



**Jesse Arreguín**  
Councilmember, District 4

**ACTION CALENDAR**  
December 11, 2012

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Jesse Arreguín  
Subject: Revising the Recording of Council Annotated Agendas and Minutes to Include All Motions Voted On

**RECOMMENDATION:**

Adopt a Resolution:

1. Revising the recording of City Council Annotated Agendas and Minutes to include all motions voted on, irrespective of whether they resulted in a final action being taken; and
2. Rescinding Resolution No. 65,462-N.S.

**FISCAL IMPACTS OF RECOMMENDATION:**

Unknown, some additional staff time may be required to also include motions which were voted on by Council but did not result in a final action being taken. Given that the City Clerk already records all votes taken by Council, such additional work should not be significant.

**BACKGROUND:**

On September 27, 2011, the City Council adopted Resolution No. 65,462-N.S. which revised the method of recording actions taken by the City Council in annotated agendas and minutes. The resolution instituted a new policy of recording not only motions that passed which resulted in an action being taken, but also failed motions which concluded discussion of an item.

The resolution was the result of a City Council referral made on July 12, 2011. Councilmember Worthington submitted an item requesting that future minutes reflect all votes taken by the Council, regardless of whether the motion passed.

The staff report back to the Council and Resolution No. 65,462-N.S., however did not recommend that all motions and votes taken, regardless of whether they resulted in an action being taken should be recorded in the minutes.

Often times, Councilmembers introduce motions which are voted on by the City Council but which are not adopted, whether they may be substitute motions, which become subsumed by passage of the main motion, or votes on severed parts of a motion, resolution or ordinance; and

After having done research of past annotated agendas and minutes, prior to 2008, Council annotated agendas and meeting summaries included votes on all motions, including motions that did not pass. While the practice changed after 2008, most likely due to administrative simplicity, the City has in the past reported all motions voted on.

Currently the City Clerk records the vote at City Council meetings on all motions voted on by the Council. Such information is available and can be included in the annotated agenda and minutes.

Failed motions which do not result in a final action are also an important part of the public record, and in the interest of promoting greater transparency and access to information, it is important that the City's policy be modified to require the recording of all motions voted on, whether or not they resulted in an action being taken.

CONTACT PERSON:

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ATTACHMENTS:

1. Resolution
2. September 27, 2011 staff report to Council on revising recording of annotated agenda and minutes
3. Resolution No. 65,462-N.S.
4. July 12, 2011 item from Councilmember Worthington regarding recording all motions voted on in minutes
5. December 11, 2007 Annotated Agenda
6. December 5, 2006 Council meeting summary

RESOLUTION NO.

REVISING THE RECORDING OF COUNCIL ANNOTATED AGENDAS AND MINUTES TO INCLUDE ALL MOTIONS MADE AND VOTED ON IRRESPECTIVE OF WHETHER THEY PASSED AND RESCINDING RESOLUTION NO. 65,462-N.S.

WHEREAS, the City Council adopted Resolution No. 65,462-N.S. on September 27, 2011 which requires the recording of City Council annotated agendas and minutes to reflect all final actions taken, including votes on failed motions that resulted in no action being taken but which concluded discussion of an item; and

WHEREAS, prior to the adoption of Resolution No. 65,462-N.S., City Council annotated agendas and minutes in recent years only reflected the motion and subsequent vote which resulted in an action being taken by Council; and

WHEREAS, often times, Councilmembers introduce motions which are voted on by the City Council but which are not adopted, whether they may be substitute motions, which become subsumed by passage of the main motion, or votes on severed parts of a motion, resolution or ordinance; and

WHEREAS, the City Clerk records the vote on all motions voted on, regardless of whether they result in an action being taken, yet such votes are not reflected in the annotated agenda or the minutes; and

WHEREAS, while the new policy instituted through Resolution No. 65,462 of recording final actions has provided additional information on the deliberations of the Berkeley City Council, failed motions which do not conclude discussion of an item, and which result in a subsequent vote which results in an action being taken, are not recorded in annotated agendas or minutes; and

WHEREAS, while these motions do not result in an action being taken by the City Council, they are an important part of the public record, and in the interest of promoting greater transparency and access to information, it is important that the City's policy be modified to require the recording of all motions voted on, whether or not they resulted in an action being taken; and

WHEREAS, prior to 2008, the City Clerk reported in annotated agendas and minutes all motions voted on, regardless of whether they resulted in a final action.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the recording of Annotated Agendas and Minutes of meetings of the Berkeley City Council shall reflect all motions voted on, regardless of whether they resulted in final action being taken.

BE IT FURTHER RESOLVED that Resolution No. 65,462 is hereby rescinded.