

Municipal Affairs

A GUIDE TO THE PREPARATION OF COUNCIL MEETING MINUTES

Revised April 2013

Alberta 

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General

Minutes are important and vital documents. Despite the broad authorities provided to councils under the Municipal Government Act (MGA), a council may act only by resolution or bylaw that is passed at a public meeting. The minutes of council meetings form the legal record of those council actions, and provide the authorization for administration to implement those decisions.

In this sense, minutes are the critical link between the policy direction of council and the practical operation of the municipality. Well crafted resolutions and bylaws provide a clear direction, and maximize the likelihood of accomplishing the intended result. As a public record, minutes also provide an open and transparent disclosure of council actions to the municipal residents and stakeholders. This disclosure provides a basis for the accountability of councils to their electors, and promotes public confidence and trust in the leadership and governance of the local government.

This guide will provide you with some suggested procedures that have proven to be effective in other municipalities for developing a record of meeting activities and legislative actions.

Legislated Requirements

Section 208 of the *MGA* places the responsibility for recording the minutes of council meetings with the Chief Administrative Officer.

Although a record of council discussions on meeting topics might be informative, the record of discussions would also be subjective because not all aspects of the discussion could be captured practically or given equal weight. In order to ensure that minutes remain as an objective and unbiased record of council actions, Section 208 specifically requires that the minutes be recorded without note or comment.

Section 208 also requires that the names of councillors present at council meetings are recorded, that the minutes of each council meeting are given to council for adoption at a subsequent council meeting, and that the bylaws and minutes of council meetings be kept safe.

Section 213 of the *MGA* addresses the signing requirements for minutes of council meetings. These subsections are quoted in Schedule A.

Contents

Minutes should be structured to facilitate ease of reference by recording a simple form of sequential events.

As a municipal best practice, the minutes of all council meetings should contain:

- The full corporate name of the municipality, - “Municipality of Anywhere.”
- The type of council meeting – Regular, Special, or Organizational
- The date, hour and place of the council meeting.
- The names of all council members in attendance and absent.
- The name of the presiding officer.
- The names of the attending secretary, administrator, or other person who is the official in charge of recording the minutes, and any other appointed officials in attendance, including each person’s title.
- The method of notice of the meeting if other than a Regular Meeting.

Correspondence

While legislation does not require that correspondence be listed in the minutes, it is recommended that this be done as a municipal best practice. In some municipalities, the procedure may be governed by a procedural by-law. Listing correspondence in the minutes provides the opportunity for public and staff members to reference or view the material. Any matter that receives the attention of council or the administration may be documented. Discretion may be used in regards to what correspondence items are included in council minutes. For example, routine administrative matters can be excluded if they are not relevant to the meeting agenda or do not influence the outcome of a council decision.

Inquiries, complaints, and other information brought to the attention of council should generally be included in the minutes. By including these documents, the minutes acknowledge council’s recognition and attention to the specific matter.

Quorum

A quorum is necessary to transact business at a municipal council meeting. Section 167 of the *MGA* defines a quorum as “*the majority of all the councillors that comprise the council under section 143 of the MGA*”, unless there is a vacancy on council.

If a member arrives late, their arrival time should be recorded in the minutes at the precise location of the order of business as well as in the attendance summary in the heading. Early departures should be recorded in the same manner.

By recording these activities, the minutes provide evidence that quorum has been maintained as required by legislation.

Adoption of Minutes

Section 208 of the *MGA* requires “*that the minutes of each council meeting are given to council for adoption at a subsequent council meeting*”. It is recommended that the previous meeting’s minutes be distributed with the agenda package for the next meeting. This gives council members an opportunity to review the contents well in advance. After reviewing the

previous minutes, councillors may ask for an amendment. To follow legislated requirements, a resolution to amend the meeting minutes must precede the resolution to adopt the minutes.

Under Section 213 of the *MGA*, minutes must be signed by the person presiding at the meeting and a designated officer. An additional recommended safeguard is to have the presiding officer initial all pages of the minutes and attachments or appendices. The most appropriate time for signing is immediately following the resolution for adoption.

Resolutions / Motions

Resolutions / motions - their proposal, discussion, amendments, and final passing - are probably the most important tasks undertaken by any municipal council. They are legislated and the basis for all action exercised by a council. Direction given without a resolution is without legal validity.

Resolutions / motions are usually structured to stand on their own and answer the “who, what, where, when and why” questions. As the basis for establishing the actions of the municipality, each resolution should provide administration with a clear direction that can be implemented without having to interpret or guess as to the intent. In order to facilitate the development of clear and complete resolutions, recommendations on decision items that are prepared by administration and included in the council agenda packages should set out or suggest the anticipated resolution.

It is recommended that every resolution / motion be followed by a clear indication as to whether it is “carried” or “defeated”.

Example:

Res. No. 187-17-12-13 MOVED by Councillor Bucks that Bylaw 03-13 be given second reading.

CARRIED

Bylaws

The development of bylaws is dependent upon the passing of a set of resolutions / motions. A proposed bylaw must not have more than two readings at a council meeting unless the councillors present unanimously agree to consider a third reading, as stated in section 187(4) of the *MGA*. The minutes must show that the resolution / motion for a third reading was unanimously carried in order to verify the legislated process was followed. (See Basic Principles of Bylaws publication)

Recording of Votes

Section 185 of the *MGA* provides that “*Before a vote is taken by council, a councillor may request that the vote be recorded*”. The same section of the *MGA* requires that when a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal.

Equality of Votes

Section 186 of the *MGA* states “*If there is an equal number of votes for and against a resolution / motion or bylaw, the resolution or bylaw is defeated*”. Again, it is recommended that every resolution / motion be followed by a clear indication as to whether it is “carried” or “defeated” for future reference.

Retention of Minutes

Council meeting minutes are a legal document and thus must be preserved indefinitely. They can only be destroyed if authorized by council and if the originals are recorded on microfiche or on an electronic system that will allow copies to be made. Therefore, it is highly recommended to have both electronic and paper files of the documents. It would be wise to also consider having the paper copy on good quality bond paper, bound in a sturdy binder, and stored in a fireproof area, ideally a safe or a fire-rated cabinet.

Conclusion

Utilizing municipal best practices when preparing council meeting minutes is an important step in maintaining a reliable and useful document. The resulting minutes will continue to reflect each council’s unique approach to conducting municipal business. It may take some practice, but following these steps will help ensure you are drafting meeting minutes that will be useful and valid for years to come.

MUNICIPAL GOVERNMENT ACT

Section 208(1) The chief administrative officer must ensure that

- (a) all minutes of council meetings are recorded in the English language, without note or comment;
- (b) the names of the councillors present at council meetings are recorded;
- (c) the minutes of each council meeting are given to council for adoption at a subsequent council meeting;
- (d) the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;

Section 213(1) The minutes of council meetings must be signed by

- (a) the person presiding at the meeting, and
- (b) a designated officer.

**SAMPLE
MUNICIPALITY OF ANYWHERE
REGULAR COUNCIL MEETING
MINUTES**

Tuesday, December 17, 2013

The regular meeting of the council of the Municipality of ANYWHERE was held in council chambers in the municipal office on Tuesday, December 17, 2013, commencing at 7:00 pm.

IN ATTENDANCE

Mayor I. M. Orderly
Councillor Mini Bucks
Councillor Jack Nospend

Chief Administrative Officer, I. R. Organized

CALL TO ORDER

The meeting was called to order at 7:00 pm.

**ACCEPTANCE OF
AGENDA**

Res. No. 180-17-12-13

MOVED by Councillor Nospend that the agenda be amended by adding the following item:
Collapse of the retaining wall at 34 Street between 8th and 9th Avenue.

CARRIED

**APPROVAL OF
MINUTES**

Res. No. 181-17-12-13

MOVED by Councillor Bucks that the minutes of the regular meeting of council held on December 8, 2013, be approved as presented.

CARRIED

PUBLIC HEARINGS

MOVED by Councillor Nospend to commence the Public Hearing at 7:15 p.m.

CARRIED

(NOTE: What are your procedures for conducting a public hearing? Depending on your process, you will likely have a lengthy section in your minutes.)

DELEGATIONS

John Day 7:15pm

Mr. Day presented his views on new techniques for recycling. Council thanked him for his presentation and invited Mr. Day to make an appointment for the January, 2014 meeting.

OPEN FORUM

Ms. J. Complain presented a number of compliments and concerns that she had to council. Her comments included:

- a) praise for the installation of water meters
- b) concern about cleaning of sidewalks
- c) concern about lot drainage
- d) concern about dogs at large

Ms. Dee Brief presented her concerns regarding the loss of highway signage.

YOUTH CENTRE

Ms. Dee Brief updated council on the status of the Youth Centre and invited council to come and tour the facility.

BYLAWS

Bylaw 03-13

Establish the Rental Rates

Res. No. 182-17-12-13

MOVED by Councillor Nospend that Bylaw 03-13 being the rental rates bylaw, be given first reading.

CARRIED

Res. No. 183-17-12-13

MOVED by Councillor Bucks that Bylaw 03-13 be given second reading.

CARRIED

Res. No. 184-17-12-13

MOVED by Councillor Nospend that third reading of Bylaw 03-13 be given.

CARRIED UNANIMOUSLY

Res. No. 185-17-12-13

MOVED by Councillor Bucks that Bylaw 03-13 be given third reading.

CARRIED

Bylaw 04-13

Establish a Procedure Bylaw

Res. No. 186-17-12-13

MOVED by Councillor Nospend that Bylaw 04-13 being the procedure bylaw be given first reading.

CARRIED

NEW BUSINESS

AUMA Formula on Distribution of Funds

Res. No. 187-17-12-13

MOVED by Councillor Bucks that council support the AUMA proposed grant formula and forward the requested letter to the Premier.

Councillor Nospend requested a recorded vote.

IN FAVOUR

AGAINST

Mayor Orderley

Councillor Nospend

Councillor Bucks

CARRIED

Long Distance Telephone Rates

Res. No. 188-17-12-13

MOVED by Councillor Nospend that the Chief Administrative Officer be authorized to enter into a contract for long distance phone rates with Telus Communications Inc. at a rate of \$0.04 per minute with a commitment of 3 years.

NEW BUSINESS

Inspections Policy

cont'd

Res. No. 189-17-12-13

MOVED by Councillor Bucks that the Chief Administrative Officer further enhance the draft policy by including a map of traffic sign locations and all buildings be included as part of the policy for review at the next regular meeting of council

CARRIED

2013 Long Range Planning Meetings

Res. No. 190-17-12-13

MOVED by Councillor Nospend that council schedule Special Meetings for January 7 and 21, 2014 starting at 7:00 pm in Council chambers to prepare the proposed 2014 Long Range Planning Document.

CARRIED

COUNCILLOR REPORTS

MOVED by Councillor Bucks to accept the Councillor reports for information.

CARRIED

CHIEF ADMINISTRATIVE OFFICER ((CAO) REPORT/ACTION LIST

MOVED by Mayor Orderly that the CAO report and Action List for the period December 3 – December 17, 2013 be accepted for information.

CARRIED

(Note: If there were any items from the action list that council wanted to discuss or pass a further motion on, than there may be more detail or another motion in this area)

Suggested Forms for Special Meeting Notification

MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE MUNICIPALITY OF ANYWHERE IN THE PROVINCE OF ALBERTA, HELD ON WEDNESDAY, MAY 15, 2013, IN THE COUNCIL CHAMBERS OF ANYWHERE MUNICIPAL BUILDING, COMMENCING AT 8:00 P.M.

THE NOTICE OF THIS MEETING WAS GIVEN UNDER AUTHORITY OF SECTION 194 OF THE *MUNICIPAL GOVERNMENT ACT* (by telephone or in writing) TO EACH MEMBER OF COUNCIL AND A SIGNED WAIVER OF WRITTEN NOTICE FORM IS ATTACHED TO THESE MINUTES.

PRESENT:

DATE: _____

TOWN OF ANYWHERE

WAIVER OF NOTICE OF A SPECIAL MEETING OF COUNCIL CALLED
UNDER AUTHORITY OF SECTION 194 OF THE MUNICIPAL GOVERNMENT ACT

We, the undersigned members of the council of the Municipality of Anywhere, hereby waive notice of a special meeting of council to be held in the council chambers of the Municipality of Anywhere on Wednesday, May 15, 2013, commencing at 8:00 p.m for the purpose of discussing and acting upon the following item(s):

1. _____

4. _____

2. _____

5. _____

3. _____

6. _____

SIGNED

NAME _____ DATE _____

NAME _____ DATE _____

NAME _____ DATE _____

NAME _____ DATE _____

NAME _____ DATE _____

NAME _____ DATE _____

NAME _____ DATE _____

Chief Administrative Officer, I. R. Organized
Municipality of Anywhere

DATE: _____

MUNICIPALITY OF ANYWHERE

WRITTEN NOTICE OF A SPECIAL MEETING OF COUNCIL CALLED
UNDER AUTHORITY OF SECTION 194 OF THE MUNICIPAL GOVERNMENT ACT

TO: MAYOR _____

COUNCILLORS _____

The Mayor has requested that a special meeting of council be held in the council chambers of the Municipality of Anywhere on Wednesday, May 15, 2013, commencing at 8:00 p.m. for the purpose of discussing and acting upon the following item(s) of business:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Chief Administrative Officer, I. R. Organized
Municipality of Anywhere