

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM #: Action A-2

DATE: October 14, 2010

SUBJECT: Audio Recordings of Meetings

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is to discuss and provide direction to staff in regards to recording all meetings held in the Community Center Council Chambers and posting those recordings to the City web site.

STAFF RECOMMENDATION:

Staff recommends the Council provide direction to record regular and special council meetings and all public hearings held in the Community Center Council Chambers.

SUMMARY:

At the September 9, 2010, Mr. Pinson requested the council consider recording all regular and special meetings of the city council held in the Community Center Council Chambers. Currently only regular council meetings are recorded. Mr. Pinson further requested the staff prepare an agenda item to address:

Would you prepare a new agenda item for the next meeting that includes this specific proposal:

The council adopts the policy that an audio recording shall be made of all council meetings that meet the following criteria:

1. The public is invited to attend the meeting.
2. The meeting is held in the council chambers.

In a related, but separate action, please prepare an agenda item that states:

The council adopts the policy that audio recordings of public council meetings will be made freely available for download on the city website in a timely fashion following.

Under the RCW's there are no requirements to record council meetings (see Attachment A). There is a requirement for written minutes under the RCW's. Unless the audio recordings are transcribed and the transcription is approved, the recordings must be retained as a public record for 6 years. The Council's Policy and Procedure reads:

1.4 Journal of Proceedings: A journal of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.

There is no formal policy of the Council to make audio recordings of meetings.

The Council holds sub-committee meetings, retreats, workshops and open houses throughout the year – some on site and some off site. These meetings are less informal in nature to allow the council to discuss issues without making any decisions or taking action. Staff may take notes for reference during these meetings but there are no minutes taken.

The City has equipment to record on site meetings held in the Community Center Council Chambers. Recording of off-site meetings would require an investment in additional recording equipment. The expense for the additional equipment would be directly related to the quality of the recording needed.

Iron Goat has advised the audio recordings can be posted on the City web page however staff needs to provide a copy of the recording as the files are too large to download.

Occasionally there are problems with the recording equipment stopping during a meeting. Staff has purchased new recording disks and placed a surge protector on the equipment. Due to the location of the equipment, staff is not able to monitor the recording during the meeting. Staff is continuing to explore options for monitoring the recording during the meeting.

RECOMMENDATION:

Direct Staff to record regular and special council meetings and all public hearings held in the Community Center Council Chambers.

Attachments: A. Information from MRSC on audio recordings

ATTACHMENT A

Following is additional information from MRSC regarding audio recordings of council meetings <http://www.mrsc.org/askmrsc/featuredinq.aspx?inq=452>

Regular and Special Council Meetings

There does not appear to be any legal requirement for local legislative bodies to make audio tape recordings of general public meetings of the legislative body. Written minutes are still required as a permanent record of legislative proceedings.

Many local legislative bodies make a tape recording of the proceedings to assist the clerk in preparing the required summary or minutes of the official proceedings for approval by the council or board. If such a tape is made, it must now be retained for the new six year period even if the purpose for tape recording is simply to assist the clerk in preparing minutes.

Even though the tape must now be retained for six years, written meeting minutes are still required for every regular and special meetings, except executive sessions (RCW 42.32.030).

Quasi-Judicial Meetings

Different rules apply to quasi-judicial adjudicative proceedings and to public hearings where specific findings are required and a record may need to be made for judicial review. Washington courts have held that a verbatim record is required and even a close paraphrase of the proceedings is not sufficient where it becomes necessary to prepare an adequate record for review.

Although other methods of reporting are possible to obtain a verbatim transcript, the potential need for a verbatim transcript essentially means an audio recording is required for any hearing involving testimony upon which the legislative body will base its decision and which will become part of the record in the event of judicial review. If a verbatim transcript of the tapes is prepared and certified, the required retention period for the audio tapes may be reduced.

If there is any question over whether a tape needs to be made, consideration might be given to making a tape recording simply to avoid a court subsequently vacating the action due to lack of an adequate record for review. In addition, the courts have upheld actions even where the formal written findings were found inadequate to support the decision, where the decision was supported by oral findings contained in the tapes of the proceeding.

If you have any questions on whether audio tapes need to be made of particular hearings or proceedings, you should discuss the issue with your county prosecutor or city attorney.