note the report’s location in the minutes.<sup>64</sup>
- *Unsolicited documents.* Sometimes residents or other individuals submit unsolicited petitions or other written materials at meetings of city or county governing boards, usually during public hearings or public comment periods. In most cases, the submissions do not trigger any legal requirement that the boards take action.<sup>65</sup> In the absence of board action, the minutes need not refer to the submissions or incorporate them as attachments.
- *Records retention rules.* Just because a board chooses not to attach meeting documents to the minutes does not mean that the city or county may discard the documents. With exceptions, state law obliges local governments to refrain from destroying public records except in accordance with records retention rules issued by the North Carolina Department of Natural and Cultural Resources.<sup>66</sup> The public records law’s definition of “public record” is broad enough to encompass many of the documents submitted at local government board meetings, though it may not always be clear whether an unsolicited document falls into the public records category.<sup>67</sup> Ordinarily, then, cities and counties should consult the relevant records retention schedule before they discard meeting materials that do not make it into the minutes.<sup>68</sup>

### 9. Points of order

If a member believes that a procedural violation has just occurred, he or she may raise a point of order (“I rise to a point of order” or “Point of order”). The presiding officer then calls on the member to state the basis for the point of order and rules on its validity.<sup>69</sup>

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64. See STANDARD CODE, *supra* note 7, at 230 (“Each report should be listed with the name of the member presenting the report, a brief summary of the report, and the action taken. Copies of the complete report may be attached to the official minutes. If the report is filed, the minutes should include a reference to where the report may be found.”).

65. A few kinds of petitions do trigger board action. See, e.g., G.S. 160A-104 (city council must call a special election on proposed charter amendments in response to petition that meets the statute’s criteria).

66. G.S. 132-3(a); -8.1.

67. See G.S. 132-1 (defining the term “public record” to include “all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions”).

68. The records retention schedules promulgated by the Department of Natural and Cultural Resources are posted at <https://archives.ncdcr.gov/government/retention-schedules>.

69. See generally RONR (11th ed.) § 23 (rules for points of order). In the actual practice of many city and county governing boards, the process of objection to a perceived procedural irregularity is much less

The *Maready* decision lists points of order among the events that ought to appear in the minutes.<sup>70</sup> Obviously, the minutes should also document the presiding officer's response to any point of order raised.

### **10. Appeals**

A member dissatisfied with a procedural ruling may announce that he or she appeals the presiding officer's decision. When that happens, the presiding officer must ask the board members to vote on whether to sustain the decision. If a majority of the votes cast support the presiding officer's ruling, the decision stands. If a majority of the votes cast do not, the presiding officer's ruling is overturned.<sup>71</sup>

As it does with points of order, *Maready* states that the minutes should include any appeals made during a meeting of a public body.<sup>72</sup> Although members rarely appeal presiding officers' procedural rulings, *Maready* indicates that boards document any such appeals in their minutes.

### **11. Time of Adjournment**

The time of adjournment is a standard feature of minutes.<sup>73</sup> If, instead of adjourning, the board recessed the meeting to a different time or place, the minutes should so state.

## **Approving and Signing Minutes**

### **From Draft Minutes to Official Minutes**

The minutes of a meeting of a local government board are not official until the board approves them.<sup>74</sup> For city councils or boards of county commissioners, the clerk usually sends copies of the draft minutes to the members several days before the meeting at which they will vote to adopt minutes of the earlier meeting. Many clerks label the documents "Draft" so that no one will mistake them for board-approved minutes. A member who thinks that the draft minutes need major changes may want to direct his or her request to the board, not to the clerk. "Although the clerk records the draft minutes for the council or the board of commissioners, the governing board itself, acting as a body, must finally determine what the minutes will include."<sup>75</sup>

Under *Robert's Rules of Order*, a deliberative body may modify and adopt draft minutes by unanimous consent without a formal vote.<sup>76</sup> When it comes to local government boards, whose

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formal. The safe practice is for the minutes to include the fact of the objection, even if not made in strict "point of order" fashion, and the ruling of the presiding officer.

70. 342 N.C. at 733.

71. See generally *RONR* (11th ed.) § 24 (appeals from rulings of the presiding officer).

72. 342 N.C. at 733.

73. See *RONR* (11th ed.), at 470, l. 21 (last paragraph of minutes should state "the hour of adjournment").

74. See *STANDARD CODE*, *supra* note 7, at 231 ("Before the assembly approves the minutes, they are merely the secretary's understanding of what happened at the meeting.").

75. Bell, *supra* note 22, at 238.

76. *RONR* (11th ed.), at 354, ll. 23–35; 355, ll. 1–6. If a member requests a change to the draft and no one objects, the presiding officer declares the change adopted. If another member objects, the proposed edit can be debated and put to a vote. When there are no more proposed changes, the presiding officer simply pronounces the minutes adopted. *Id.*

minutes often record actions of considerable legal significance, this informal approval method may not be advisable. The better practice is for the board to vote to approve the minutes of an earlier meeting.<sup>77</sup>

Board action to approve the minutes of the open session portion of a prior meeting must itself take place in open session. With regard to the approval of the minutes and general account of a closed session, things are a bit more complicated. The open meetings law permits a board to withhold the minutes and general account from public inspection "so long as public inspection would frustrate the purpose of the closed session."<sup>78</sup> The amount of time that a board may keep closed session records under seal can thus vary depending on the basis for the closed session.<sup>79</sup> Nonetheless, so long as a lawful reason exists for declining to make the records public, the open meetings law allows the board to enter closed session to approve the minutes and general account.<sup>80</sup> Alternatively, if the board has securely made the draft minutes/general account available to members in advance, the presiding officer might entertain a motion in open session "to approve the minutes and general account of the closed session held on [date], which are not subject to public inspection under G.S. 143-318.10(e)."<sup>81</sup>

### Members Who Did Not Attend a Previous Meeting

Board members are sometimes reluctant to vote on the minutes of meetings they did not attend. This issue can become acute when a majority of the members are new and presented with draft minutes of a meeting that occurred before they assumed office. In an especially contentious political environment, the new members might worry that a vote to adopt the minutes will be seen as an endorsement of positions taken by the former members.

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77. This is especially so if the board's local rules require it to act by motion. See SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL, at 34 ("Except as otherwise provided in these rules, the council shall act by motion."); SUGGESTED RULES OF PROCEDURE FOR THE BOARD OF COUNTY COMMISSIONERS, at 35 ("Except as otherwise provided in these rules, the board shall act by motion.").

78. G.S. 143-318.10(e).

79. Suppose that a board of county commissioners holds a closed session under G.S. 143-318.11(a)(5) solely to instruct the county manager on the amount of money to offer for a tract of land. Once the parties to the purchase have executed the contract of sale, the board no longer has a valid reason for keeping the minutes or general account of the closed session from the public. Now suppose that the board enters closed session pursuant to G.S. 143-318.11(a)(6) to review the manager's job performance. The minutes or general account of that closed session may remain sealed practically indefinitely. Compare G.S. 153A-98(a) and 160A-168(a) (classifying the personnel records of city and county employees confidential records) and G.S. 132-11 (providing that restrictions on the release of public records expire 100 years after the creation of the records).

80. BLUESTEIN & LAWRENCE, *supra* note 12, at 82 (quoting G.S. 143-318.11(a)(1)) ("The public body may hold a new closed session to approve the minutes of an earlier closed session. Doing so would 'prevent the disclosure of information that is . . . confidential pursuant to the law of this State'—the first statutory authorization for a closed session.").

81. See Frayda Bluestein, *How to Approve Minutes and General Accounts of Closed Sessions*, COATES' CANONS: NC LOC. GOV'T L. BLOG (June 5, 2018) (discussing methods for approving closed session minutes and general accounts), <https://canons.sog.unc.edu/how-to-approve-minutes-and-general-accounts-of-closed-sessions>.

From a purely legal perspective, the new members have every right to vote on the minutes of meetings they did not personally attend. “A municipal governing body is generally considered to be a continuous body regardless of changes in its personnel . . . . Accordingly, proceedings that have been lawfully begun by a preceding council can be prosecuted by succeeding councils until completed and made effective.”<sup>82</sup> Furthermore, the new members *should* vote to approve draft minutes for the earlier meeting, “unless they have specific, reliable information or evidence that the minutes are not accurate[,]” in which case they may edit the draft minutes to conform to actual events.<sup>83</sup> State law directs that the board keep minutes of that meeting, and the former members no longer have the authority to approve the minutes. If this legal obligation is to be satisfied, the new members must fulfill it.

### Signing Minutes—Customary, Not Mandatory

In many jurisdictions, the practice is for the presiding officer and the clerk to sign the official minutes.<sup>84</sup> The absence of such signatures does not invalidate the minutes. If the board duly approved the minutes, they constitute the official record of the meeting, regardless of who did or did not sign them.<sup>85</sup>

### Corrections to Previously Approved Minutes

What if a board realizes that the previously approved minutes of a prior meeting either omit or misstate an action taken by the board? Consistent with the notion that the minutes should be full and accurate, longstanding decisions by the North Carolina Supreme Court allow the board to amend the minutes to reflect what actually took place. Indeed, in one case, the court went so far as to say that a board of county commissioners had “not only the privilege, but the duty” to make the amendments necessary to ensure “that [its] proceedings were accurately entered upon the minutes.”<sup>86</sup>

In a case from the early twentieth century, *Norfolk Southern Railroad Company v. Reid*, the plaintiff sued the county tax collector to avoid having to pay taxes allegedly levied by a board of county commissioners in violation of a state constitutional limit on property tax rates.<sup>87</sup> The tax collector argued that, by erroneously combining two separate taxes approved by the board, the minutes created the false impression that the board had acted contrary to the state constitution. In its opinion sending the case back to the trial court for further proceedings, the supreme court

82. 4 McQUILLIN MUN. CORP. § 13:60 (3d ed.), *quoted in* Frayda Bluestein, *Approving Minutes of Meetings You Didn't Attend*, COATES' CANONS: NC LOC. GOV'T L. BLOG (Feb. 5, 2014), <https://canons.sog.unc.edu/approving-minutes-of-meetings-you-didnt-attend>.

83. BLUESTEIN & LAWRENCE, *supra* note 12, at 83.

84. *See RONR* (11th ed.), at 471, ll. 30–32 (“Minutes should be signed by the secretary and can also be signed, if the assembly wishes, by the president.”).

85. David Lawrence, *Signing Minutes and Ordinances*, COATES' CANONS: NC LOC. GOV'T L. BLOG (Oct. 30, 2009), <https://canons.sog.unc.edu/signing-minutes-and-ordinances>.

86. *Oliver v. Bd. of Comm'rs of Johnston Cty.*, 194 N.C. 380, 385 (1927).

87. 187 N.C. 320 (1924). The tax collector was also the sheriff.

acknowledged that the board could amend the minutes to show that it had properly levied and apportioned the tax, but only if the minutes were inaccurate. If the commissioners really did vote for a tax in violation of the state constitution, “they ha[d] no power to amend” the minutes to say otherwise.<sup>88</sup> Any change to the minutes had to make them “speak the truth.”<sup>89</sup>

Relying in part on *Reid*, the supreme court held, in *Oliver v. Board of Commissioners of Johnston County*, that the board of county commissioners had properly amended the minutes of an earlier meeting to say that the board had approved a contract with the State Highway Commission at that meeting.<sup>90</sup> The evidence “amply supported” the trial court’s finding that the amended minutes correctly described what had actually occurred at the prior meeting.<sup>91</sup> The supreme court observed that, when a local government board is a party to litigation involving the accuracy of its minutes, the trial court “has full jurisdiction to award relief and direct an amendment of the minutes so as to show what [the board’s] action truly was.”<sup>92</sup> To that end, the trial court may receive evidence of what really took place.<sup>93</sup> This is an exception to the general rule that parol evidence may not be used to explain the meaning of duly approved minutes.<sup>94</sup>

As a practical matter, when a board makes a correction to minutes that it previously approved, “the correction should be noted in the minutes of the meeting at which the correction is made, with an appropriate notation and cross-reference at the place in the minute book where the provision being corrected appears.”<sup>95</sup> In other words, corrections should be made in such a way that readers can readily ascertain what was changed when.

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88. *Id.* at 327.

89. *Id.* at 326 (internal quotation marks omitted). *See also* *Atl. Coast Line R.R. Co. v. Lenoir Cty.*, 200 N.C. 494, 496 (1931) (“We have held that while a board of county commissioners cannot with retroactive effect change a tax which it has purposely imposed in the way the law prescribes, it may correct an erroneous entry upon the minutes so that the record shall, in the language of the law, ‘speak the truth’ concerning the tax.”); *Norfolk S. R.R. Co. v. Forbes*, 188 N.C. 151, 154 (1924) (“[T]he board could not with retroactive effect change the resolution it had purposely adopted and the tax it had purposely imposed; but several decisions of this court recognize and approve the power of a court to correct an erroneous record, particularly when the correction of the error affects only the original parties and the rights of others are not involved.”).

90. 194 N.C. at 385.

91. *Id.* at 383.

92. *Id.* at 384. This statement by the court might seem to conflict with *Reid*, where the court seemed rather clearly to leave it to the board of county commissioners to decide whether to amend its minutes. 187 N.C. at 327. The court resolved this inconsistency in *Oliver* by pointing out that the board was not a party in *Reid*.

93. *Oliver*, 194 N.C. at 384–85.

94. *Reid*, 187 N.C. at 326. *See also* 2 SANDRA M. STEVENSON & WENDY VAN WIE, *ANTIEAU ON LOCAL GOV’T LAW* § 25.10[5] (2d ed. 2018) (Official minutes “are the best evidence of the acts of the board and cannot be contradicted by parol evidence.”).

95. *Bell, supra* note 22, at 239.

## **Appendix A: Minutes Checklist**

### **Meeting of City Council or Board of County Commissioners**

- A. Basic Meeting Information
  - Meeting date, time, and location
  - Meeting type (regular, special, emergency, or recessed)
    - For a special meeting, copies of the posted notice, the notice sent to the sunshine list, and any notice provided to members
    - For an emergency meeting, a copy of any written notice provided to media organizations
- B. Attendance
  - Names of all members present
  - Names of any absent member(s)
  - Name of any member who participated remotely and a description of any restrictions on the member's participation
  - Name of any member who left early
    - Time of departure
    - Whether the member was excused by remaining members
- C. Public Comment Period/Public Hearing
  - Beginning and ending times
  - Number of people who spoke
- D. Quasi-Judicial Hearing
  - Detailed account of the hearing, including witness testimony
  - Location of any evidentiary records presented but not included in the minutes
- E. Motions
  - Precise wording of each motion
  - If a second was required, whether it was received
- F. Results of All Votes Taken
  - Whether the motion passed (numeric vote totals preferred)
  - If a member requested the yeas and nays, a list of how each member voted on the motion
  - If the minutes record an affirmative vote based on a member's unexcused failure to vote, a notation to that effect
- G. Full Text of Any Ordinance, Ordinance Amendment, or Resolution Adopted
- H. Location(s) of Reports or Presentations Made to the Board and Excluded from the Minutes
- I. All Points of Order and Their Outcomes
- J. Any Appeals and Their Outcomes
- K. Time of Adjournment

## **Appendix B: Minutes Checklist**

### **Meeting of Local Government Appointed Board**

- A. Basic Meeting Information
  - Meeting date, time, and location
  - Meeting type (regular, special, emergency, or recessed)
    - For a special meeting, copies of the posted notice and the notice sent to the sunshine list
    - For an emergency meeting, a copy of any written notice provided to media organizations
- B. Attendance
  - Names of all members present
  - Names of any absent member(s)
  - Name of any member who participated remotely and a description of any restrictions on the member's participation
  - Name of any member who left early
    - Time of departure
    - (If applicable) Whether the member was excused by remaining members
- C. Public Hearing
  - Beginning and ending times
  - Number of people who spoke
- D. Quasi-Judicial Hearing
  - Detailed account of the hearing, including witness testimony
  - Location of any evidentiary records presented but not included in the minutes
- E. Motions
  - Precise wording of each motion
  - If a second was required, whether it was received
- F. Results of All Votes Taken
  - Whether the motion passed (numeric vote totals preferred)
  - If a member requested the yeas and nays, a list of how each member voted on the motion
  - (If applicable) If the minutes record an affirmative vote based on a member's unexcused failure to vote, a notation to that effect
- G. Location(s) of Reports or Presentations Made to the Board and Excluded from the Minutes
- H. All Points of Order and Their Outcomes
- I. Any Appeals and Their Outcomes
- J. Time of Adjournment