

**RESOLUTION NO. 2004-073**

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN BUENAVENTURA AMENDING THE COUNCIL  
PROTOCOLS TO REQUIRE MINUTES TO BE KEPT OF TOPICS  
DISCUSSED AND DECISIONS MADE AT CLOSED SESSION MEETINGS  
OF THE CITY COUNCIL**

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**Whereas**, the Brown Act provides that “[t]he legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting (Gov’t. Code Sec. 54957.2); and

**Whereas**, the Brown Act also provides that such minute book “is not a public record subject to inspection pursuant to the California Public Records Act... [and] shall be made available only to members of the legislative body, or if a violation of [the Act] is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies” (*ibid.*);

**Whereas**, the City Council has concluded that it would be in its best interest of the Council and the citizens of San Buenaventura to maintain a minute book of the topics discussed and decisions made by the Council in closed session in that it would:

- Provide an accurate record of the topics discussed and decisions made in Council closed sessions in the event the legality of those proceedings are challenged in a judicial action;
- Permit individual council members to have an accurate record to refer to in the event they desired to refresh their recollection of the topics discussed and decisions made in closed sessions; and
- Insure that council members are individually accountable for Council decisions made in closed session; and,

**Whereas**, the Council has therefore determined to further amend the Council Protocols, as initially adopted by Council Resolution No. 9411, to require minutes to be kept of the topics discussed and decisions made at all meetings of the Council conducted in a closed session, and to set forth the terms and conditions under which those minutes will be maintained and disclosed.

**Now, therefore,** be it resolved by the City Council of the City of San Buenaventura that Section I – 9 of the City Council Protocols, currently entitled “Action Minutes”, be re-entitled “Minutes and Recordings” and amended to read as follows:

“9 **Minutes and Recordings**– Minutes and recordings of Council meetings will be kept and maintained as follows:

a. **Public Meetings.** will be Action minutes will be kept of all Council meetings that are open to the public. Action minutes will include the final motions with votes. The minutes will also reflect the names of public speakers. Council and staff discussion and comments will not normally be included in the minutes. **Comments for the record** If a Councilmember desires for a comment to be included in the minutes, it is his or her responsibility to indicate that the statement is “for the record” before making the comments. **Timing of Approval of Minutes**— ~~Minutes of meetings are~~ Such minutes will be taken by the City Clerk’s Office, will generally be submitted to the Council within two weeks for approval; and will be made available to the general public for review and copying at all times following Council approval.

b. **Closed Sessions.** Except as otherwise provided herein minutes shall also be kept of all Council closed session meetings. Closed session minutes will include the topics discussed and decisions made with votes. The minutes will be taken by the City Clerk, the Assistant City Clerk, or such other city employee within the City’s confidential employee unit, as designated by the City Manager, and will also be generally submitted to the Council within two weeks for approval. Minutes will be kept of closed sessions convened to evaluate the performance of the City Manager or City Attorney only if requested by the Mayor or a majority of the council members

Unless otherwise ordered by a court of competent jurisdiction, closed session minutes will be made available only to council members and those city officers or other persons authorized by the Council to review the minutes.

c. **Recordings of Meetings**– ~~Taped~~ All video and/or audio recordings of proceedings are maintained by the City Clerk for a period of two years plus the current year.”

**PASSED AND ADOPTED** this 6th day of December, 2004.

*Mabi Covarrubias Plisky*

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Mabi Covarrubias Plisky  
City Clerk

APPROVED AS TO FORM:

*RG Boehm*

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Robert G. Boehm  
City Attorney

STATE OF CALIFORNIA                    )  
COUNTY OF VENTURA                 ) ss  
CITY OF SAN BUENAVENTURA         )

I, MABI COVARRUBIAS PLISKY, City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on December 6, 2004, by the following vote:

AYES:           Councilmembers Smith, Weir, Fulton, Andrews, Monahan,  
                      Morehouse, and Brennan.

NOES:           None.

ABSENT:        None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on December 7, 2004.

  
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City Clerk