Key People Café - Meeting Minutes 101

Legal Requirements and Best Practices
Welcome & Introductions

- Mikayla Unruh, Administrative Policy and Legal Specialist, CASB
- Nicole Baich, Executive Administrative Assistant, Weld RE-4 School District
- Leslie Bogar, Deputy Executive Director, CASB
- Matt Cook, Director of Public Policy and Advocacy
- Kristina Gutierrez, Policy Specialist, CASB
- Holly Burg, Policy Specialist, CASB
- Diana Calderon, Policy Assistant, CASB
- Rachel Amspoker, Staff Attorney
- Hilary Daniels, Staff Policy Attorney
Overview

- Purpose
- Types of Minutes
- Legal Requirements
- Do’s and Don'ts
- Approval & Correction Procedures
- Scenarios
- Records Retention / Open Records Requests
- Best Practices
- Questions
What is the Purpose of Meeting Minutes?

- Serve as official record of actions for meeting
  - Historic/legal documentation

- Ensure transparency and accountability
  - Document adherence to policy/procedures

- Required for any meeting in which the board adopts any proposed policy, position, resolution, rule, or regulation, or at which formal action occurs or could occur.
Types of Minutes

● Verbatim (Detailed)
  ○ Complete record of all statements and actions
  ○ Typically unnecessary outside of certain hearings or judicial proceedings

● Summary (Discussion)
  ○ Summary of important discussion points leading to board decisions and complete record of actions

● Action
  ○ Most common
  ○ Record of final decisions / board actions only
Legal Requirements
Regular and Special Meetings

- Minutes should be posted on website or made available at District Office as soon as possible
  - No statutory timeline specified
  - Refer to policy BEDG for specific requirements

- Recordings (C.R.S. § 24-6-402(2)(d)(II))
  - Required at any meeting in which votes are taken or recorded
  - Must be available to public upon request (audio recording at minimum)
    - Minimum retention of 90 days
    - Refer to policy BE for district-specific requirements
Executive Session *(C.R.S. § 22-32-108)*

- Must include the topic of discussion and amount of time spent on each topic discussed during executive session
  - Post on website or publish in same manner as public notice “no later than ten business days following the meeting at which the minutes are approved by the board.”

- Recordings
  - Electronic recording required (including statutory citation allowing closed session)
  - 90 day retention period
    - Recommend adopting procedure for deletion after 90 days
Do’s and Don’ts
4 Tips to Simplify Minutes Drafting

● Review board policies related to minutes
  ○ Confirm procedures for distribution to the board / public posting

● Prepare a template in advance (use your agenda as a template)
  ○ Fill in the template as you progress through the meeting
  ○ Always record the time the meeting starts and adjourns

● Obtain copies of all reports/handouts for reference (include in final packet)

● Review notes and edit as soon as possible
  ○ Use recording to confirm details
Do’s

- DO record what is done, not what is said
- DO present all statements neutrally
- DO include meeting date, time, location
- Do record names of all attendees, including guests
- Content should be about 80% complete when the meeting is over
  - Look for ways to automate/simplify repetitive components
  - Meeting management tools: BoardBook Premier
Don'ts

- DON'T record direct quotes
- DON'T include unsubstantiated information or opinions
- DON'T attribute discussion items or statements to individuals
- DON'T use inconsistent/incomplete titles for documents or programs
Scenarios

- A Board member says, “I want it on the record.” What do you do?
  - Typically minutes should record what was done, NOT what was said; however, if this situation arises, the chair should put the question to the group and take a vote on including specific, verbatim remarks.

- A long, tense debate finally finished and a conclusive vote was taken. Should you include statements or specific details from the discussion?
  - No, explain that the board discussed the issue, but do not include specifics, unless pertinent to the final decision. Focus on the action outcome.
Approval & Correction Procedures
Process for Approval

- Distribute draft minutes to board ahead of time
  - Minutes are not official until approved by the board in public meeting

- No statutory timeline for approval and publication, but must “promptly” be made available for public inspection \((C.R.S. \, \$ \, 22-32-109(1)(e))\)
  - Typically approved at next regular meeting
  - Review board’s policies for specific procedural requirements

- Board members don’t need to be present at meeting to approve minutes for the meeting
  - Attesting to the quality of the minutes, NOT certifying their presence
Process for Correction

- Corrections must be made in public meeting
- Board president should call for a motion to approve the minutes
  - Once seconded, corrections should be presented during discussion
- To amend the minutes, a motion must be made, seconded, and passed with exact wording
  - If adopted, add notation of correction to minutes:
    - E.g., “The minutes were approved, as corrected.”
Records Retention & Public Access
Records Retention Guidelines

- **Colorado State Archive School Districts Record Retention Manual**
  - Minutes are a permanent record
  - Must be available for public inspection
    - Best practice: posting on website after approval, maintaining web-based archive
    - No website? Make sure access procedures are clearly posted and kept consistent

- Implement consistent procedures for ALL requesters
  - No CORA request required for minutes
    - Recommended for any document accessible on website
Best Practices
Questions?
Thank You!

Mikayla Unruh: munruh@casb.org | 303-302-3801

Resources: CASB Open Meeting Requirements Summary | BoardBook Premier Meeting Management