Subject: CONSIDERATION OF AN AMENDMENT TO SECTION 6.17 (MINUTES) OF BOARD POLICY NO. 100 (RULES FOR PROCEDURE) REGARDING THE NEED FOR THE MINUTES TO CONTAIN AN EXPLANATION OF A NO VOTE BY A DIRECTOR

RECOMMENDED ACTION: [ ] Information Only [X] Recommended Motion

The Committee needs to consider this item and provide direction to staff regarding the content of an amendment.

Fiscal Impact:
None

Background/Discussion:
President Williams, at the January 17th Board meeting, requested that the Executive Committee consider the issue of recording in the minutes the negative vote of a Director voting against a motion.

(continuation)

BOARD ACTION: Approved as Recommended [ ] Other [ ]
Approved with Modification(s) [ ]

"To be filled in by Board Secretary after Board/Committee meeting"

The above order was passed and adopted on ____________________, 2002.

Rose Martinez, District Secretary
By ___________________________
Policy 100 addresses the question of voting in Sections 6.3 (Voting – Roll Call), 6.4 (Voting – Voice Vote), 6.5 (Voting – Abstentions) and 6.17 (Minutes). Only Section 6.17 addresses the issue of indicating a reason for a negative vote, and provides in part:

The minutes of a meeting are intended to reflect what occurred at the meeting. The minutes shall be prepared as “action minutes” indicating the item considered, the staff recommendation, the action taken by the Board on the item, the vote of the individual Directors and if a Director stated a reason for his/her vote. The minutes should not be used to editorialize or refute what was said at another meeting. The minutes shall not be annotated in any manner to refer to a discussion which occurred at a prior meeting, except when the District Secretary determines that such annotation is necessary to clarify action taken by the Board at one meeting which has been affected by action taken by the Board at a subsequent meeting.

The issue for consideration is whether to restrict the ability of a Director to indicate the reason(s) for a negative vote when asked for his/her vote.

Alternatives available for consideration by the Committee include:

1. Maintaining the status quo.
2. Eliminating the recordation of the reason(s) for a negative vote by either:
   a. amending the section to eliminate “and if a Director stated a reason for his/her vote”; or
   b. leaving the language in, but interpret it to mean that the District Secretary notes in the minutes that “Director Y voted no and stated a reason for his/her vote,” leaving the tape of the meeting as the sole content of the reason for the negative vote.
3. Establishing a check list of reasons which a Director could mark and provide to the District Secretary for retention with the minutes of the meeting;
4. Allowing any Director who votes no to provide to the District Secretary a post meeting memo in which the Director cites the basis for his/her negative vote.

Prior Relevant Board Actions/Policies:

The Board has, from time to time, amended Board Policy No. 100
GC Memo No.
Subject: Consideration Of An Amendment To Section 6.17 (Minutes) Of Board Policy No. 100 (Rules For Procedure) Regarding The Need For The Minutes To Contain An Explanation Of A No Vote By A Director

Meeting Date: February 21, 2002

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Attachments:
None

Prepared and Approved by:

Kenneth C. Scheidig

Date Prepared:

February 13, 2002