

1 Rule 2-104. Recording Minutes of Council meetings.

2 Intent:

3 To provide a formal method for memorializing Council meetings.

4 To ~~assure-regulate~~ public access to such records.

5 Applicability:

6 This rule shall apply to all ~~minutes-meetings~~ of the Council.

7 Statement of the Rule:

8 (1) ~~Written minutes shall be kept of all open meetings of the Council. Except as~~  
9 ~~provided in Rule 2-103(5)(B), the administrative office of the courts shall make an audio~~  
10 ~~recording of all open and closed Council meetings, and the administrative office of the~~  
11 ~~courts shall prepare minutes of all open Council meetings. The recording is a verbatim~~  
12 ~~record of what is said during the meeting. The M~~minutes shall include:

13 (1)(A) the date, time, and place of the meeting;

14 (1)(B) the names of members present, in person or by electronic communication,  
15 ~~and the names of members~~ absent and the names of staff and guests ~~present who~~  
16 ~~testify to the Council~~;

17 (1)(C) the substance of all matters proposed, discussed, or decided;

18 (1)(D) the substance of the testimony of guests and the reports of staff or a summary  
19 reference to such testimony or report if a copy thereof is filed with the minutes;

20 (1)(E) a record of the vote taken on any question, and, if the vote is a roll call vote, a  
21 record of the vote of individual members by name;

22 ~~(1)(F) the reason for holding a closed meeting;~~ and

23 ~~(1)(F) (1)(G)~~ any other information that any member requests be entered in the  
24 minutes.

25 (2) ~~A copy of the minutes shall be distributed to all presiding judges and the chairs of~~  
26 ~~the Boards. The recording of a closed meeting is a protected record. The draft minutes~~  
27 ~~of an open meeting is a protected record. The recording of an open meeting is a public~~  
28 ~~record. The approved minutes of an open meeting is a public record. After approval by~~  
29 ~~the Council, the public minutes shall be posted on the courts' website. The approved~~  
30 ~~minutes of an open meeting is a permanent record. The recording of a public meeting~~

31 may be destroyed 90 days after the Council approves the minutes. The recording of a  
32 closed meeting may be destroyed 90 days after the matter to which it pertains is moot.

33 ~~(3) The minutes of open Council meetings are public records and shall be made~~  
34 ~~available for inspection and copying within a reasonable time after Council approval.~~

35 ~~(4) Written summary minutes of closed Council meetings shall be kept. Summary~~  
36 ~~minutes are public records and shall be made available for inspection and copying~~  
37 ~~within a reasonable time after Council approval. Summary minutes shall include:~~

38 ~~(4)(A) the date, time and place of the meeting;~~

39 ~~(4)(B) the names of members present and absent;~~

40 ~~(4)(C) the names of all others present, unless disclosure would infringe on the~~  
41 ~~confidence necessary to fulfill the original purpose of closing the meeting;~~

42 ~~(4)(D) the reason for holding the closed meeting; and~~

43 ~~(4)(E) the vote, either for or against the motion to hold a closed meeting, cast by~~  
44 ~~each member by name.~~

45 ~~(5)(A) In addition to summary minutes, if the meeting is closed for any purpose other~~  
46 ~~than to discuss the character, competence, or physical or mental health of an individual~~  
47 ~~or to discuss the deployment of security personnel or devices, the meeting shall be~~  
48 ~~recorded or written minutes shall be kept as for an open meeting.~~

49 ~~(5)(B) Recordings and written minutes of closed meetings are protected records.~~

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