



Just a minute.....

by Roger Bouvier, CMMA

The following is part of a presentation made to participants at the AMM's January Professional Development session. The session was entitled 'Legislated Responsibilities of an Elected Official.'

To quote **Eli Mina's** *Guide to Minute Taking*, "Minute taking is like going to the dentist, necessary but dreaded." Minute taking of council meetings may not seem to be an important responsibility; yet, at times, it creates a lot of grief and confusion.

Minutes are the historical record of an officially convened meeting. Minutes should generally focus on decisions and actions taken by council and should keep the ratepayers informed of decisions that will affect them.

The Municipal Act provides only two brief directives on minute taking. *Section 133* of the Act provides that minutes be made of each council meeting and signed by the person presiding at the meeting and a designated officer.

Who should be signing minutes of a council meeting? In *sub-section 83(2)*, we note that one of the duties of the head of council is to preside, when in attendance, at a council meeting. Therefore, the head

of council must be a signatory to the minutes, if he/she presided at the meeting. The other person to sign the minutes must be a designated officer of the municipality. The Chief Administrative Officer (CAO) of the municipality is automatically a designated officer and must sign minutes of any meeting of council in which he/she participated.

In many circumstances, persons other than the CAO will take the minutes of a council meeting. In order for this person to be in a position to sign the minutes, council must ensure that this person is a designated officer of the municipality. A by-law of council is required to establish the position of designated officer. An assistant or municipal clerk who is a designated officer may be appointed by the CAO to record the minutes of a council meeting and sign them as a recording secretary. The by-law designating the position may also clearly indicate the responsibilities of the designated officer, which could include recording of minutes.

Secondly, *sub-section 127(2)* provides that the CAO must ensure that the minutes of every council meeting are made without note or comment. Unless council has specific instructions in its procedure by-law or set policy regarding minute taking, the CAO must follow the requirements of the Act. Members should avoid contacting the CAO after the receipt of minutes to have corrections and amendments made. Any concerns or corrections may be brought forward at the next meeting of council.

I believe that the legislation is quite clear, although at times, the CAO may find it difficult to adhere to the legislation. From time to time, elected officials have been known

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to request that certain statements be written into the minutes. Citizens and ratepayers may have commented that the minutes lack information, i.e. he said, she said. How does the CAO meet the needs of the legislation with such comments?

Consider the following two resolutions:

- Resolved that the firm of Harris and Associates be appointed as municipal auditors for the year 2004.
- Vs.
- Whereas *sub-section 184(1)* of *The Municipal Act* requires that council must appoint an auditor to carry out the duties of an auditor in respect of the municipality for the fiscal year;
- And Whereas council has tendered for such services;
- Therefore Be It Resolved That the firm of Harris and Associates be appointed to audit the records of the municipality for the year 2004 fiscal year;
- And Further Be It resolved that the firm be paid the fee of \$3,000 as per submitted tender.

Both resolutions are legal, but the second resolution provides much more detail and historical value. It provides the authority that council must adhere to, it explains that council has tendered the service (thus giving all parties an opportunity to bid), and it also provides the fee payable by the municipality for said service. A ratepayer reading the first resolution may be left wondering how and why council is making this appointment and what is it going to cost the municipality. It may also lead to calls to the office or members following the release of the minutes demanding more information.

When should the minutes be released to the public? I've always suggested that minutes should be made available to both the members of council and the public within days of the meeting. There is no need for council to approve 'draft' minutes prior to the distribution of the official minutes. In some instances, members have been surprised by personal notes and comments and have required that the minutes only be released following their approval at the following meetings, which may be several weeks later. If the recording secretary prepares the minutes 'without notes or comments,' then there is no reason for not releasing the minutes immediately.

Have a look at the next issue of your local newspaper to see the date of recently released council minutes. I have seen minutes that are up to three months old being displayed in local papers. Do your ratepayers want to read three-month-old news or would they not prefer to receive the information shortly after

the meeting? *The Municipal Act* provides that the minutes of council and any committee meetings be made available by the CAO upon demand by any person. Waiting a month or so to make the minutes available to the public should not be an option.

If your current minute taking practices are not satisfactory, council may wish to develop and establish minute taking standards. Setting such standards will allow the recording secretary to do their jobs with comfort, clarity and confidence. Arguments about what gets written into the minutes will be minimized. In most municipalities, there is a practice of recording names of the mover and seconder in the minutes. Some individuals may move

a resolution for personal credit only, while others may hesitate moving a motion for fear of being accused of supporting the motion. If your council is experiencing such problems, you may wish to consider establishing policy where the names of the mover and seconder are not recorded in the minutes. You will still require a mover/seconder, but it simply will not be recorded in the minutes. This may alleviate grandstanding by some and lack of discussion by others.

This article provides only a few insights on minute taking. If you have any questions or comments concerning this subject or other municipal issues, contact me at m.s.o@shaw.ca . ●

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