



# LIBRARY BOARD OF TRUSTEES

CITY OF PALM SPRINGS, CALIFORNIA

[www.palmspringslibrary.gov](http://www.palmspringslibrary.gov)

## REGULAR MEETING AGENDA WEDNESDAY, MARCH 3, 2021 5:30 P.M.

Pursuant to Executive Order N-29-20, this meeting may be conducted by teleconference and there will be no in-person public access to the meeting location.

- To view/listen to the meeting live, please use the following link:  
<https://us02web.zoom.us/j/82759094611> or call 1-669-900-6833, Meeting ID: 827 5909 4611
- Submit your public comment to the Library Board of Trustees electronically. Material may be emailed to [jeannie.kays@palmspringsca.gov](mailto:jeannie.kays@palmspringsca.gov). Transmittal prior to the start of the meeting is required. Any correspondence received during or after the meeting will be distributed to the Board and retained for the official record.
- You may provide telephonic comments by calling the Library Director at (760) 322-8375 by no later than 4:00 p.m. to be added to the public comment queue. At the appropriate time, a staff member will call you so that you may provide your public testimony to the Board.
- The meeting will be recorded and the audio file will be available from the Office of the City Clerk and will be posted on the City's YouTube channel, as soon as practicable.

### TRUSTEES

**Craig Borba, Ed. D.**  
**Melissa Cronin**  
**Juanita Garner**

**David Kelly, J.D., M.B.A.**  
**Ed McBride**

*Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.*

Staff representative: Jeannie Kays, Director of Library Services, Palm Springs Public Library

#### I. CALL TO ORDER - ROLL CALL

#### II. PRESENTATIONS – City Clerk discussing Brown Act

- #### III. ACCEPTANCE OF THE AGENDA:
- In order to meet Brown Act requirements, items may be added to the agenda only upon decision by a majority of the Board of Directors to add the item because of a need for immediate action. This Agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber), and City Clerk's office on or before 5:30 p.m., February 24, 2021. A courtesy posting of this Agenda can be found on the Library's website at [www.palmspringslibrary.org](http://www.palmspringslibrary.org). Pursuant to the Government Code Section 54957.5, the designated office for inspection of public records in connection with the public meeting of the Library Board of Trustees is the office of the City Clerk, City Hall, at 3200 East Tahquitz Canyon Way, Palm Springs, California.

Acceptance of Agenda:

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

- IV. PUBLIC COMMENTS:** This time has been set aside for members of the public to address the Library Board of Trustees on Agenda items; and items of general interest within the subject matter within jurisdiction of the City. Although the Library Board of Trustees values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted Agenda. Three (3) minutes are assigned to each speaker.

**V. CONSENT AGENDA**

- A. Meeting Minutes of February 3, 2021
- B. Library Statistics

Acceptance of Consent Agenda:

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

**VI. ADMINISTRATIVE REPORTS**

- A. Friends of the Palm Springs Library
- B. Palm Springs Public Library Foundation
- C. Library Staff

**VII. TREASURERS REPORT**

Acceptance of Treasurers Report:

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

**VIII. DISCUSSION/ACTION ITEMS**

- A. Information regarding Library Trust Fund Finances and Friends of the Library Transactions.

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

- B. Request for \$5,000 from Kropitzer Trust account to spend on nonfiction books.

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

C. Committee Structure – Standing and Ad Hoc Committees

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

D. Treasurer Kelly's January 25, 2021 memo regarding Library Trust Fund:

Discussion Item #1

*The Library Trust Fund should have its own charter with a statement of purpose, objectives, and investment guidelines. The charter should state the type of Library projects it will consider funding, and which need special approval, if any.*

Motion:            Second:            Approved:            Opposed:            Abstention Names(s):

**IX. TRUSTEE/STAFF COMMENTS/FUTURE AGENDA ITEMS**

- X. **ADJOURNMENT:** The meeting of the Library Board of Trustees will adjourn to its next regularly scheduled meeting at 5:30 p.m. on Wednesday, April 7, 2021 in the Large Conference Room at Palm Springs City Hall or virtually.

The Palm Springs Public Library Board of Trustees meets at 5:30 p.m. on the 1st Wednesday of every month, unless noted otherwise, virtually or in the Large Conference Room at Palm Springs City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, CA.

THE PUBLIC IS INVITED TO PARTICIPATE

**COMMITTEES:**

**STANDING:**

ADVOCACY	CRONIN
BUDGET	KELLY/MCBRIDE
BUILDINGS	BORBA
POLICIES/BYLAWS	BORBA/GARNER


**AD HOC:**

FOUNDATION LIAISON	BORBA/MCBRIDE
FRIENDS LIAISON	KELLY/BORBA
MEASURE J LIAISON	CRONIN

AFFIDAVIT OF POSTING

State of California            )  
County of Riverside        ) ss.  
City of Palm Springs        )

I, Jeannie Kays, Director of Library Services of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the Library Board of Trustees, provided to all parties who have requested such notice, posted at City Hall before 5:30 p.m., on February 24, 2021, and posted on the City's website as required by established policies and procedures.

  
\_\_\_\_\_  
Jeannie Kays, MLIS  
Director of Library Services

PUBLIC NOTICES

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the Library Director, Palm Springs Public Library, 300 S. Sunrise Way. Complete Agenda Packets are available for public inspection at: Palm Springs Public Library. Agenda and staff reports are available on the City's website [www.palmspringsca.gov](http://www.palmspringsca.gov). If you would like additional information on any item appearing on this agenda, please contact the Director of Library Services at (760) 322-8375.

It is the intention of the City of Palm Springs to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, If you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact Lisa Brock at 760-322-8387 to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

**PALM SPRINGS PUBLIC LIBRARY  
BOARD OF LIBRARY TRUSTEES  
MINUTES**

Palm Springs Public Library  
Teleconference via Zoom

February 3, 2021

**1. CALL TO ORDER**

President McBride called the meeting to order at 5:32 p.m.

**ROLL CALL**

**PRESENT**

Craig Borba	Yes
Melissa Cronin	Yes
Juanita Garner	Yes
David Kelly	Yes
Ed McBride	Yes

**STAFF PRESENT:** Jeannie Kays, Director of Library Services.

**CITY STAFF PRESENT:** Lisa Brock, Library Operations and Collection Manager.

**PUBLIC PRESENT:** Nanci Morrison.

**2. CHANGES OR ADDITIONS TO THE AGENDA:**

None.

**3. PUBLIC COMMENTS:** None.

**4. CONSENT AGENDA**

**MOTION:** (Kelly/Borba, 5-0) To approve the consent agenda, with removal of 4.A. for discussion.

**4. A. Meeting Minutes of January 7, 2021**

This item was excluded from the consent agenda.

**4. B. Library Statistics**

**EXCLUDED CONSENT AGENDA**

**4. A. Meeting Minutes of January 7, 2021**

Treasurer Kelly requested that the January 7, 2021 meeting minutes be amended as follows:

*In 7.A. change the line "Trustee Kelly will be leaving the Library Board in June of 2021." to "Trustee Kelly will be leaving the Library Board at the end of his term in June 2021."*

**MOTION:** (Borba/Cronin, 5-0) To approve the January 7, 2021 minutes as amended.

**5. ADMINISTRATIVE REPORTS**

**5. A. Friends of the Palm Springs Library**

Nanci Morrison gave the report. The Friends are planning a silent auction to take place around the time of their annual meeting. The date for the annual meeting is not set yet. It will be virtual this year and they are looking into authors to speak at the meeting. They received notification that someone passed away and left money to the Friends of the Palm Springs Library.

#### **5. B. Palm Springs Public Library Foundation**

President McBride gave the report. The Foundations year-end fundraising campaign has now raised close to \$10,000. They are in the process of applying for another grant.

#### **5. C. Library Staff**

Contactless pickup is once again available Monday-Saturday. You can pick up reserved library materials like books and DVDs as well as craft kits. Mobile printing is also available. Free Wi-Fi is available in the parking lot.

#### **Library-A-Go-Go and inside use statistics:**

Since resuming pickup service January 22, 2021, we filled 571 appointments in the month of January.

#### **Virtual Programming:**

Story times are on Facebook Thursdays at 10:00 a.m.

Teen live events are on Tuesdays at 4:00 p.m. on Instagram Live.

This month's Youth activity is "Cook Along: Delicious Valentine's Day Treats." The video premieres on Facebook and our YouTube channel Tuesday, February 9. There will be no kit pickup.

We still have tote bag painting kits available if children are interested. They will be available through February 20, or until supplies last.

Teen To-Go: DIY Anti-Valentine's/Valentine's Day Kits. Pick up kits now through February 13.

**Adult Program:** Hershey's Kisses Roses craft demonstration. Library Director Jeannie Kays demonstrates how to make Hershey's Kisses Roses. This program premieres February 4 on Facebook and YouTube.

We are working on a project with the Mizell Center to have a free virtual author event. Details are pending.

City Council approved funding for the hardware upgrade on our book sorting system. I was able have some savings this year from categories where we would normally spend the funds, like printing and events.

### **6. TREASURERS REPORT**

Treasurer Kelly reported the Library Trust Fund balance is \$1,816,772.85. That is an increase of just over \$1,000; Director Kays said the Trust Fund received a donation of \$1,000 and a donation of \$25. A discussion of the Friends of the Library account in the Trust Fund took place. Trustee Kelly said he thought this system was not going to be in place any longer. Director Kays said this system was put in place by the finance department. Director Kays explained that when books are purchased at the library all of the money goes into a revenue account. At the end of the month library staff puts in a request to move the earnings from the revenue account to the Friends account within the Trust Fund. At the same time a request is put in to cut a check to the Friends of the Palm Springs Library. President McBride asked why there couldn't be a cash box for the book sale. Director Kays said with a cash box there isn't an audit process and a higher risk of theft. On the Trust Fund Expenditure Status Report the money shows up in the Budget Column and shows it coming out in the Period Expenditure column. The account starts with a \$100 balance which is used as a placeholder to keep the account open. Trustee Cronin said she would be interested to know if the City could pull that line item out or open a second account that is not under the auspices of the Trust account because it seems like it introduces unnecessary confusion. Director Kays showed an Expenditure Audit Trail report that shows that the money went into the account on 12/16/2020 and out on 12/23/2020. Treasurer Kelly made two recommendations the first is that the Expenditure Audit Trail report is included every month and the second is that there is a line

item for donations. Director Kays showed the report that showed the donations going into account 37105. Treasurer Kelly said it would be helpful to have a report that shows 37105 on a monthly basis. Director Kays asked if going forward she should include the Expenditure Audit Trail that shows the Friends money. Treasurer Kelly said no, his preference is that he would not want to see this at all because it is giving him something else he has to pay attention to on a month-to-month basis. Director Kays said that the bottom line is that you want to see that the available balance on the Friends line is \$100.

## **7. DISCUSSION/ACTION ITEMS**

### **7. A. History of Harold and Lorraine W. Kropitzer Trust Donation**

Director Kays presented the memorandum included in the Board packet. The Trust Fund received a large donation from the Estate of Harold and Lorraine Kropitzer. The money was designated for construction of a quiet reading center for senior patrons or nonfiction adult books written in English. An itemized history of the account for each year is included in the packet. When the Board approves money for books the money is moved from the Kropitzer account to the Trust Fund Books account. The Librarian that orders non-fiction books chooses how to use the money; a lot of it is used to help buy replacement copies or fill in gaps in the collection and create a more robust collection. This year the money from the City was cut in half so the money the Board approved really helps. Director Kays' reason for asking for \$10,000 a year is because that money would last for 25 years. However, if we were able to get a new library then we might be able to build a quiet reading room or study room. President McBride said that in previous years the Board saw this fund as an opportunity to keep the collection going. President McBride asked how only given \$5,000 this year has affected the budget and what would happen if they stopped giving an allocation. Director Kays said that since the book budget was cut in half, the \$5,000 really helped. Treasurer Kelly said that when we were approving the money in October 2020 he was not aware that the money was coming out of the Kropitzer Fund. Trustee Garner and Trustee Cronin remember Director Kays saying that this money was allocated for books. Trustee Borba asked if the Board would like to approve an additional \$5,000. President McBride suggested Director Kays come back closer to the end of the fiscal year if the Library needs more money for the budget. Treasurer Kelly said that going forward on an annual basis there is going to be at a minimum a \$10,000 dollar donation from the Kropitzer Trust donation to go towards non-fiction books. Trustee Borba asked if this can be added onto the next agenda as a motion item. The Library puts a bookplate in every item that is purchased with funds from the Trust Fund and the Friends.

*Item 7. D. moved up at this time.*

### **7. D. Committee Structure (McBride)**

Director Kays had further conversations with the City Clerk about the language of "standing sub-committee" vs. "ad hoc sub-committee." The City Clerk sent an excerpt from the Brown Act and it is not just the name it is the method in which the sub-committee is formed. Director Kays read from the Brown Act. If the Board assigns people and takes formal action, it is by definition a standing committee but if people volunteer and no action is taken that would be an ad-hoc committee. If the Board wanted to make the Budget committee an ad-hoc committee, they would need to change the by-laws. The way the committees are currently formed, they are subject to the Brown Act. Treasurer Kelly said that this topic needs to be put in a memo formalized so that it's a presentation to the Board of Trustees as to what the issues are and what the Board of Trustees are being asked to consider. If amendments to the bylaws need to be made they can consider it at that time. President McBride asked Director Kays to add this item to the next agenda. Director Kays will invite the City Clerk to the next meeting. Treasurer Kelly said it would be beneficial to have whatever the City Clerk is going to attest to in writing before the meeting.

### **7. B. Review, Discussion, and Recommendations for Trust Fund**

Treasurer Kelly discussed the memo he prepared regarding the Library Trust Fund/Endowment.

**MOTION:** (Borba/Cronin, 5-0) To accept the document.

Trustee Borba said that to him the items that were included to discussion points seemed to be in order and that item one should be discussed first. Trustee Cronin agreed and said that it will help shed light on questions that came up about the management of facilities and what exactly the Boards rule will be if it is not defined in the resolution. President McBride asked Director Kays to add discussion point one to the next agenda.

**7. C. Library Operating Budget, Fiscal Year 2021-2022**

Director Kays gave the report; she shared the proposed budget for fiscal year 2021-2022. This first draft will be submitted to the City on February 8, 2021.

**MOTION:** (Borba/Kelly, 5-0) To support the proposed budget submitted by the Librarian to the City Manager.

**8. TRUSTEE/STAFF COMMENTS/FUTURE AGENDA ITEMS**

None.

**9. ADJOURNMENT**

The February meeting adjourned at 7:28 p.m.

**RESPECTFULLY SUBMITTED,**

**Jeannie Kays**  
**Director of Library Services**



## January 2021 vs. January 2020

LIBRARY STATISTICS	2021	2020	%CHANGE
MATERIALS CHECKED OUT (Total)	<b>9,528</b>	<b>41,931</b>	<b>-87%</b>
Print	2,623	18,961	-86%
Media	2,101	18,676	-89%
Other (Downloadable & In-house)	4,804	4,294	12%
LIBRARY CARD REGISTRATIONS (Total)	<b>121</b>	<b>444</b>	<b>-73%</b>
Palm Springs Resident	85	225	-62%
California Resident	35	142	-75%
Out of State and/or Fee Cards	1	77	-99%
DOOR COUNT (Main)	<b>0</b>	<b>17,418</b>	<b>-100%</b>
DOOR COUNT (WMML)	<b>0</b>	<b>5,504</b>	<b>0%</b>
PUBLIC COMPUTER SESSIONS (Main)	<b>0</b>	<b>3,476</b>	<b>-100%</b>
PUBLIC COMPUTER SESSIONS (WMML)	<b>0</b>	<b>1,893</b>	<b>-</b>
WiFi COMPUTER SESSIONS (Main)	<b>169</b>	<b>2,623</b>	<b>-91%</b>
WiFi COMPUTER SESSIONS (WMML)	<b>28</b>	<b>311</b>	<b>-91%</b>
PROGRAM ATTENDANCE	<b>0</b>	<b>768</b>	<b>-</b>
Pre-School	0	71	-
School Age	0	364	-
Family	0	45	-
Teen	0	31	-
Adult	0	257	-
NO.OF PROGRAMS (Total)	<b>0</b>	<b>33</b>	<b>-</b>
Pre-School	0	3	-
School Age	0	12	-
Family	0	2	-
Teen	0	5	-
Adult	0	11	-
VIRTUAL PROGRAMMING (Total)	<b>13</b>	<b>0</b>	<b>-</b>
Pre-School	4	0	-
School Age	1	0	-
Family	0	0	-
Teen	3	0	-
Adult	5	0	-
LIVE ATTENDANCE (Total)	<b>76</b>	<b>0</b>	<b>-</b>
Pre-School	0	0	-
School Age	0	0	-
Family	0	0	-
Teen	0	0	-
Adult	76	0	-
ON-DEMAND VIEWING (Total)	<b>456</b>	<b>0</b>	<b>-</b>
Pre-School	51	0	-
School Age	12	0	-
Family	0	0	-
Teen	37	0	-
Adult	356	0	-
VOLUNTEER HOURS	<b>0</b>	<b>318</b>	<b>-</b>
ILL REQUESTS FROM OTHER LIBRARIES	<b>77</b>	<b>207</b>	<b>-63%</b>
NO. OF DAYS OPEN (Main)	<b>0</b>	<b>25</b>	<b>-100%</b>
NO. OF DAYS OPEN (WMML)	<b>0</b>	<b>30</b>	<b>-</b>
NO. OF PASSPORTS PROCESSED	<b>0</b>	<b>n/a</b>	<b>-</b>
PHOTOS	<b>0</b>	<b>n/a</b>	<b>-</b>

SELECTION CRITERIA: genledgr.fund='151'  
 ACCOUNTING PERIOD: 7/21

FUND - 151 - LIBRARY ENDOWMENT			
ACCOUNT	TITLE	DEBITS	CREDITS
11010	Cash	1,820,933.99	
11110	Unrealized Investments	.00	
TOTAL RETAINAGE		1,820,933.99	.00
12120	Accounts Receivable	.00	
12215	Accrued Interest Rec	2,925.66	
12418	Notes Receivable	80,000.00	
TOTAL Receivables		82,925.66	.00
16151	Prepaid Expenses	.00	
TOTAL Other Assets		.00	.00
TOTAL ASSETS		1,903,859.65	.00
21100	Accounts Payable - System		.00
21112	Sales Tax Payable		.00
TOTAL Accounts Payable		.00	.00
21201	Accrued Wages Payable		.00
TOTAL Wages Payable		.00	.00
23287	Deposits Payable		.00
TOTAL Other Liabilities		.00	.00
TOTAL LIABILITIES		.00	.00
29306	Budgeted Transfers-Out		.00
29322	Transfers to Other Funds		.00
29341	Reserves for Encumbrances		.00
29342	Resrv for Continuing Appr		.00
29348	RESERVE FOR LIB ENDOWMENT		.00
TOTAL Fund Balance		185,660.86	2,089,520.51
TOTAL EQUITIES		185,660.86	2,089,520.51
TOTAL LIBRARY ENDOWMENT		2,089,520.51	2,089,520.51
TOTAL REPORT		2,089,520.51	2,089,520.51

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/16/21  
 TIME: 09:09:48

CITY OF PALM SPRINGS  
 REVENUE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT41

SELECTION CRITERIA: orgn.fund='151' and revledgr.account='36101'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT,PERIOD

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,ACCOUNT,PERIOD

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

ACCOUNT DATE	T/C	RECEIVE	REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES	DESCRIPTION	CUMULATIVE BALANCE
36101		INTEREST INCOME							
151-2		LIBRARY ENDOWMENT							
36101		INTEREST INCOME			.00	.00	.00	BEGINNING BALANCE	
		07/06/20	12-1		.00			POSTED FROM BUDGET SYSTEM	
		TOTAL PERIOD 1			.00	.00	.00		.00
		09/30/20	19-3	4674		16,374.96		FY21 Q1 INTEREST ALLOCS	
		TOTAL PERIOD 3			.00	16,374.96	.00		-16,374.96
		10/31/20	19-4	4725		8,093.07		CORRECT FY21 Q1 INT ALLOC	
		10/31/20	19-4	4723		-16,374.96		RVRSE FY21 Q1 INT ALLOC	
		TOTAL PERIOD 4			.00	-8,281.89	.00		-8,093.07
		01/01/21	19-7	5046		3,076.39		FY21 Q2 INTEREST ALLOCS	
		TOTAL PERIOD 7			.00	3,076.39	.00		-11,169.46
		TOTAL INTEREST INCOME			.00	11,169.46	.00		-11,169.46
		TOTAL 1ST SUBTOTAL - USE OF MONEY			.00	11,169.46	.00		-11,169.46
		TOTAL DEPARTMENT -			.00	11,169.46	.00		-11,169.46
		TOTAL FUNCTION - SPECIAL REVENUE FUNDS			.00	11,169.46	.00		-11,169.46
		TOTAL FUND - LIBRARY ENDOWMENT			.00	11,169.46	.00		-11,169.46
		TOTAL REPORT			.00	11,169.46	.00		-11,169.46

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/16/21  
 TIME: 09:13:03

CITY OF PALM SPRINGS  
 EXPENDITURE STATUS REPORT

PAGE NUMBER: 1  
 EXPSTA11

SELECTION CRITERIA: orgn.fund='151' and orgn.orgn1='50' and orgn.orgn2='2752'  
 ACCOUNTING PERIOD: 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL  
 PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND-151 LIBRARY ENDOWMENT  
 FUNCTION-50 LIBRARY  
 DEPARTMENT-2752 LIBRARY TRUST  
 1ST SUBTOTAL-4200 MTRLS, SUPPLIES & SVCS

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
42195	SPECIAL DEPT SUPPLIES	52.81	.00	.00	.00	52.81	.00
42530	DUES & SUBSCRIPTIONS	3,750.00	.00	.00	.00	3,750.00	.00
44051	FRIENDS OF THE LIBRARY	276.25	.00	.00	176.25	100.00	63.80
	TOTAL MTRLS, SUPPLIES & SVCS	4,079.06	.00	.00	176.25	3,902.81	4.32
50004	FUTURE LIBRARY PROJECTS	1,535,895.59	.00	.00	.00	1,535,895.59	.00
51026	TRUST FUND BOOKS	48,282.22	.00	35,000.00	.00	13,282.22	72.49
51031	KROPITZER TRUST DONATION	211,665.74	.00	.00	.00	211,665.74	.00
51036	WELWOOD PATIO	147,308.36	.00	12,762.14	134,546.22	.00	100.00
51040	PR LIBRARY CAMPAIGN	8,263.46	.00	.00	3,000.00	5,263.46	36.30
	TOTAL CAPITAL	1,951,415.37	.00	47,762.14	137,546.22	1,766,107.01	9.50
	TOTAL LIBRARY TRUST	1,955,494.43	.00	47,762.14	137,722.47	1,770,009.82	9.49
	TOTAL LIBRARY	1,955,494.43	.00	47,762.14	137,722.47	1,770,009.82	9.49
	TOTAL LIBRARY ENDOWMENT	1,955,494.43	.00	47,762.14	137,722.47	1,770,009.82	9.49
	TOTAL REPORT	1,955,494.43	.00	47,762.14	137,722.47	1,770,009.82	9.49

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/16/21  
 TIME: 09:19:06

CITY OF PALM SPRINGS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT21

SELECTION CRITERIA: orgn.fund='151' expledgr.key\_orgn='2752' and expledgr.account='50004'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND - 151 - LIBRARY ENDOWMENT  
 DEPARTMENT - 2752 - LIBRARY TRUST

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
50004								FUTURE LIBRARY PROJECTS	
151-50-2752-2752 - LIBRARY TRUST									
50004					.00	.00	.00	BEGINNING BALANCE	
07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
07/23/20	13-1				1,545,441.27			CARRYOVER 19-20 TO 20-21	
07/27/20	13-1				1,545,441.27			CARRYOVER 19-20 TO 20-21	
07/27/20	13-1				-1,545,441.27			CORRECT CO 19-20 TO 20-21	
07/27/20	13-1				20,454.32			CARRYOVER 19-20 TO 20-21	
11/24/20	25-5		111003B		-30,000.00			PURCHASE BOOKS	
				TOTAL FUTURE LIBRARY PROJECTS	1,535,895.59	.00	.00		1,535,895.59
TOTAL 1ST SUBTOTAL - CAPITAL					1,535,895.59	.00	.00		1,535,895.59
TOTAL DEPARTMENT - LIBRARY TRUST					1,535,895.59	.00	.00		1,535,895.59
TOTAL FUNCTION - LIBRARY					1,535,895.59	.00	.00		1,535,895.59
TOTAL FUND - LIBRARY ENDOWMENT					1,535,895.59	.00	.00		1,535,895.59
TOTAL REPORT					1,535,895.59	.00	.00		1,535,895.59

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION



SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/16/21  
 TIME: 09:21:30

CITY OF PALM SPRINGS  
 EXPENDITURE STATUS REPORT

PAGE NUMBER: 2  
 EXPSTA11

SELECTION CRITERIA: orgn.fund='001' and orgn.orgn1='50' and orgn.orgn2='2710'  
 ACCOUNTING PERIOD: 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL  
 PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND-001 GENERAL FUND  
 FUNCTION-50 LIBRARY  
 DEPARTMENT-2710 LIBRARY  
 1ST SUBTOTAL-4900 SPECIAL CHARGES

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
	TOTAL LIBRARY	2,373,260.36	186,267.18	44,127.42	1,284,832.09	1,044,300.85	56.00
	TOTAL GENERAL FUND	2,373,260.36	186,267.18	44,127.42	1,284,832.09	1,044,300.85	56.00
TOTAL REPORT		2,373,260.36	186,267.18	44,127.42	1,284,832.09	1,044,300.85	56.00



## MEMORANDUM

DATE: March 3, 2021  
SUBJECT: INFORMATION REGARDING LIBRARY TRUST FUND FINANCES  
TO: Library Board of Trustees  
FROM: Jeannie Kays, Director of Library Services

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At the February 3, 2021 meeting, the Library Board of Trustees discussed the accounts established under the umbrella of the Library Trust Fund.

Attached, you will find detailed accountings for the following:

- Library Trust Fund Cash account: 151-11010
- (a) Library Trust Fund Deposit account: 151-37105
- (b) Friends of the Library Revenue account: 151-34510
- (c) Unrestricted Donations account: 151-37505

Any funds deposited in the three sub-accounts "a", "b", or "c" all reside in the Library Trust Fund Cash account 151-11010.

Attached is also a detailed accounting of all the expenditure accounts under the Library Trust Fund 151.

After speaking with the Finance Director, we are working to remove the Friends of the Library transactions from the umbrella of the Library Trust Fund to prevent any confusion or comingling of funds. Accounts 151-34510 and 151-2752-44051 should disappear from your account listings in the next 30-60 days. There is \$119.50 owed to the Friends of the Library from December book sale transactions of \$26.25, \$17.00, and \$76.25, which will be subtracted from your cash account balance.



SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 08:29:29

CITY OF PALM SPRINGS  
 GENERAL LEDGER AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT221

ACCOUNTING PERIODS: 1/21 THRU 7/21

(INACTIVE ACCOUNTS INCLUDED)

SELECTION CRITERIA: genledgr.fund='151' genledgr.account='11010'  
 TOTALED ON: FUND,ACCOUNT,PERIOD

FUND - 151 - LIBRARY ENDOWMENT

ACCOUNT	DATE	T/C	REFERENCE	VENDOR/PAYER	DEBIT	CREDIT	DESCRIPTION	NET
11010	Cash							
11010	Cash				.00		BEGINNING BALANCE	
	07/06/20	19-1	NEW YEAR		1,930,241.18		BEGINNING BALANCE	
	12/31/20	19-1	CLOSE YR		6,669.57		TRANSFER 13TH PERIOD BAL	
	07/09/20	19-1	VENCHK			861.00	VENDOR CHECKS	
	TOTAL PERIOD 1				1,936,910.75	861.00		1,936,049.75
	08/24/20	24-2			10,000.00		CASH RECEIPTS INTERFACE	
	TOTAL PERIOD 2				10,000.00	.00		10,000.00
	09/17/20	19-3	VENCHK			2,000.00	VENDOR CHECKS	
	09/30/20	19-3	4674		16,374.96		FY21 Q1 INTEREST ALLOCS	
	TOTAL PERIOD 3				16,374.96	2,000.00		14,374.96
	10/01/20	19-4	VENCHK			112,606.97	VENDOR CHECKS	
	10/15/20	19-4	VENCHK			1,000.00	VENDOR CHECKS	
	10/31/20	19-4	4723			16,374.96	RVRSE FY21 Q1 INT ALLOC	
	10/31/20	19-4	4725		8,093.07		CORRECT FY21 Q1 INT ALLOC	
	TOTAL PERIOD 4				8,093.07	129,981.93		-121,888.86
	11/23/20	24-5			176.25		CASH RECEIPTS INTERFACE	
	11/24/20	19-5	VENCHK			21,939.25	VENDOR CHECKS	
	TOTAL PERIOD 5				176.25	21,939.25		-21,763.00
	12/01/20	24-6			26.25		CASH RECEIPTS INTERFACE	
	12/02/20	24-6			17.00		CASH RECEIPTS INTERFACE	
	12/09/20	24-6			76.25		CASH RECEIPTS INTERFACE	
	12/09/20	24-6			16.50		CASH RECEIPTS INTERFACE	
	12/22/20	24-6			125.00		CASH RECEIPTS INTERFACE	
	12/23/20	19-6	VENCHK			176.25	VENDOR CHECKS	
	12/31/20	24-6			1,000.00		CASH RECEIPTS INTERFACE	
	TOTAL PERIOD 6				1,261.00	176.25		1,084.75
	01/01/21	19-7	5046		3,076.39		FY21 Q2 INTEREST ALLOCS	
	TOTAL PERIOD 7				3,076.39	.00		3,076.39
TOTAL	Cash				1,820,933.99			
TOTAL	LIBRARY ENDOWMENT				1,820,933.99	.00		

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
DATE: 02/24/21  
TIME: 08:29:29

CITY OF PALM SPRINGS  
GENERAL LEDGER AUDIT TRAIL

PAGE NUMBER: 2  
AUDIT221

ACCOUNTING PERIODS: 1/21 THRU 7/21

(INACTIVE ACCOUNTS INCLUDED)

SELECTION CRITERIA: genledgr.fund='151' genledgr.account='11010'  
TOTALED ON: FUND,ACCOUNT,PERIOD

FUND - 151 - LIBRARY ENDOWMENT

ACCOUNT	DATE	T/C	REFERENCE	VENDOR/PAYER	DEBIT	CREDIT	DESCRIPTION	NET
11010	Cash							
TOTAL REPORT					1,820,933.99	.00		

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 08:59:21

CITY OF PALM SPRINGS  
 REVENUE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT41

SELECTION CRITERIA: orgn.fund='151' and revledgr.account='37105'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT,ACCOUNT,PERIOD

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,ACCOUNT,PERIOD

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

ACCOUNT DATE	T/C	RECEIVE REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES DESCRIPTION	CUMULATIVE BALANCE
37105		CONTRIB NON-GOVT SOURCES					
151-2		LIBRARY ENDOWMENT					
37105		CONTRIB NON-GOVT SOURCES		.00	.00	.00 BEGINNING BALANCE	
		07/06/20 12-1		.00		POSTED FROM BUDGET SYSTEM	
		TOTAL PERIOD 1		.00	.00	.00	.00
		08/24/20 19-2	4437		-10,000.00	LIBR FNDN NOTES REC PYMNT	
		08/24/20 24-2	*Library Foundation Loan payment		10,000.00	CASH RECEIPTS INTERFACE	
		TOTAL PERIOD 2		.00	.00	.00	.00
		12/22/20 24-6	*Donations: \$100 and \$25		125.00	.00 CASH RECEIPTS INTERFACE	
		12/31/20 24-6	*Donation: \$1,000		1,000.00	.00 CASH RECEIPTS INTERFACE	
		TOTAL PERIOD 6		.00	1,125.00	.00	-1,125.00
		TOTAL CONTRIB NON-GOVT SOURCES		.00	1,125.00	.00	-1,125.00
		TOTAL 1ST SUBTOTAL - MISC		.00	1,125.00	.00	-1,125.00
		TOTAL DEPARTMENT -		.00	1,125.00	.00	-1,125.00
		TOTAL FUNCTION - SPECIAL REVENUE FUNDS		.00	1,125.00	.00	-1,125.00
		TOTAL FUND - LIBRARY ENDOWMENT		.00	1,125.00	.00	-1,125.00
		TOTAL REPORT		.00	1,125.00	.00	-1,125.00

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 08:45:59

CITY OF PALM SPRINGS  
 REVENUE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT41

SELECTION CRITERIA: orgn.fund='151' and revledgr.account='34510'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT,PERIOD

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,ACCOUNT,PERIOD

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

ACCOUNT DATE	T/C	RECEIVE REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES DESCRIPTION	CUMULATIVE BALANCE
34510		FRIENDS OF THE LIBRARY					
151-2		- LIBRARY ENDOWMENT					
34510		FRIENDS OF THE LIBRARY		.00	.00	.00 BEGINNING BALANCE	
		07/06/20 12-1		.00		POSTED FROM BUDGET SYSTEM	
		TOTAL PERIOD 1		.00	.00	.00	.00
		11/23/20 24-5			176.25	.00 CASH RECEIPTS INTERFACE	
		TOTAL PERIOD 5		.00	176.25	.00	-176.25
		12/01/20 24-6			26.25	.00 CASH RECEIPTS INTERFACE	
		12/02/20 24-6			17.00	.00 CASH RECEIPTS INTERFACE	
		12/09/20 24-6			76.25	.00 CASH RECEIPTS INTERFACE	
		12/16/20 14-6		176.25		BA121607B	
		TOTAL PERIOD 6		176.25	119.50	.00	-119.50
		TOTAL FRIENDS OF THE LIBRARY		176.25	295.75	.00	-119.50
		TOTAL 1ST SUBTOTAL - CHARGES FOR SERVICES		176.25	295.75	.00	-119.50
		TOTAL DEPARTMENT -		176.25	295.75	.00	-119.50
		TOTAL FUNCTION - SPECIAL REVENUE FUNDS		176.25	295.75	.00	-119.50
		TOTAL FUND - LIBRARY ENDOWMENT		176.25	295.75	.00	-119.50
TOTAL		REPORT		176.25	295.75	.00	-119.50

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 08:59:45

CITY OF PALM SPRINGS  
 REVENUE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT41

SELECTION CRITERIA: orgn.fund='151' and revledgr.account='37505'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

(INACTIVE ACCOUNTS INCLUDED)

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT,ACCOUNT,PERIOD

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,ACCOUNT,PERIOD

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

ACCOUNT DATE	T/C	RECEIVE REFERENCE	PAYER/VENDOR	BUDGET	RECEIPTS	RECEIVABLES DESCRIPTION	CUMULATIVE BALANCE
37505		UNRESTRICTED DONATIONS					
151-2		- LIBRARY ENDOWMENT					
37505		UNRESTRICTED DONATIONS		.00	.00	.00 BEGINNING BALANCE	
		07/06/20 12-1		.00		POSTED FROM BUDGET SYSTEM	
		TOTAL PERIOD 1		.00	.00	.00	.00
		12/09/20 24-6	<b>*Cash donation</b>		16.50	.00 CASH RECEIPTS INTERFACE	
		TOTAL PERIOD 6		.00	16.50	.00	-16.50
		TOTAL UNRESTRICTED DONATIONS		.00	16.50	.00	-16.50
		TOTAL 1ST SUBTOTAL - DONATIONS		.00	16.50	.00	-16.50
		TOTAL DEPARTMENT -		.00	16.50	.00	-16.50
		TOTAL FUNCTION - SPECIAL REVENUE FUNDS		.00	16.50	.00	-16.50
		TOTAL FUND - LIBRARY ENDOWMENT		.00	16.50	.00	-16.50
		TOTAL REPORT		.00	16.50	.00	-16.50

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 09:00:56

CITY OF PALM SPRINGS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 1  
 AUDIT21

SELECTION CRITERIA: orgn.fund='151' expledgr.key\_orgn='2752'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND - 151 - LIBRARY ENDOWMENT  
 DEPARTMENT - 2752 - LIBRARY TRUST

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
42195		SPECIAL DEPT SUPPLIES							
151-50-2752-2752 - LIBRARY TRUST									
42195		SPECIAL DEPT SUPPLIES			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			52.81			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			52.81			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-52.81			CORRECT CO 19-20 TO 20-21	
		TOTAL SPECIAL DEPT SUPPLIES			52.81	.00	.00		52.81
42530		DUES & SUBSCRIPTIONS			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			3,750.00			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			3,750.00			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-3,750.00			CORRECT CO 19-20 TO 20-21	
		TOTAL DUES & SUBSCRIPTIONS			3,750.00	.00	.00		3,750.00
43220		CONTRACTUAL LEGAL SERVICE			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
		TOTAL CONTRACTUAL LEGAL SERVICE			.00	.00	.00		.00
43880		SPECIAL PROGRAMS			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
		TOTAL SPECIAL PROGRAMS			.00	.00	.00		.00
44051		FRIENDS OF THE LIBRARY			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			300.00			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			300.00			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-200.00			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-300.00			CORRECT CO 19-20 TO 20-21	
	12/16/20	13-6			176.25			BA121607B	
	12/23/20	21-6	1116699	24212 FRIENDS OF THE P		176.25	.00	DAILY BOOK SALES	
		TOTAL FRIENDS OF THE LIBRARY			276.25	176.25	.00		100.00

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 09:00:56

CITY OF PALM SPRINGS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 2  
 AUDIT21

SELECTION CRITERIA: orgn.fund='151' expledgr.key\_orgn='2752'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND - 151 - LIBRARY ENDOWMENT  
 DEPARTMENT - 2752 - LIBRARY TRUST

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
44051			FRIENDS OF THE LIBRARY						
			TOTAL 1ST SUBTOTAL - MTRLS, SUPPLIES & SVCS		4,079.06	176.25	.00		3,902.81
50004			FUTURE LIBRARY PROJECTS		.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			1,545,441.27			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			1,545,441.27			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-1,545,441.27			CORRECT CO 19-20 TO 20-21	
	07/27/20	13-1			20,454.32			CARRYOVER 19-20 TO 20-21	
	11/24/20	25-5		111003B	-30,000.00			PURCHASE BOOKS	
			TOTAL FUTURE LIBRARY PROJECTS		1,535,895.59	.00	.00		1,535,895.59
51022			LIBRARY SORTING EQUIP		.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
			TOTAL LIBRARY SORTING EQUIP		.00	.00	.00		.00
51023			MAIN LIBRARY RENOVATION		.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
			TOTAL MAIN LIBRARY RENOVATION		.00	.00	.00		.00
51024			WELWOOD INTERIOR DESIGN		.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
			TOTAL WELWOOD INTERIOR DESIGN		.00	.00	.00		.00
51025			SUN SHADE		.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
			TOTAL SUN SHADE		.00	.00	.00		.00
51026			TRUST FUND BOOKS		.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			13,282.22			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			13,282.22			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-13,282.22			CORRECT CO 19-20 TO 20-21	
	11/24/20	25-5		BA111002	5,000.00			BOOK PURCHASE	
	11/24/20	25-5		111003B	30,000.00			PURCHASE BOOKS	

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 09:00:56

CITY OF PALM SPRINGS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 3  
 AUDIT21

SELECTION CRITERIA: orgn.fund='151' expledgr.key\_orgn='2752'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND - 151 - LIBRARY ENDOWMENT  
 DEPARTMENT - 2752 - LIBRARY TRUST

ACCOUNT	DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
51026					(cont'd)					
	01/21/21	18-7	00210054-01		P1512 OVERDRIVE INC			10,000.00	FY 20/21	
	01/21/21	18-7	00210055-01		P3284 MIDWEST TAPE INC			20,000.00	FY 20/21	
	01/25/21	18-7	00210057-01		04465 BRODART CO			5,000.00	FY 20/21	
			TOTAL TRUST FUND BOOKS			48,282.22	.00	35,000.00		13,282.22
51028					WELWOOD PROJECT	.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
			TOTAL WELWOOD PROJECT			.00	.00	.00		.00
51029					ACCESSING THE PAST	.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
			TOTAL ACCESSING THE PAST			.00	.00	.00		.00
51030					WELWOOD EVENTS	.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
			TOTAL WELWOOD EVENTS			.00	.00	.00		.00
51031					KROPITZER TRUST DONATION	.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1				216,665.74			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1				216,665.74			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1				-216,665.74			CORRECT CO 19-20 TO 20-21	
	11/24/20	25-5		BA111002		-5,000.00			BOOK PURCHASE	
			TOTAL KROPITZER TRUST DONATION			211,665.74	.00	.00		211,665.74
51033					LED SIGN	.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
			TOTAL LED SIGN			.00	.00	.00		.00
51035					TRUST FUND FURNITURE	.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1				.00			POSTED FROM BUDGET SYSTEM	
			TOTAL TRUST FUND FURNITURE			.00	.00	.00		.00

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION



SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 09:00:56

CITY OF PALM SPRINGS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 4  
 AUDIT21

SELECTION CRITERIA: orgn.fund='151' expledgr.key\_orgn='2752'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND - 151 - LIBRARY ENDOWMENT  
 DEPARTMENT - 2752 - LIBRARY TRUST

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
51036		WELWOOD PATIO		(cont'd)					
51036		WELWOOD PATIO			.00	.00	.00	BEGINNING BALANCE	
	07/01/20	13-1			147,308.36			PRIOR YR ENCUM-Y0201124	
	07/01/20	17-1	00160923-01	P01176 DAVID VOLZ DESIG			.00	ENC CARRY FRWRD-Y0160923	
	07/01/20	17-1	00201124-01	P05351 LEONIDA BUILDERS			147,308.36	ENC CARRY FRWRD-Y0201124	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	10/01/20	21-4	00201124-01 1115438	P05351 LEONIDA BUILDERS		112,606.97	-112,606.97	CP16-02 JUL-AUG2020	
	11/05/20	18-5	00201124-01	P05351 LEONIDA BUILDERS			-34,701.39	WELWOOD LIBRARY CP 16-02	
	11/05/20	18-5	00201124-01	P05351 LEONIDA BUILDERS			34,701.39	WELWOOD LIBRARY CP 16-02	
	11/25/20	21-5	00201124-01 1116304	P05351 LEONIDA BUILDERS		21,939.25	-21,939.25	CP16-02 SEP-OCT2020	
	12/15/20	18-6	00160923-01	P01176 DAVID VOLZ DESIG			.00	LIBRARY LANDSCAPING	
	12/15/20	18-6	00160923-01	P01176 DAVID VOLZ DESIG			.00	LIBRARY LANDSCAPING	
	12/23/20	21-6	00160923-01 421960	P01176 DAVID VOLZ DESIG		.00	.00	LIBRARY LANDSCAPING	
			TOTAL WELWOOD PATIO		147,308.36	134,546.22	12,762.14		.00
51037		LIBRARY FOUNDATION			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
			TOTAL LIBRARY FOUNDATION		.00	.00	.00		.00
51039		STRATEGIC PLANNING			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			20,254.32			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			20,254.32			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-20,254.32			CORRECT CO 19-20 TO 20-21	
	07/27/20	13-1			-20,254.32			CARRYOVER 19-20 TO 20-21	
			TOTAL STRATEGIC PLANNING		.00	.00	.00		.00
51040		PR LIBRARY CAMPAIGN			.00	.00	.00	BEGINNING BALANCE	
	07/06/20	11-1			.00			POSTED FROM BUDGET SYSTEM	
	07/23/20	13-1			8,263.46			CARRYOVER 19-20 TO 20-21	
	07/27/20	13-1			-8,263.46			CORRECT CO 19-20 TO 20-21	
	07/27/20	13-1			8,263.46			CARRYOVER 19-20 TO 20-21	
	07/27/20	17-1	00210328-01	P05423 GULF CALIFORNIA			3,000.00	ADVERTISING	
	09/17/20	21-3	00210328-01 1115212	P05423 GULF CALIFORNIA		1,000.00	-1,000.00	ADVERTISING JUL2020	
	09/17/20	21-3	00210328-01 1115212	P05423 GULF CALIFORNIA		1,000.00	-1,000.00	ADVERTISING AUG2020	
	10/15/20	21-4	00210328-01 1115646	P05423 GULF CALIFORNIA		1,000.00	-1,000.00	ADVERTISING SEP2020	
			TOTAL PR LIBRARY CAMPAIGN		8,263.46	3,000.00	.00		5,263.46

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION

SUNGARD PENTAMATION - FUND ACCOUNTING MANAGER  
 DATE: 02/24/21  
 TIME: 09:00:56

CITY OF PALM SPRINGS  
 EXPENDITURE AUDIT TRAIL

PAGE NUMBER: 5  
 AUDIT21

SELECTION CRITERIA: orgn.fund='151' expledgr.key\_orgn='2752'  
 ACCOUNTING PERIODS: 1/21 THRU 7/21

SORTED BY: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT

TOTALED ON: FUND,FUNCTION,DEPARTMENT,1ST SUBTOTAL

PAGE BREAKS ON: FUND,FUNCTION,DEPARTMENT

FUND - 151 - LIBRARY ENDOWMENT  
 DEPARTMENT - 2752 - LIBRARY TRUST

ACCOUNT DATE	T/C	ENCUMBRANC	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	CUMULATIVE BALANCE
51040	PR	LIBRARY	CAMPAIGN						
		TOTAL 1ST SUBTOTAL - CAPITAL			1,951,415.37	137,546.22	47,762.14		1,766,107.01
		TOTAL DEPARTMENT - LIBRARY TRUST			1,955,494.43	137,722.47	47,762.14		1,770,009.82
		TOTAL FUNCTION - LIBRARY			1,955,494.43	137,722.47	47,762.14		1,770,009.82
		TOTAL FUND - LIBRARY ENDOWMENT			1,955,494.43	137,722.47	47,762.14		1,770,009.82
		TOTAL REPORT			1,955,494.43	137,722.47	47,762.14		1,770,009.82

\* THERE IS A NOTE ASSOCIATED WITH THIS TRANSACTION



## MEMORANDUM

DATE: March 3, 2021  
 SUBJECT: REQUEST FOR \$5,000 KROPTIZER TRUST DONATION  
 TO: Library Board of Trustees  
 FROM: Jeannie Kays, Director of Library Services

---

At the February 3, 2021 meeting, the Library Board of Trustees requested that this item be added to the March 3, 2021 agenda. Palm Springs Public Library is requesting an additional \$5,000 from the Kropitzer Trust to be spent on nonfiction books.

To date, \$45,000 has been allocated for the purchase of nonfiction books in English, per the donor's request. The current balance is \$211,665.74.

<b>51026 KROPITZER TRUST DONATION</b>				<b>\$</b>	<b>-</b>
<b>DATE</b>	<b>VENDOR</b>	<b>DEPOSIT</b>	<b>AMOUNT SPENT</b>	<b>BALANCE</b>	
4/30/2015	DONATION	\$ 200,000.00		\$	200,000.00
5/14/2015	DONATION	\$ 26,665.66		\$	226,665.66
6/1/2015	DONATION	\$ 0.08		\$	226,665.74
11/16/2015	DONATION	\$ 30,000.00		\$	256,665.74
8/31/2016	TRANSFER TO TRUST FUND BOOKS		\$ 10,000.00	\$	246,665.74
8/10/2017	TRANSFER TO TRUST FUND BOOKS		\$ 10,000.00	\$	236,665.74
9/20/2018	TRANSFER TO TRUST FUND BOOKS		\$ 10,000.00	\$	226,665.74
10/16/2019	TRANSFER TO TRUST FUND BOOKS		\$ 10,000.00	\$	216,665.74
11/24/2020	TRANSFER TO TRUST FUND BOOKS		\$ 5,000.00	\$	211,665.74
				\$	211,665.74



## MEMORANDUM

DATE: March 3, 2021  
SUBJECT: COMMITTEE STRUCTURE: STANDING AND AD HOC COMMITTEES  
TO: Library Board of Trustees  
FROM: Jeannie Kays, Director of Library Services

---

At the February 3, 2021 meeting, the Library Board of Trustees requested that this item be added to the March 3, 2021 agenda. Per the existing Bylaws, revised June 28, 2018, the Advocacy, Budget, Buildings, and Policies committees are listed as Standing Committees.

The Trustees may continue to have these committees as Standing Committees and the meetings would be public meetings, subject to the rules of the Brown Act. They would need to have agendas posted, minutes taken, and be open to anyone to attend.

The Trustees may revise their Bylaws to change these committees to Ad Hoc committees, if they feel that the committees and meetings do not meet the definition of a Standing Committee in the Brown Act.

Attached are the Library Board of Trustees Bylaws and the Ralph M. Brown Act.

BYLAWS  
BOARD OF LIBRARY TRUSTEES  
OF THE  
PALM SPRINGS PUBLIC LIBRARY SYSTEM

**Article I**

**IDENTIFICATION & AUTHORITY**

**Section I. Name**

The name of this board shall be the **Board of Library Trustees** of the City of Palm Springs Public Library System, located in Palm Springs, California ("City"), and is a Charter Board as provided for by the City of Palm Springs Charter ("Charter") §609 and the Palm Springs Municipal Code ("PSMC") §2.32.010 et seq.

**Section II. Authority**

As a Charter Board, the Board of Library Trustees ("Board") shall have the powers, duties and authorities, now or hereafter from time to time provided for, and shall be administered pursuant to, the provisions of the general laws of the State of California governing Municipal Libraries (as set forth in California Education Code §18900-18965), unless otherwise provided for by the Charter.

**Article II**

**TRUSTEES**

**Section I. Appointment**

The Board of Library Trustees shall consist of five (5) members, and shall be appointed by and with the consent of the Palm Springs City Council in accordance with California Education Code §18910 and PSMC §2.32.030.

**Section II. Eligibility**

All Trustees must be residents and registered voters of the City of Palm Springs at the time of, and during their term of service, and may not hold any other city office or employment.

**Section III. Terms of Office**

Appointments, terms and vacancies shall comply with PSMC §2.06. Trustees shall hold office for a term of three years, and may be re-appointed for one (1) additional consecutive term. Trustees appointed to fill out the unexpired term of another member are eligible for additional reappointments, provided that the total number of consecutive years on the Board shall not exceed seven (7) years.

## **Article III**

### **OFFICERS**

#### **Section I. Officers**

The officers shall be the President, President Pro Tem and Treasurer, elected from among the appointed Trustees at the Annual Meeting of the Board. No member shall hold more than one office at a time. Vacancies of an office shall be filled by vote at the next regular meeting of the Board after said vacancy occurs.

#### **Section II. Nominations**

The Nominating Committee shall be appointed by the President one month prior to the Annual Meeting of the Board. The Nominating Committee shall present a slate of officers at the Annual Meeting of the Board. Additional nominations may be made from the floor at that time.

## **Article IV**

### **RESPONSIBILITIES**

#### **Section I. President**

The President shall preside at meetings of the Board, authorize calls for special meetings, appoint all committees and liaisons through a resolution at the annual meeting in accordance with the Charter and the bylaws, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees, except the Nominating Committee. The President shall co-sign all contracts or agreements authorizing the use of funds held by the Palm Springs Public Library Trust Fund ("Library Trust Fund"), and generally perform all duties associated with the office of President.

#### **Section II. President Pro Tem**

The President Pro Tem, in the event of absence of the President, or of a vacancy in that office, shall assume and perform the duties and functions of the President.

#### **Section III. Treasurer**

In the absence of the President, the Treasurer shall co-sign all contracts or agreements authorizing the use of funds held by the Library Trust Fund, and perform such duties as are generally associated with the office of Treasurer. The Treasurer shall make monthly reports to the Board showing in detail the amount and investment of, and income and disbursements from, the funds in his or her charge. The Treasurer shall serve as the chair of the budget committee.

#### **Section IV. Secretary**

The Director of Library Services for Palm Springs shall serve as the city librarian in accordance with Charter §609. The Director of Library Services shall act as the

recording secretary to the Board and shall perform all other duties of the office of Secretary. The Director of Library Services shall keep a true and accurate record of all meetings of the Board, issue notice of all regular and special meetings, and perform such other duties as are generally associated with the office of Secretary.

The Director of Library Services shall also be considered the executive officer of the library and subject to the policies established by the Board. The Director shall act as technical advisor to the Board, and attend all Board meetings (but may be excused from closed sessions) and shall have no vote. The City sets forth additional duties for the Director of Library Services in accordance with Charter §609.

The Board, shall advise the City Manager with respect to the selection and appointment of a properly certified and competent Director of Library Services.

### **Section V. Attendance**

The Trustees are expected to attend all scheduled meetings. Prior notification of absence should be made to the President or the Director of Library Services. In event of an absence, after having received a meeting packet and minutes from the missed meeting, it is the Trustee's responsibility to have questions answered and/or obtain needed information from the President. Three consecutive absences will be considered an automatic resignation. Any Board removals or vacancies will be handled in accordance with Charter §605.

In the event a Trustee finds that he or she is unable to continue serving actively, he or she shall submit a letter to request a leave of absence for a specified amount of time sent to the President or the Director of Library Services. The request will be voted on by the Board and the Trustee will be notified. If a Trustee finds that he or she is unable to continue serving actively, he or she shall submit a letter of resignation to the City Council, along with a copy to the President, for appropriate action by the City Council.

## **Article V**

### **MEETINGS AND MINUTES**

#### **Section I. Agendas and Notices**

Meeting agendas and notices shall be delivered or mailed to the Board no less than seventy-two (72) hours before a regular meeting, delivered to the City Clerk and City Manager, and posted in a spot freely accessible to the public in accordance with the Brown Act. Said notice shall indicate time, date and place of the meeting, and all subject matters intended for consideration and discussion at the meeting.

The order of business shall be as outlined in the Agenda as prepared by the Director of Library Services. Items may not be taken out of order except with majority consent of the Board. No action shall be taken on any item not appearing on the posted agenda except as provided for in accordance with California Government Code §54954.

## **Section II. Regular Meetings**

Regular meetings shall be held each month as required by the California Education Code §18914, the date and hour to be set by the Board at its annual meeting. The Board may cancel any Regular Meeting by a motion that is approved by a majority of its members, in accordance with Article V, Section V of the bylaws, and entered in the Minutes of the Board.

## **Section III. Annual Meeting**

An Annual Meeting of the Board, which shall be for the purpose of the election of officers, shall be held on and at the time of the Regular Meeting in September of each year, unless otherwise specified.

## **Section IV. Special Meetings**

Special meetings may be called at the direction of the President, or majority of the Board, as set forth in accordance with California Government Code §54956 for transaction of business as stated in the call for the meeting. Only matters contained in the notice may be considered at said Special Meeting. Except in cases of emergency, at least twenty-four (24) hours' notice shall be given.

## **Section V. Quorum**

A quorum for the transaction of business at any meeting shall consist of three (3) members of the Board present in person. To ensure a majority endorses an action, the number of affirmative votes needed to pass a motion is the same number that constitutes a quorum. If there is no affirmative vote on an action by quorum, the item is considered tabled for discussion and action until the next regular, or special, meeting of the Board.

## **Section VI. Open Meetings Law Compliance**

In accordance with California Education Code §18915, meetings of the Board are governed by the Ralph M. Brown Act as stated in California Government Code §54950 et seq.

## **Section VII. Parliamentary Authority**

The rules contained in Rosenberg's Rules of Order, latest revised edition, shall govern the parliamentary procedure of all meetings. However, failure to follow the Rules of Order shall not invalidate any action taken by the Board.

## **Section VIII. Action**

An affirmative vote of the majority of all members of the Board present at the time shall be necessary to approve any action before the Board. The President may vote upon and may move or second a proposal before the Board.

## **Section IX. Minutes**

Minutes of all meetings must be kept by the Secretary as the official record of the activities of the Board. Additions and corrections may be made only in Regular Meetings, with the approval of the Board. Minutes shall be bound annually and kept on



file at the Palm Springs Public Library. A set of minutes shall also be sent to the Palm Springs City Clerk, City Manager, and/or any Library Liaisons from the City Council.

## **Article VI**

### **COMMITTEES & LIAISONS**

#### **Section I. Standing Committees**

Standing Committees will be appointed by the President. Standing Committees may consist of Advocacy, Budget, Buildings, and Policies committees.

#### **Section II. Nominating Committee**

A Nominating Committee shall be appointed in accordance with Article III, Section II of the Bylaws. The Nominating Committee shall be responsible for drafting a slate of candidates for the officers of the board for the Annual Meeting of the Board.

#### **Section III. Ad Hoc Committees**

Ad hoc committees for the study of special problems or projects shall be appointed by the President, with approval of the Board, to serve until completion or a final report of the work has been filed. These committees may also include City Staff, members of the general public, as well as outside experts.

#### **Section IV. Authority**

Except for the Nominating Committee, no other committee shall have powers other than advisory powers.

#### **Section V. Liaisons**

The President shall, as desired by the Board, appoint a Liaison to the Friends of the Palm Springs Public Library and to the Palm Springs Public Library Foundation, as well as any other organizations associated with or supportive of the Palm Springs Public Library.

## **Article VII**

### **DUTIES**

#### **Section I. Rules, Regulations and Bylaws**

The Board may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the City of Palm Springs Public Library System, and all property belonging thereto.

## **Section II. Budget**

The Board may review and make recommendations for the operating budget of the library, prior to its approval by City Council, insuring that adequate funds are provided to finance the approved budget.

## **Section III. Trust Fund**

The Board shall administer any trust declared or created for the library, and received by gift, devise, or bequest, and hold in trust, property situated in California or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

The Board shall utilize a uniform procurement procedure for the use of Library Trust Fund related to the awarding of contracts or purchase orders, in accordance with the procurement and contracting procedures set forth in PSMC Chapter 7.01 et seq.

## **Section IV. Purchase of Materials and Property**

The Board may purchase necessary books, journals, publications, and other library materials. In addition, the Board may purchase real property, and erect or rent and equip, such buildings as may be necessary.

## **Section V. Buildings**

The Board shall advise the City Council on the maintenance of all library buildings and grounds, as well as regularly review various physical and building needs in order to ensure that they meet the requirements of the library program.

## **Section VI. Legislation**

The Board shall study and support legislation that will bring about the greatest good to the greatest number of library users.

## **Section VII. Incidental Powers**

The Board may do and perform any and all other acts and things necessary or proper to provide library services to the City of Palm Springs, California.

## **Section VIII. Annual Report**

There shall be an annual report to the City Council and to the California State Librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in addition to other matters deemed expedient by the Board or Director of Library Services, contain such statistical and other information as is deemed desirable by either the City Council and/or the California State Librarian.

## **Article VIII**

### **CONFLICT OF INTEREST**

#### **Section I. Political Reform Act**

All Board members must abide by the rules and regulations of the California Political Reform Act as set forth in California Government Code §87100 et seq.

#### **Section II. Statement of Economic Interests**

All Board members must submit a California Fair Political Practices Commission Form 700 Statement of Economic Interests, as may be required from time to time to comply with applicable law.

## **Article IX**

### **GENERAL**

#### **Section I. Amendments**

Amendments to these Bylaws may be proposed at any Regular Meeting of the Board by majority vote of all members of the Board, provided written notice of the proposed amendment shall have been mailed in the board packet to all members prior to the meeting at which such action is proposed to be taken. In the event any word, phrase, clause or sentence of these rules shall be deemed invalid for any reason, the balance hereof shall nevertheless be applicable until duly modified or repealed.

###

Adopted by The Board of Library Trustees of the Palm Springs Public Library System on the 24<sup>th</sup> day of June, 2011.

Amended and Adopted by The Board of Library Trustees of the Palm Springs Public Library System on 25th day of September, 2014.

Amended and Adopted by The Board of Library Trustees of the Palm Springs Public Library System on 22nd day of October, 2015.

Amended and Adopted by The Board of Library Trustees of the Palm Springs Public Library System on 28 day of June, 2018.

**Palm Springs Library  
Board of Trustees**

# Memo

**To:** Jeannie Kays, Director, Palm Springs Library

**From:** David Kelly, Treasurer, Palm Springs Library Board of Trustees

**cc:**

**Date:** January 25, 2021

**Re:** Library Trust Fund/Endowment

---

The purpose of this memo is to provide some background on the duties and responsibilities concerning the Library Trust Fund/Endowment. At the end of the memo are items for further discussion.

## Legislative History

According to *At Sunrise: The History of the Palm Springs Library* by Henry Weiss (1999), the Alleine's Library of Palm Springs (a/k/a Palm Springs Public Library) opened in late 1925. A fund was established in 1924 for the new library from the donation of \$200 by Martha Hitchcock. Palm Springs was incorporated in 1938. On July 5, 1939, the Palm Springs City Council adopted Ordinance Number 60 which established the Library under the California Education Code. The Board of Library Trustees first met under the ordinance on November 9, 1939. Resolution 219 (1939) established the post-incorporation Library Board of Trustees (November 4, 2020 memo to the Trustees from Jeannie Kay, Library Director, Library Trustees Meeting Agenda, dated November 4, 2020, p. 23). According to *At Sunrise*, the Trustees immediately set upon fundraising for the building of the Welwood Murray Memorial Library.

In a memo from Library Director Jeannie Kays to the Trustees dated October 7, 2020 (see Library Trustees Meeting Agenda dated October 7, 2020, pp. 32-47; a request for resolutions concerning the Library Trust Fund), the affirmation of the Library Trust Fund and the roles of the Trustees, Librarian and City Manager are found primarily in two resolutions: 11431 dated May 7, 1975 and 17288 dated October 3, 1990.

Resolution 11431 (1975) establishes a special fund to be known as the “Library Trust Fund.”

Resolution 17288 (1990) states in its third paragraph “Whereas the City’s Board of Library Trustees has requested that the public library be re-established as a full municipal department” and in the next paragraph “to be managed by the Library Board via the City Librarian.”

According to *At Sunrise* (p. 100), the Library had been an autonomous department until the mid 1970’s “and the magnitude of its budget, staffing facilities, and level of public services warranted full department representation.”

Section 1 of Resolution 17288 states the City Council shall retain the following authority over the Library:

- A) Library Trustees shall be appointed by the Mayor with the consent of the City Council
- B) The City Council shall annually review, amend as necessary, and adopt the library’s operational budget
- C) The City Council shall establish the number of and compensation ranges for library paid employees
- D) The City Council shall act upon library legislative items (Resolutions, appointments, budget amendments, etc., as required

Section 2 of Resolution 17288 states the City’s Board of Library Trustees shall retain the following authority over the Library:

- A) The Library Board shall manage and control the Library Trust Fund
- B) The Library Board shall establish and amend library policies and procedures as required
- C) The Library Board shall establish, amend, and periodically review all library fines, fees and charges and ensure such charges are incorporated into the City’s Master Fee Schedule
- D) The Library Board shall manage the approval of all library purchases from the Library Fund (subsequent to Council’s approval of the literary budget) and the Library Trust Fund
- E) The Library Board shall develop and amend long and short-range library plans
- F) The Library Board shall manage all library facilities
- G) The Library Board shall consult with the City Manager with regard to evaluation and appointments of City Librarians.

Section 3 of Resolution 17288 states the City Manager shall retain the following authority over the Library:

- A) The City Manager shall appoint and evaluate the City Librarian in consultation with the Library Board
- B) The City Manager shall recommend appropriate amendments to the annual Library Fund operational budget prior to its submission to the City Council
- C) The City Manager shall apply the provisions of the City’s current Personnel Rules to library paid employees
- D) The City Manager shall assign departmental duties to the City Librarian as required (subject to the consent of the Library Board)
- E) The City Manager shall communicate directions from the City Council to the City Librarian as necessary

Marcus Fuller, Assistant City Manager in a memo to Ed McBride, Trustees President dated June 8, 2020 references Resolution 17288 as establishing the relationship between the City and the Board of Trustees. He noted that Section 2A of the Resolution gives the Trustees control of the Library Trust Fund which is accounted by the City as a Special Revenue Fund (Fund 151). He wrote, "In compliance with Resolution 17288 – the City only approves expenditures from this fund with express approval of the Board of Trustees." (see Library Trustees Meeting Agenda dated July 1, 2020, pp. 17-30.

### **Fiscal Management**

A memo from Trustee Treasurer David Kelly to Jeannie Kays, Library Director dated October 29, 2019 (presented in the Trustees November 21, 2019 meeting packet) reported a meeting among Kelly, Kays and David Lacy, Assistant City Finance Director. Mr. Lacy reported the City manages over \$200 million in cash and investments, of which the Library Trust Fund is pooled into. An independent investment advisor specializing in the needs of municipalities is responsible for safeguarding the public's funds while minimizing market risk and maximizing both liquidity and yield. Mr. Lacy reported the City earned \$1.1 million in interest at a rate of 1.8% for the fiscal year ending 6/30/2019 and the Library received a proportional credit.

### **Further Information Requests**

- Request the City Treasurer provide the interest rate for fiscal year ending 6/30//20.

### **Discussion Points**

1. The Library Trust Fund should have its own charter with a statement of purpose, objectives, and investment guidelines. The charter should state the type of Library projects it will consider funding, and which need special approval, if any.
2. An independent investment advisor will want to review the charter to establish its role and responsibilities in administering the Library Trust Fund.
3. If the Trustees assign the investment advisor role to the Trustee Treasurer, would it be appropriate for the Board of Trustees to obtain Directors and Officers insurance to protect against potential liabilities?
4. Will we need to engage independent legal counsel to make changes in the management of the Library Trust Fund? What may be required of the City Clerk or City Attorney to make changes to management of the Library Trust Fund?



## City Council Staff Report

DATE: February 25, 2021 CONSENT CALENDAR

SUBJECT: TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2020

FROM: Nancy Pauley, Director of Finance and Treasurer

BY: Department of Finance and Treasury

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### SUMMARY

Attached is the Treasurer's Investment Report as of December 30, 2020. The report includes the face value and coupon rate (if applicable) of the investments and the source for the market value estimate. The City's total invested cash and marketable securities is \$236,074,537. There is an additional \$23,971,335 held by a fiscal agent for bond issue reserves, debt service, and related funds, and \$762,806 in other miscellaneous accounts.

### RECOMMENDATION:

Receive and File Treasurer's Investment Report as of December 31, 2020.

### STAFF ANALYSIS:

The attached report includes the face value and coupon rate (if applicable) of the investments and the source for the market value estimate. Also included is information on the investments of bond issue reserve, debt service and related funds.

The investments, in type, maturity and as a percentage of the total portfolio, are in compliance with the existing City Council approved investment policy.

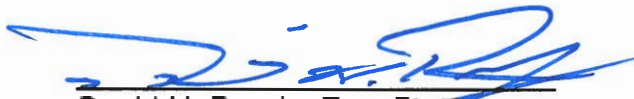
City Council Staff Report  
February 25, 2021 – Page 2  
Treasurer's Investment Report as of December 31, 2020


---

The weighted average maturity (WAM) of the portfolio is 262 days. The maximum WAM allowed by the Investment Policy is 1,095 days. The current portfolio and expected revenue cash flow will be sufficient to meet budgeted expenditure requirements for the next six months and the foreseeable future thereafter.

FISCAL IMPACT:

None.

  
\_\_\_\_\_  
David H. Ready, Esq. Ph.D.  
City Manager

  
\_\_\_\_\_  
Nancy Pauley  
Director of Finance/City Treasurer

Attachments: Treasurer's Investment Report



CITY OF PALM SPRINGS  
 TREASURER'S MONTHLY REPORT  
 SUMMARY OF INVESTMENTS  
 December 31, 2020

	<u>Adjusted Basis</u>	<u>Category Total</u>	<u>Percentage of Total</u>
<b>On Call Deposits</b>			
Checking Account - Bank of America	13,158,908		
Union Bank	-		
CalTrust Short Term	57,948,732		
LAIF State Pool	<u>61,302,383</u>	\$ 132,410,024	56.09%
<b>Short Term Investments - Union Bank (1 year or less)</b>			
U.S. Government Agencies	<u>11,035,922</u>	11,035,922	4.68%
<b>Medium Term Investments - Union Bank (1 year to 3 years)</b>			
U.S. Government Agencies	<u>82,824,422</u>	82,824,422	35.09%
<b>Corporate Bonds/Obligations - Union Bank (5 years or less)</b>			
Corporate Bonds	<u>6,287,983</u>	6,287,983	2.66%
<b>Negotiable Certificates of Deposit - Union Bank (5 years or less)</b>			
FDIC-Insured CD's	<u>3,500,000</u>	3,500,000	1.48%
Total Cash and Marketable Securities		<u>\$ 236,058,351</u>	<u>100.00%</u>
Adjustments from prior month		<u>16,186</u>	
Ending Cash Balance:		<u><u>\$ 236,074,537</u></u>	

CITY OF PALM SPRINGS  
TREASURER'S MONTHLY REPORT  
PORTFOLIO STATISTICS  
December 31, 2020

**Portfolio Composition**

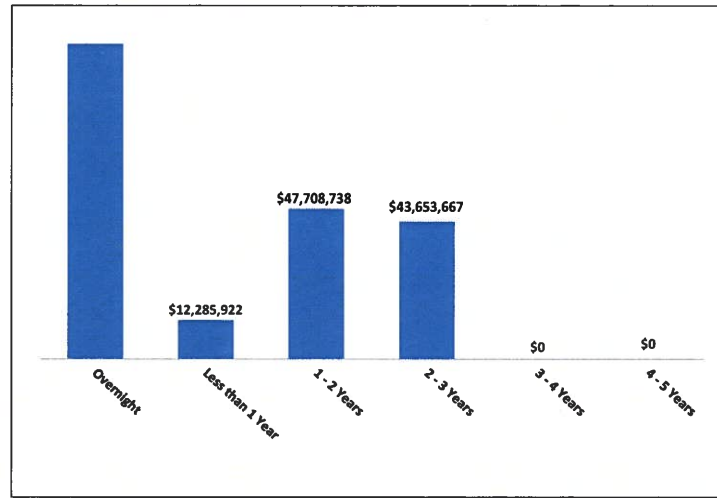
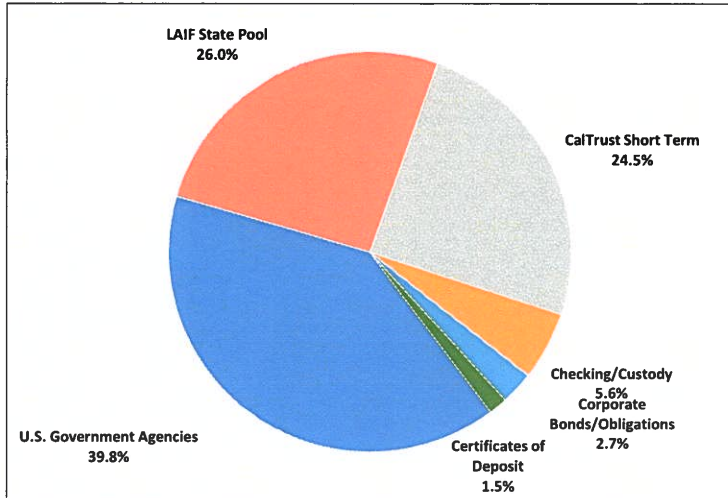
Investment Type	Cost Basis
U.S. Government Agencies	93,860,345
LAIF State Pool	61,302,383
CalTrust Short Term	57,948,732
Checking/Custody	13,158,908
Corporate Bonds/Obligations	6,287,983
Certificates of Deposit	3,500,000
<b>TOTAL</b>	<b>\$ 236,058,351</b>

**Portfolio Liquidity**

Aging Interval*	Par Value
Overnight	132,410,024
Less than 1 Year	12,285,922
1 - 2 Years	47,708,738
2 - 3 Years	43,653,667
3 - 4 Years	-
4 - 5 Years	-
<b>TOTAL</b>	<b>\$ 236,058,351</b>

\*To maturity (does not include call date)

Investment Type	% of Portfolio
U.S. Government Agencies	39.8%
LAIF State Pool	26.0%
CalTrust Short Term	24.5%
Checking Account	5.6%
Corporate Bonds/Obligations	2.7%
Certificates of Deposit	1.5%
<b>TOTAL</b>	<b>100.00%</b>



**TREASURER'S MONTHLY REPORT**  
**DETAIL OF INVESTMENTS**  
**December 31, 2020**

	<u>Par Value</u>	<u>Coupon Rate</u>	<u>Moody's / S&amp;P Rating</u>	<u>Purchase Date</u>	<u>Maturity/Called Date</u>	<u>Days to Maturity</u>	<u>Yield to Maturity</u>	<u>Cost Basis</u>	<u>Category Total</u>	<u>Market Value as of December 31, 2020</u>	<u>Market Value as of September 30, 2020</u>
<b>On Call Deposits</b>											
Checking - Bank of America	13,158,908	N/A	N/A		Demand	1	None	13,158,908		13,158,908	10,149,076
Union Bank	-	variable	N/A		Demand	1	None	-		-	10,967,308
CalTrust ShortTerm	57,948,732	variable	N/A		Demand	1	1.64%	57,948,732		57,948,732	47,370,649
Local Agency Invest Fund (LAIF)	61,302,383	variable	N/A		Demand	1	1.79%	61,302,383		61,302,383	69,149,888
	132,410,024								132,410,024	132,410,024	137,636,921
<b>Short Term Investments (1 year or less)</b>											
US Agency Securities											
Federal National Mortgage Association	1,000,000	1.75%	Aaa / AA+	08/16/17	02/16/21	47	1.75%	1,000,000		1,001,930	1,005,880
Federal National Mortgage Association	1,000,000	1.40%	Aaa / AA+	08/03/16	08/25/21	237	1.40%	1,000,000		1,008,440	1,011,210
Federal Home Loan Bank	1,000,000	1.05%	Aaa / AA+	10/11/16	11/15/21	319	1.05%	1,000,000		1,016,400	1,021,010
US Treasury Notes	2,450,000	1.50%	Aaa / AA	09/04/20	11/30/21	334	1.25%	2,491,344		2,480,625	2,488,465
Federal Home Loan Bank	3,000,000	1.63%	Aaa / AA+	03/17/20	12/20/21	354	1.63%	3,046,440		3,044,040	3,054,870
US Treasury Notes	2,450,000	1.63%	Aaa / AA	09/04/20	12/31/21	365	1.21%	2,498,139		2,486,750	2,495,546
	2,000,000								11,035,922	11,038,185	11,076,981
<b>Medium Term Investments (1 year to 3 years)</b>											
US Agency Securities											
Federal National Mortgage Association	3,000,000	2.00%	Aaa / AA+	03/17/20	01/05/22	370	2.00%	3,068,010		3,057,090	3,071,520
Federal National Mortgage Association	3,000,000	2.63%	Aaa / AA+	03/17/20	01/11/22	376	2.63%	3,106,080		3,076,860	3,095,320
Federal Home Loan Mortgage Corporation	3,000,000	2.38%	Aaa / AA	03/17/20	01/13/22	378	2.38%	3,092,820		3,069,360	3,086,610
US Treasury Notes	2,450,000	1.38%	Aaa / AA	09/04/20	01/31/22	396	1.30%	2,492,492		2,482,928	2,490,670
US Treasury Notes	3,050,000	1.75%	Aaa / AA+	03/24/20	05/31/22	516	1.75%	3,142,334		3,120,181	3,132,320
Federal Home Loan Mortgage Corporation	3,000,000	2.50%	Aaa / AA+	07/24/20	06/08/22	524	2.16%	3,001,500		3,008,790	3,004,140
US Treasury Notes	3,050,000	1.75%	Aaa / AA+	03/24/20	06/15/22	531	1.75%	3,147,100		3,121,736	3,133,997
US Treasury Notes	3,050,000	1.75%	Aaa / AA+	03/24/20	06/30/22	546	1.75%	3,147,814		3,124,237	3,136,376
US Treasury Notes	3,050,000	1.75%	Aaa / AA+	03/24/20	07/15/22	561	1.75%	3,146,504		3,126,250	3,138,633
Federal Home Loan Mortgage Corporation	2,675,000	1.25%	Aaa / AA+	07/24/20	07/25/22	571	2.21%	2,669,490		2,675,722	2,672,566
US Treasury Notes	3,050,000	1.50%	Aaa / AA+	03/24/20	08/15/22	592	1.50%	3,132,922		3,117,924	3,128,629
US Treasury Notes	3,050,000	1.63%	Aaa / AA+	03/24/20	08/15/22	592	1.63%	3,141,619		3,124,115	3,135,675
Federal National Mortgage Association	3,000,000	1.38%	Aaa / AA+	03/20/20	09/06/22	614	1.38%	3,054,180		3,063,840	3,070,410
Federal National Mortgage Association	3,000,000	2.00%	Aaa / AA+	03/20/20	10/05/22	643	2.00%	3,092,160		3,097,890	3,111,240
US Treasury Notes	1,685,000	1.38%	Aaa / AA	09/04/20	10/15/22	653	1.28%	1,729,034		1,722,525	1,727,715
US Treasury Notes	3,175,000	1.50%	Aaa / AA+	03/24/20	01/15/23	745	1.50%	3,271,366		3,263,551	3,273,489
Federal National Mortgage Association	3,000,000	2.38%	Aaa / AA+	03/20/20	01/19/23	749	2.38%	3,134,100		3,137,400	3,147,150
US Treasury Notes	1,685,000	1.75%	Aaa / AA	09/04/20	01/31/23	761	1.31%	1,750,294		1,741,734	1,748,120
Federal Home Loan Bank	3,000,000	1.38%	Aaa / AA+	03/20/20	02/17/23	778	1.38%	3,052,314		3,077,700	3,084,090
US Treasury Notes	3,175,000	1.50%	Aaa / AA+	03/24/20	02/28/23	789	1.50%	3,275,459		3,268,504	3,279,299
US Treasury Notes	3,175,000	0.50%	Aaa / AA+	03/24/20	03/15/23	804	0.50%	3,184,302		3,200,813	3,202,527
US Treasury Notes	3,175,000	1.50%	Aaa / AA+	03/24/20	03/31/23	820	1.50%	3,277,443		3,271,742	3,282,537
US Treasury Notes	2,500,000	2.50%	Aaa / AA	09/04/20	04/15/23	835	1.33%	2,507,324		2,506,150	2,506,750
Federal Home Loan Mortgage Corporation	2,500,000	2.50%	Aaa / AA+	09/04/20	06/26/23	907	2.34%	2,500,775		2,505,425	2,502,250
Federal Home Loan Mortgage Corporation	2,790,000	2.50%	Aaa / AA+	07/10/20	07/10/23	921	2.50%	2,784,002		2,796,668	2,789,414
US Treasury Notes	2,500,000	1.25%	Aaa / AA	09/04/20	07/15/23	926	1.44%	2,498,633		2,498,825	2,498,250
Federal Home Loan Mortgage Corporation	2,075,000	2.50%	Aaa / AA+	08/19/20	08/24/23	966	2.50%	2,072,884		2,079,088	2,076,411
Federal Home Loan Mortgage Corporation	3,000,000	1.25%	Aaa / AA+	10/16/20	10/16/23	1,019	2.50%	2,988,810		2,997,960	2,992,200
Federal Home Loan Mortgage Corporation	2,365,000		Aaa / AA+	12/02/20	12/04/23	1,068	2.50%	2,362,659		2,367,531	-
	92,125,000								82,824,422	82,702,537	80,518,308

	Par Value	Coupon Rate	Moody's / S&P Rating	Purchase Date	Maturity/Called Date	Days to Maturity	Yield to Maturity	Cost Basis	Category Total	Market Value as of December 31, 2020	Market Value as of September 30, 2020
<b>Corporate Bonds/Obligations (5 years or less)</b>											
Apple Incorporated	2,000,000	2.15%	FDIC	04/09/20	02/09/22	405	2.10%	2,044,680		2,041,460	2,051,060
Apple Incorporated	1,000,000	2.40%	FDIC	10/26/20	01/13/23	743	2.30%	1,044,270		1,042,570	-
Pepsico Inc	1,000,000	0.75%	FDIC	10/30/20	05/01/23	851	0.74%	1,011,210		1,014,260	-
Microsoft Corporation	1,114,000	2.00%	FDIC	04/13/20	08/08/23	950	1.92%	1,153,413		1,162,013	1,163,150
Pepsico Inc	1,035,000	0.04%	FDIC	10/07/20	10/07/23	1,010	0.40%	1,034,410		1,040,703	-
	6,149,000								6,287,983	6,301,006	3,214,210
<b>Negotiable Certificates of Deposit (5 years or less)</b>											
Citizens National Bank CD	250,000	2.15%	FDIC	01/17/18	01/19/21	19	2.15%	250,000		250,278	251,610
Marlin Business Bank CD	250,000	2.20%	FDIC	01/18/18	01/19/21	19	2.20%	250,000		250,283	251,650
Capital One Bank, NA CD	250,000	2.05%	FDIC	08/02/17	08/02/21	214	2.05%	250,000		252,973	254,168
American Express FSB CD	250,000	2.20%	FDIC	09/12/17	09/13/21	256	2.20%	250,000		253,778	255,050
Third Federal Savings & Loan CD	250,000	2.00%	FDIC	09/15/17	09/15/21	258	2.00%	250,000		253,455	254,600
Patriot Bank CD	250,000	2.95%	FDIC	07/30/18	01/31/22	396	2.95%	250,000		257,840	259,530
Synchrony Bank CD	250,000	2.70%	FDIC	03/11/19	03/15/22	439	2.70%	250,000		257,933	259,440
Merrick Bank CD	250,000	2.65%	FDIC	03/11/19	03/21/22	445	2.65%	250,000		257,908	259,345
Goldman Sachs Bank CD	250,000	2.30%	FDIC	08/02/17	08/02/22	579	2.30%	250,000		258,813	259,980
American Express Centurion CD	250,000	2.35%	FDIC	08/22/17	08/22/22	599	2.35%	250,000		258,910	259,850
Capital One Bank USA, NA CD	250,000	2.35%	FDIC	08/23/17	08/23/22	600	2.35%	250,000		259,330	260,515
Citibank, NA CD	250,000	3.30%	FDIC	07/24/18	07/24/23	935	3.30%	250,000		270,168	271,918
Comenity Capital Bank CD	250,000	3.35%	FDIC	10/17/18	10/17/23	1,020	3.35%	250,000		272,188	273,935
UBS Bank USA CD	250,000	3.35%	FDIC	10/17/18	10/17/23	1,020	3.35%	250,000		272,188	273,935
	3,500,000								3,500,000	3,626,045	3,645,525
<b>Total Invested Cash</b>											
	\$ 236,184,024								\$ 236,058,351	\$ 236,077,797	\$ 236,091,945

Monthly Portfolio Yield: 1.63%

Benchmark Yields:

Current Month LAIF Average: 0.620%

TREASURER'S MONTHLY REPORT  
 MISCELLANEOUS AND TRUST ACCOUNTS  
 December 31, 2020

<u>Account</u>	<u>Description</u>	<u>Par Value</u>	<u>Coupon</u>	<u>Rating</u>	<u>Maturity</u>	<u>Yield to Maturity</u>	<u>Adjusted Cost Basis</u>	<u>Category Total</u>
<b>Total Cash</b>								
11010	Cash and Marketable Securities Adjustments from Prior Month	\$ 236,058,351					236,058,351 <u>16,186</u>	236,074,537
<b>Miscellaneous Accounts</b>								
11016	1930's General Store Museum - Bank of America	8,907	N/A	N/A	open	None	8,507	
11017	Downpayment Assistance (Housing Fund) - Bank of America	34,238	0.002	N/A	open	0.20%	34,248	
11018	Save the Plaza - Bank of America	303,657	N/A	N/A	open	None	212,946	
11019	Airport Parking - Bank of America	427,829	N/A	N/A	open	None	171,869	
11020	Petty Cash - Various	2,600	N/A	N/A	open	None	2,600	
11025	Workers Compensation - Bank of America	275,875	N/A	N/A	open	None	232,636	
11026	General Liability - Bank of America	74,159	N/A	N/A	open	None	<u>100,000</u>	762,806
<b>Total Cash Deposited</b>							\$ <u><u>236,837,343</u></u>	

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TREASURER'S MONTHLY REPORT  
 CASH WITH FISCAL AGENT (BOND ISSUE RESERVE, DEBT SERVICE, AND RELATED FUNDS)  
 December 31, 2020

Acct	Description	Par Value	Coupon Rate	Rating	Maturity	Yield to Maturity	Adjusted Cost Basis	Category Total	Market Value as of December 31, 2020	Source	Market Value as of September 30, 2020
11029	2015 Refunding Lease Revenue Bonds First American Government Obligation	1	variable	AAA	open	0.01%	<u>1</u>		1	US Bank	-
11030	2015 Reassessment District No.2015-1 First American Government Obligation	272,310	variable	AAA	open	0.01%	<u>272,310</u>		272,310	US Bank	272,309
11032	Cash with Fiscal Agent - Conv 04/12	(4)	-	-	-	-	<u>(4)</u>		(4)	US Bank	(4)
11011	Cash with Fiscal Agent - Reserve 2019 Bond Issuance	1,995,962	-	-	-	-	<u>1,995,962</u>		1,995,962	US Bank	2,514,238
11097	Cash with Fiscal Agent - 2019 PFC Bond Issuance	17,497,425	-	-	-	-	<u>17,497,425</u>		17,497,425	US Bank	14,312,430
11037	2012 Downtown Revitalization Lease Revenue Bond Reserve Invesco Government & Agency Private	3,189,056	variable	AAA	open	0.01%	<u>3,189,056</u>		3,189,056	US Bank	3,247,838
11039	2012/2014 Convention Center First American Government Obligation	15	variable	AAA	open	0.01%	<u>15</u>		15	US Bank	4
11042	2015 Local Measure A Sales Tax First American Government Obligation	624,523					624,523		624,523		627,364
11043	First American Government Obligation	8,664	variable	AAA	open	0.01%	<u>8,664</u>		<u>8,664</u>	US Bank	<u>8,664</u>
							<u>633,187</u>		<u>633,187</u>		<u>636,028</u>
11080	Funds With Century Golf	364,257	N/A	N/A	demand	None	<u>364,257</u>		364,257	Century Golf	795,484
11090	Cash with Fiscal Agent - Refinance	18,315	-	-	-	-	<u>18,315</u>		18,315	US Bank	18,314
11092	2007A&B Tax Allocation Bonds First American Government Obligation	811					811		811		811
11096	Cash with Fiscal Agent - 2017	-	-	-	-	-	<u>0</u>		-	US Bank	1
	<b>Total Cash with Fiscal Agent</b>	<u>23,971,335</u>						<u>23,971,335</u>	<u>23,971,335</u>		<u>21,797,456</u>

CALCULATION OF INVESTMENT LIMITATIONS  
December 31, 2020

<u>By Maturity:</u>	<u>Minimum</u>	<u>Maximum</u>	<u>December 31, 2020</u>
1 day to 365 days	N/A	N/A	61.21%
1 year to 3 years	N/A	50.00%	37.95%
3 years to 5 years	N/A	30.00%	0.00%
Total:			99.15%

By Type of Investment:

Bank - Checking/Custody	N/A	100.00%	5.57%
Bankers Acceptance - in total	N/A	20.00%	0.00%
Bankers Acceptance - by issuer	N/A	5.00%	0.00%
Commercial Paper	N/A	15.00%	0.00%
Time Deposits	N/A	10.00%	0.00%
Negotiable Certificates of Deposit - in total	N/A	30.00%	1.48%
Negotiable Certificates of Deposit - by issuer	N/A	5.00%	0.00%
Corporate Notes - in total	N/A	20.00%	2.60%
Corporate Notes - by issuer	N/A	5.00%	0.00%
CA State or City Bonds/Local Agency Bonds - in total	N/A	15.00%	0.00%
CA State or City Bonds/Local Agency Bonds - by issuer	N/A	5.00%	0.00%
Money Market Funds	N/A	10.00%	0.00%
Money Market Mutual Funds - Less than 1 Year	N/A	50.00%	24.54%
Money Market Mutual Funds - More than 1 Year	N/A	25.00%	0.00%
LAIF	N/A	100.00%	25.96%
U.S. Government Agencies	N/A	60.00%	39.85%
U.S. Treasury Notes/Bonds	N/A	100.00%	0.00%
Total:			100.00%

TREASURER'S MONTHLY REPORT  
 CALCULATION OF WEIGHTED AVERAGE MATURITY  
 December 31, 2020

Description	Maturity/Called Date	Current Date	No. of Days	Days X Cost
<b>On Call Deposits</b>				
Checking - Bank of America		12/31/20	1	13,158,908
Union Bank		12/31/20	1	-
CalTrust ShortTerm		12/31/20	1	57,948,732
Local Agency Invest Fund (LAIF)		12/31/20	1	61,302,383
<b>Short Term Investments (1 year or less)</b>				
US Agency Securities				
Federal National Mortgage Association	02/16/21	12/31/20	47	353,000,000
Federal National Mortgage Association	08/25/21	12/31/20	237	237,000,000
Federal Home Loan Bank	11/15/21	12/31/20	319	319,000,000
US Treasury Notes	01/13/22	12/31/20	378	941,727,938
Federal Home Loan Bank	12/20/21	12/31/20	354	1,078,439,760
US Treasury Notes	01/13/22	12/31/20	378	944,296,421
<b>Medium Term Investments (1 year to 3 years)</b>				
US Agency Securities				
Federal National Mortgage Association	01/05/22	12/31/20	370	1,135,163,700
Federal National Mortgage Association	01/11/22	12/31/20	376	1,167,886,080
Federal Home Loan Mortgage Corporation	01/13/22	12/31/20	378	1,169,085,960
US Treasury Notes	01/13/22	12/31/20	378	942,162,048
US Treasury Notes	05/31/22	12/31/20	516	1,621,444,339
Federal Home Loan Mortgage Corporation	06/08/22	12/31/20	524	1,572,786,000
US Treasury Notes	06/15/22	12/31/20	531	1,671,109,898
US Treasury Notes	06/30/22	12/31/20	546	1,718,706,690
US Treasury Notes	07/15/22	12/31/20	561	1,765,188,699
Federal Home Loan Mortgage Corporation	07/25/22	12/31/20	571	1,524,278,505
US Treasury Notes	08/15/22	12/31/20	592	1,854,689,753
US Treasury Notes	08/15/22	12/31/20	592	1,859,838,525
Federal National Mortgage Association	09/06/22	12/31/20	614	1,875,266,520
Federal National Mortgage Association	10/05/22	12/31/20	643	1,988,258,880
US Treasury Notes	01/13/22	12/31/20	378	653,574,769
US Treasury Notes	01/15/23	12/31/20	745	2,437,167,819
Federal National Mortgage Association	01/19/23	12/31/20	749	2,347,440,900
US Treasury Notes	01/13/22	12/31/20	378	661,611,038
Federal Home Loan Bank	02/17/23	12/31/20	778	2,374,700,292
US Treasury Notes	02/28/23	12/31/20	789	2,584,337,151
US Treasury Notes	03/15/23	12/31/20	804	2,560,178,623
US Treasury Notes	03/31/23	12/31/20	820	2,687,503,572



US Treasury Notes	01/13/22	12/31/20	378	947,768,559
Federal Home Loan Mortgage Corporation	06/15/22	12/31/20	531	1,327,911,525
Federal Home Loan Mortgage Corporation	07/10/23	12/31/20	921	2,564,065,382
US Treasury Notes	01/13/22	12/31/20	378	944,483,210
Federal Home Loan Mortgage Corporation	08/24/23	12/31/20	966	2,002,405,461
Federal Home Loan Mortgage Corporation	10/16/23	12/31/20	1,019	3,045,597,390
Federal Home Loan Mortgage Corporation	12/04/23	12/31/20	1,068	2,523,319,438

Corporate Bonds/Obligations (5 years or less)
---

Apple Incorporated	02/09/22	12/31/20	405	828,095,400
Apple Incorporated	01/13/23	12/31/20	743	775,892,610
Pepsico Inc	05/01/23	12/31/20	851	860,539,710
Microsoft Corporation	08/08/23	12/31/20	950	1,095,742,350
Pepsico Inc	10/07/23	12/31/20	1,010	1,044,754,151

Negotiable Certificates of Deposit (5 years or less)
--

Citizens National Bank CD	01/19/21	12/31/20	19	4,750,000
Marlin Business Bank CD	01/19/21	12/31/20	19	4,750,000
Capital One Bank, NA CD	08/02/21	12/31/20	214	53,500,000
American Express FSB CD	09/13/21	12/31/20	256	64,000,000
Third Federal Savings & Loan CD	09/15/21	12/31/20	258	64,500,000
Patriot Bank CD	01/31/22	12/31/20	396	99,000,000
Synchrony Bank CD	03/15/22	12/31/20	439	109,750,000
Merrick Bank CD	03/21/22	12/31/20	445	111,250,000
Goldman Sachs Bank CD	08/02/22	12/31/20	579	144,750,000
American Express Centurion CD	08/22/22	12/31/20	599	149,750,000
Capital One Bank USA, NA CD	08/23/22	12/31/20	600	150,000,000
Citibank, NA CD	07/24/23	12/31/20	935	233,750,000
Comenity Capital Bank CD	10/17/23	12/31/20	1,020	255,000,000
UBS Bank USA CD	10/17/23	12/31/20	1,020	255,000,000

Total Investments at Cost  
WAM in Days

236,058,351  
262


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## GOVERNMENT CODE - GOV

**TITLE 5. LOCAL AGENCIES [50001 - 57607]** (*Title 5 added by Stats. 1949, Ch. 81.*)

**DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]** (*Division 2 added by Stats. 1949, Ch. 81.*)

**PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]** (*Part 1 added by Stats. 1949, Ch. 81.*)

**CHAPTER 9. Meetings [54950 - 54963]** (*Chapter 9 added by Stats. 1953, Ch. 1588.*)

**54950.** In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

(*Added by Stats. 1953, Ch. 1588.*)

**54950.5.** This chapter shall be known as the Ralph M. Brown Act.

(*Added by Stats. 1961, Ch. 115.*)

**54951.** As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(*Amended by Stats. 1959, Ch. 1417.*)

**54952.** As used in this chapter, "legislative body" means:

- (a) The governing body of a local agency or any other local body created by state or federal statute.
- (b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.
- (c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
  - (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
  - (B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.
- (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a

nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

*(Amended by Stats. 2002, Ch. 1073, Sec. 2. Effective January 1, 2003.)*

**54952.1.** Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

*(Amended by Stats. 1994, Ch. 32, Sec. 2. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)*

**54952.2.** (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet-based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

*(Amended by Stats. 2020, Ch. 89, Sec. 1. (AB 992) Effective January 1, 2021. Repealed as of January 1, 2026, by its own provisions. See later operative version added by Sec. 2 of Stats. 2020, Ch. 89.)*

**54952.2.** (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall become operative on January 1, 2026.

*(Repealed (in Sec. 1) and added by Stats. 2020, Ch. 89, Sec. 2. (AB 992) Effective January 1, 2021. Section operative January 1, 2026, by its own provisions.)*

**54952.3.** (a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if

a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

*(Added by Stats. 2011, Ch. 91, Sec. 1. (AB 23) Effective January 1, 2012.)*

**54952.6.** As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

*(Added by Stats. 1961, Ch. 1671.)*

**54952.7.** A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

*(Amended by Stats. 1993, Ch. 1138, Sec. 7. Effective January 1, 1994. Operative April 1, 1994, by Sec. 12 of Ch. 1138.)*

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority Library Board of Trustees, March 3, 2021, pg. 53

conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

*(Amended by Stats. 2017, Ch. 137, Sec. 1. (AB 428) Effective January 1, 2018.)*

**54953.1.** The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

*(Added by Stats. 1979, Ch. 950.)*

**54953.2.** All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

*(Added by Stats. 2002, Ch. 300, Sec. 5. Effective January 1, 2003.)*

**54953.3.** A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

*(Amended by Stats. 1981, Ch. 968, Sec. 28.)*

**54953.5.** (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

*(Amended by Stats. 2009, Ch. 88, Sec. 57. (AB 176) Effective January 1, 2010.)*

**54953.6.** No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

*(Amended by Stats. 1994, Ch. 32, Sec. 6. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)*

**54953.7.** Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or



under the authority of the elected legislative body.

*(Added by Stats. 1981, Ch. 968, Sec. 29.)*

**54954.** (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

*(Amended by Stats. 2004, Ch. 257, Sec. 1. Effective January 1, 2005.)*

**54954.1.** Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting

person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

*(Amended by Stats. 2002, Ch. 300, Sec. 6. Effective January 1, 2003.)*



**54954.2.** (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make

a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

*(Amended by Stats. 2016, Ch. 265, Sec. 1. (AB 2257) Effective January 1, 2017.)*

**54954.3.** (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

*(Amended by Stats. 2016, Ch. 507, Sec. 1. (AB 1787) Effective January 1, 2017.)*

**54954.4.** (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which

are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

*(Added by Stats. 1991, Ch. 238, Sec. 1.)*

**54954.5.** For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

**LICENSE/PERMIT DETERMINATION**

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

**CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

**CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

**LIABILITY CLAIMS**

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(Amended by Stats. 2012, Ch. 759, Sec. 6.1. (AB 2690) Effective January 1, 2013.)

**54954.6.** (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the

legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall

separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

*(Amended by Stats. 2011, Ch. 382, Sec. 3.5. (SB 194) Effective January 1, 2012.)*

**54955.** The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

*(Amended by Stats. 1959, Ch. 647.)*

**54955.1.** Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or reconvened at any subsequent meeting of the



legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

*(Added by Stats. 1965, Ch. 469.)*

**54956.** (a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

*(Amended by Stats. 2011, Ch. 692, Sec. 9. (AB 1344) Effective January 1, 2012.)*

**54956.5.** (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

*(Amended by Stats. 2002, Ch. 175, Sec. 2. Effective January 1, 2003.)*

**54956.6.** No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

*(Added by Stats. 1980, Ch. 1284.)*

**54956.7.** Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

*(Added by Stats. 1982, Ch. 298, Sec. 1.)*

**54956.75.** (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

*(Added by Stats. 2004, Ch. 576, Sec. 4. Effective January 1, 2005.)*

**54956.8.** Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

*(Amended by Stats. 1998, Ch. 260, Sec. 3. Effective January 1, 1999.)*

**54956.81.** Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

*(Added by Stats. 2004, Ch. 533, Sec. 20. Effective January 1, 2005.)*

**54956.86.** Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name,



medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

*(Added by Stats. 1996, Ch. 182, Sec. 2. Effective January 1, 1997.)*

**54956.87.** (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

*(Amended by Stats. 2015, Ch. 190, Sec. 65. (AB 1517) Effective January 1, 2016.)*

**54956.9.** (a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its

legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

*(Amended by Stats. 2012, Ch. 759, Sec. 7. (AB 2690) Effective January 1, 2013.)*

**54956.95.** (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

*(Added by Stats. 1989, Ch. 882, Sec. 3.)*

**54956.96.** (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California, or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California, or its successor entity, in lieu of a local agency member's regularly appointed member, to attend closed sessions of the Clean Power Alliance of Southern California, or its successor entity.

(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member, and that is presented to the Clean Power Alliance of Southern California, or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California, or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California, or its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California, or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

*(Amended by Stats. 2019, Ch. 248, Sec. 1. (SB 355) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2 of Stats. 2019, Ch. 248.)*

**54956.96.** (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct

financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) A designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

(c) This section shall become operative on January 1, 2025.

*(Repealed (in Sec. 1) and added by Stats. 2019, Ch. 248, Sec. 2. (SB 355) Effective January 1, 2020. Section operative January 1, 2025, by its own provisions.)*

**54956.97.** Notwithstanding any provision of law, the governing board, or a committee of the governing board, of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

(a) A loan or investment decision.

(b) A decision of the internal audit committee, the compliance committee, or the governance committee.

(c) A meeting with a state or federal regulator.

*(Added by Stats. 2019, Ch. 442, Sec. 14. (AB 857) Effective January 1, 2020.)*

**54956.98.** (a) For purposes of this section, the following definitions shall apply:

(1) "Shareholder, member, or owner local agency" or "shareholder, member, or owner" means a local agency that is a shareholder of a public bank.

(2) "Public bank" has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member, or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member, or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member, or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member, or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member, or owner local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member, or owner local agency's regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member, or owner local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

*(Added by Stats. 2019, Ch. 442, Sec. 15. (AB 857) Effective January 1, 2020.)*

**54957.** (a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

*(Amended by Stats. 2013, Ch. 11, Sec. 1. (AB 246) Effective January 1, 2014.)*

**54957.1.** (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise



subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

*(Amended by Stats. 2006, Ch. 538, Sec. 311. Effective January 1, 2007.)*

**54957.2.** (a) The 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. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

*(Amended by Stats. 1981, Ch. 968, Sec. 31.)*

**54957.5.** (a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6254.22, or 6254.26.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

*(Amended by Stats. 2013, Ch. 326, Sec. 1. (AB 382) Effective January 1, 2014.)*

**54957.6.** (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or

compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

*(Amended by Stats. 1998, Ch. 260, Sec. 5. Effective January 1, 1999.)*

**54957.7.** (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

*(Amended by Stats. 1993, Ch. 1137, Sec. 15. Effective January 1, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 1137.)*

**54957.8.** (a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

*(Amended by Stats. 2006, Ch. 427, Sec. 1. Effective September 22, 2006.)*

**54957.9.** In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

*(Amended by Stats. 1981, Ch. 968, Sec. 34.)*



**54957.10.** Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

*(Added by Stats. 2001, Ch. 45, Sec. 1. Effective January 1, 2002.)*

**54958.** The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

*(Added by Stats. 1953, Ch. 1588.)*

**54959.** Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

*(Amended by Stats. 1994, Ch. 32, Sec. 18. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)*

**54960.** (a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

*(Amended by Stats. 2012, Ch. 732, Sec. 1. (SB 1003) Effective January 1, 2013.)*

**54960.1.** (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

*(Amended by Stats. 2002, Ch. 454, Sec. 23. Effective January 1, 2003.)*

**54960.2.** (a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To \_\_\_\_\_:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

\_\_\_\_\_  
[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section

54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

*(Added by Stats. 2012, Ch. 732, Sec. 2. (SB 1003) Effective January 1, 2013.)*

**54960.5.** A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

*(Amended by Stats. 2012, Ch. 732, Sec. 3. (SB 1003) Effective January 1, 2013.)*

**54961.** (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

*(Amended by Stats. 2007, Ch. 568, Sec. 35. Effective January 1, 2008.)*

**54962.** Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

*(Amended by Stats. 2006, Ch. 157, Sec. 2. Effective January 1, 2007.)*

**54963.** (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

*(Added by Stats. 2002, Ch. 1119, Sec. 1. Effective January 1, 2003.)*



# Summary of the Major Provisions and Requirements of the Ralph M. Brown Act

The Ralph M. Brown Act is California's "sunshine" law for local government. It is found in the California Government Code beginning at Section 54950. In a nutshell, it requires local government business to be conducted at open and public meetings, except in certain limited situations. The Brown Act is based upon state policy that the people must be informed so they can keep control over their government.

## A. Application of the Brown Act to "Legislative Bodies"

The requirements of the Brown Act apply to "legislative bodies" of local governmental agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Section 54952).

Standing committees of a legislative body, which consist solely of less than a quorum of the body, are subject to the requirements of the Act. Some common examples include the finance, personnel, or similar policy subcommittees of the city council or other city legislative body that have either some "continuing subject matter jurisdiction" or a meeting schedule fixed by formal action of the legislative body. Standing committees exist to make routine and regular recommendations on a specific subject matter, they survive resolution of any one issue or matter, and are a regular part of the governmental structure.

The Brown Act does not apply to *ad hoc* committees consisting solely of less than a quorum of the legislative body, provided they are composed solely of members of the legislative body and provided that these *ad hoc* committees do not have some "continuing subject matter jurisdiction," and do not have a meeting schedule fixed by formal action of a legislative body. Thus, *ad hoc* committees would generally serve only a limited or single purpose, they are not perpetual and they are dissolved when their specific task is completed.

Standing committees may, but are not required to, have regular meeting schedules. Even if such a committee does not have a regular meeting schedule, its agendas should be posted at least 72 hours in advance of the meeting (Section 54954.2). If this is done, the meeting is considered to be a regular meeting for all purposes. If not, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply.

The governing boards of private entities are subject to the Brown Act if either of the following applies: (i) the private entity is created by an elected legislative body to exercise lawfully delegated authority of the public agency, or (ii) the private entity receives funds from the local agency and the private entity's governing body includes a member of the legislative body who was appointed by the legislative body (Section 54952).

The Brown Act also applies to persons who are elected to serve as members of a legislative body of a local agency who have not yet assumed the duties of office (Section 54952.1). Under this provision, the Brown Act is applicable to newly elected, but not-yet-sworn-in councilmembers.

## B. Meetings

The central provision of the Brown Act requires that all "meetings" of a legislative body be open and public. The Brown Act definition of the term "meeting" (Section 54952.2) is a very broad definition that encompasses almost every gathering of a majority of Council members and includes:

"Any congregation of a majority of members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."

In plain English, this means that a meeting is any gathering of a majority of members to hear or discuss any item of city business or potential city business.



There are six specific types of gatherings that are not subject to the Brown Act. We refer to the exceptions as: (1) the individual contact exception; (2) the seminar and conference exception; (3) the community meeting exception; (4) the other legislative body exception; (5) the social or ceremonial occasion exception; and (6) the standing committee exception. Unless a gathering of a majority of members falls within one of the exceptions discussed below, if a majority of members are in the same room and *merely listen* to a discussion of city business, then they will be participating in a Brown Act meeting that requires notice, an agenda, and a period for public comment.

### 1. The individual contact exception

Conversations, whether in person, by telephone or other means, between a member of a legislative body and any other person do not constitute a meeting (Section 54952.2(c)(1)). However, such contacts may constitute a “serial meeting” in violation of the Brown Act if the individual also makes a series of individual contacts with other members of the legislative body serving as an intermediary among them. An explanation of what constitutes a “serial meeting” follows below.

### 2. The seminar and conference exception

The attendance by a majority of members at a seminar or conference or similar educational gathering is also generally exempt from Brown Act requirements (Section 54952.2 (c)(2)). This exception, for example, would apply to attendance at a California League of Cities seminar. However, in order to qualify under this exception, the seminar or conference must be open to the public and be limited to issues of general interest to the public or to cities. Finally, this exception will not apply to a conference or seminar if a majority of members discuss among themselves items of specific business relating to their own city, except as part of the program.

### 3. The community meeting exception

The community meeting exception allows members to attend neighborhood meetings, town hall forums, chamber of commerce lunches or other community meetings sponsored by an organization other than the city at which issues of local interest are discussed (Section 54952.2(c)(3)). However, members must observe several rules that limit this exception. First, in order to fall within this exception, the community meeting must be “open and publicized.” Therefore, for example, attendance by a majority of a body at a homeowners association meeting that is limited to the residents of a particular development and only publicized among members of that development would not qualify for this exemption. Also, as with the other exceptions, a majority of members cannot discuss among themselves items of city business, except as part of the program.

### 4. The other legislative body exception

This exception allows a majority of members of any legislative body to attend meetings of other legislative bodies of the city or of another jurisdiction (such as the county or another city) without treating such attendance as a meeting of the body (Section 54952.2(c)(4)). Of course, as with other meeting exceptions, the members are prohibited from discussing city business among themselves except as part of the scheduled meeting.

### 5. The social or ceremonial occasion exception

As has always been the case, Brown Act requirements do not apply to attendance by a majority of members at a purely social or ceremonial occasion provided that a majority of members do not discuss among themselves matters of public business (Section 54942.2(c)(5)).

### 6. The standing committee exception

This exception allows members of a legislative body, who are not members of a standing committee of that body, to attend an open and noticed meeting of the standing committee without making the gathering a meeting of the full legislative body itself. The exception is only applicable if the attendance of the members of the legislative body who are not standing committee members would create a gathering of a majority of the legislative body; if not, then there is no “meeting.” If their attendance does establish a quorum of the parent legislative body, the members of the legislative body who are not members of the standing committee may only attend as “observers” (Section 54952.2(c)(6)). This means that members of the legislative body who are not members of the standing committee should not speak at the meeting, sit in their usual seat on the dias or otherwise participate in the standing committee’s meeting.





With a very few exceptions, all meetings of a legislative body must occur within the boundaries of the local governmental agency (Section 54954). Exceptions to this rule which allow the City Council to meet outside the City include meeting outside the jurisdiction to comply with a court order or attend a judicial proceeding, to inspect real or personal property, to attend a meeting with another legislative body in that other body's jurisdiction, to meet with a state or federal representative to discuss issues affecting the local agency over which the other officials have jurisdiction, to meet in a facility outside of, but owned by, the local agency, or to visit the office of the local agency's legal counsel for an authorized closed session. These are meetings and in all other respects must comply with agenda and notice requirements.

“Teleconferencing” may be used as a method for conducting meetings whereby members of the body may be counted towards a quorum and participate fully in the meeting from remote locations (Section 54953(b)). The following requirements apply: the remote locations may be connected to the main meeting location by telephone, video or both; the notice and agenda of the meeting must identify the remote locations; the remote locations must be posted and accessible to the public; all votes must be by roll call; and the meeting must in all respects comply with the Act, including participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction. No person can compel the legislative body to allow remote participation. The teleconferencing rules only apply to members of the legislative body; they do not apply to staff members, attorneys or consultants who can participate remotely without following the posting and public access requirements.

All actions taken by the legislative body in open session and the vote of each member thereon must be disclosed to the public at the time the action is taken. (Section 54953(c)(2)).

### C. Serial Meetings

In addition to regulating all gatherings of a majority of members of a legislative body, the Brown Act also addresses some contacts between individual members of legislative bodies. On the one hand, the Brown Act specifically states that nothing in the Act is intended to impose Brown Act requirements on individual contacts or conversations between a member of a legislative body and any other person (Section 54952.2(c)(1)). However, the Brown Act also prohibits a series of such individual contacts if they result in a “serial meeting” (Section 54952.2(b)).

Section 54952.2(b)(1) prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body. Paragraph (b)(2) expressly provides that substantive briefings of members of a legislative body by staff are permissible, as long as staff does not communicate the comments or positions of members to any other members.

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., three council members) through either one or more persons acting as intermediaries or through use of a technological device (such as a telephone answering machine, or e-mail or voice mail), even though a majority of members never gather in a room at the same time. Serial meetings commonly occur in one of two ways; either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority (“I’ve talked to Councilmembers A and B and they will vote ‘yes.’ Will you?”) or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has reached a collective concurrence on a matter.

We recommend the following guidelines be followed to avoid inadvertent violation of the serial meeting rule. These rules of conduct apply **only** when a majority of a legislative body is involved in a series of contacts or communications. The types of contacts considered include contacts with local agency staff members, constituents, developers, lobbyists and other members of the legislative body.





### 1. Contacts with staff

Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. To avoid an illegal serial meeting through a staff briefing:

a. Individual briefings of a majority of members of a legislative body should be “unidirectional,” in that information should flow from staff to the member and the member’s participation should be limited to asking questions and acquiring information. Otherwise, multiple members could separately give staff direction thereby causing staff to shape or modify its ultimate recommendations in order to reconcile the views of the various members, resulting in an action outside a meeting.

b. Members should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known.

c. Staff may present its viewpoint to the member, but should not ask for the member’s views and the member should avoid providing his or her views unless it is absolutely clear that the staff member is not discussing the matter with a quorum of the legislative body.

### 2. Contacts with constituents, developers and lobbyists

As with staff, a constituent or lobbyist can also inadvertently become an intermediary who causes an illegal serial meeting. Constituents’ unfamiliarity with the requirements of the Act aggravate this potential problem because they may expect a member of a legislative body to be willing to commit to a position in a private conversation in advance of a meeting. To avoid serial meetings via constituent conversations:

a. First, state the ground rules “up front.” Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.

b. Explain to the constituent that you will not make a final decision on a matter prior to the meeting. For example: “State law prevents me from giving you a commitment outside a meeting. I will listen to what you have to say and give it consideration as I make up my mind.”

c. Do more listening and asking questions than expressing opinions.

d. If you disclose your thoughts about a matter, counsel the constituent not to share them with other members of the legislative body.

### 3. Contacts with fellow members of the same legislative body

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail or staff members, are the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body, no “meeting” has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, creating an illegal serial meeting. Therefore, we recommend you avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting.

These suggested rules of conduct may seem unduly restrictive and impractical, and may make acquisition of important information more difficult or time-consuming. Nevertheless, following them will help assure that your conduct comports with the Brown Act’s goal of achieving open government. If you have questions about compliance with the Act in any given situation, please ask for advice.



#### D. Notice and Agenda Requirements

Two key provisions of the Brown Act that ensure that the public's business is conducted openly are the requirements that legislative bodies post agendas prior to their meetings (Sections 54954.2, 54955 and 54956) and that no action or discussion may occur on items or subjects not listed on the posted agenda (Section 54954.2(a)(2)). Limited exceptions to the rule against discussing or taking action on an item not on a posted agenda are discussed below.

Legislative bodies, except advisory committees and standing committees, are required to establish a time and place for holding regular meetings (Section 54954(a)). Meeting agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting (Section 54954.2(a)). The description need not exceed 20 words. Each agenda must be posted in a place that is freely accessible to the public and must be posted on the agency's website, if it has one. After January 1, 2019, additional online posting requirements apply. Agenda posting requirements differ depending on the type of meeting to be conducted.

If the meeting is a "regular meeting" of the legislative body (i.e., occurs on the body's regular meeting day, without a special meeting call), the agenda must be posted 72 hours in advance of the meeting (Section 54954.2(a)). For "special meetings," the "call" of the meeting and the agenda (which are typically one and the same) must be posted at least 24 hours prior to the meeting (Section 54956). Each member of the legislative body must personally receive written notice of the special meeting either by personal delivery or by "any other means" (such as fax, electronic mail or U.S. mail) at least 24 hours before the time of the special meeting, unless they have previously waived receipt of written notice. Members of the press (including radio and television stations) and other members of the public can also request written notice of special meetings and if they have, that notice must be given at the same time notice is provided to members of the legislative body. A special meeting may not be held to discuss salaries, salary schedules or compensation paid in the form of fringe benefits of a local agency "executive" as defined in Government Code section 3511(d). However, the budget may be discussed in a special meeting. Section 54956(b).

Both regular and special meetings may be adjourned to another time. Notices of adjourned meetings must be posted on the door of the meeting chambers where the meeting occurred within 24 hours after the meeting is adjourned (Section 54955). If the adjourned meeting occurs more than five days after the prior meeting, a new agenda for that adjourned meeting must be posted 72 hours in advance of the adjourned meeting (Section 54954.2(b)(3)).

The Brown Act requires the local agency to mail the agenda or the full agenda packet to any person making a written request no later than the time the agenda is posted or is delivered to the members of the body, whichever is earlier. The agency may charge a fee to recover its costs of copying and mailing. Any person may make a standing request to receive these materials, in which event the request must be renewed annually. Failure by any requestor to receive the agenda does not constitute grounds to invalidate any action taken at a meeting (Section 54954.1).

If materials pertaining to a meeting are distributed less than 72 hours before the meeting, they must be made available to the public as soon as they are distributed to the members of the legislative body. Further, the agenda for every meeting of a legislative body must state where a person may obtain copies of materials pertaining to an agenda item delivered to the legislative body within 72 hours of the meeting. (Section 54957.5).

A legislative body that has convened a meeting and whose membership is a quorum of another legislative body (for example, a city council that also serves as the governing board of a housing authority) may convene a meeting of that other legislative body, concurrently or in serial order, only after an oral announcement of the amount of compensation or stipend, if any, that each member will receive as a result of convening the second body. No announcement need be made if the compensation is set by statute or if no additional compensation is paid to the members. (Section 54952.3(a)).



## E. Public Participation

### 1. Regular Meetings

The Brown Act mandates that agendas for regular meetings allow for two types of public comment periods. The first is a general audience comment period, which is the part of the meeting where the public can comment on any item of interest that is within the subject matter jurisdiction of the local agency. This general audience comment period may come at any time during a meeting (Section 54954.3).

The second type of public comment period is the specific comment period pertaining to items on the agenda. The Brown Act requires the legislative body to allow these specific comment periods on agenda items to occur prior to or during the City Council's consideration of that item (Section 54954.3).

Some public entities accomplish both requirements by placing a general audience comment period at the beginning of the agenda where the public can comment on agenda and non-agenda items. Other public entities provide public comment periods as each item or group of items comes up on the agenda, and then leave the general public comment period to the end of the agenda. Either method is permissible, though public comment on *public hearing* items must be taken during the hearing. Caution should also be taken with consent calendars. The body should have a public comment period for consent calendar items before the body acts on the consent calendar, unless it permits members of the audience to “pull” items from the calendar.

The Brown Act allows a body to preclude public comments on an agenda item in one situation, where the item was considered by a committee of the body which held a meeting where public comments on that item were allowed. So, if the body has standing committees (which are required to have agendaized and open meetings with an opportunity for the public to comment on items on that committee's agenda) and the committee has previously considered an item, then at the time the item comes before the full body, the body may choose not to take additional public comments on that item. However, if the version presented to the body is different from the version presented to, and considered by, the committee, the public must be given another opportunity to speak on that item at the meeting of the full body (Section 54954.3).

### 2. Public Comments at Special Meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the body concerning any item listed on the agenda prior to the body's consideration of that item (Section 54954.3). Unlike regular meetings, in a special meeting the body does not have to allow public comment on any non-agenda matter.

### 3. Limitations on the Length and Content of the Public's Comments

A legislative body may adopt reasonable regulations limiting the total amount of time allocated to each person for public testimony. For example, typical time limits restrict speakers to three or five minutes. A legislative body may also adopt reasonable regulations limiting the total amount of time allocated for public testimony on legislative matters, such as a zoning ordinance or other regulatory ordinance (Section 54954.3(b)). However, we do not recommend setting total time limits per item for any quasi-judicial matter such as a land use application or business license or permit application hearing. Application of a total time limit to a quasi-judicial matter could result in a violation of the due process rights of those who were not able to speak to the body during the time allotted.

The Act precludes the body from prohibiting public criticism of the policies, procedures, programs, or services of the agency or the acts or omissions of the city council (Section 54954.3 (c)). This does not mean that a member of the public may say anything. If the topic of the public's comments is not within the subject matter jurisdiction of the agency, the member of the public can be cut off.

The body also may adopt reasonable rules of decorum for its meetings which preclude a speaker from disrupting, disturbing or otherwise impeding the orderly conduct of public meetings. Also, the right to publicly criticize a public official does not include the right to slander that official, though the line between criticism and slander is often difficult to determine in the heat of the moment. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.



The use of profanity may be a basis for stopping a speaker. However, it will depend upon what profane words or comments are made and the context of those comments in determining whether it rises to the level of impeding the orderly conduct of a meeting. While terms such as “damn” and “hell” may have been disrupting words thirty years ago, today’s standards seem to accept a stronger range of foul language. Therefore, if the chair is going to rule someone out of order for profanity, the chair should make sure the language is truly objectionable *and* that it causes a disturbance or disruption in the proceeding before the chair cuts off the speaker.

#### 4. Discussion of Non-Agenda Items

A body may not *take action or discuss* any item that does not appear on the posted agenda (Section 54954.2).

There are two exceptions to this rule. The first is if the body determines by majority vote that an emergency situation exists. The term “emergency” is limited to work stoppages or crippling disasters (Section 54956.5). The second exception is if the body finds by a two-thirds vote of those present, or if less than two-thirds of the body is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of the local agency subsequent to the posting of the agenda (Section 54954.2 (b)). This means that if four members of a five-member body are present, three votes are required to add the item; if only three are present, a unanimous vote is required.

In addition to these exceptions, there are several *limited* exceptions to the no discussion on non-agenda items rule. Those exceptions are:

- Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- Members or staff may ask questions for clarification and provide a reference to staff or other resources for factual information;
- Members or staff may make a brief announcement, ask a question or make a brief report on his or her own activities;
- Members may, subject to the procedural rules of the legislative body, request staff to report back to the legislative body at a subsequent meeting concerning any matter; and
- The legislative body may itself as a body, subject to the rules of procedures of the legislative body, take action to direct staff to place a matter of business on a future agenda.

The body may not discuss non-agenda items to any significant degree under these exceptions. The comments *must* be brief. These exceptions do not allow long or wide-ranging question and answer sessions between the public and city council or between legislative body and staff.

When the body is considering whether to direct staff to add an item to a subsequent agenda, these exceptions do not allow the body to discuss the merits of the matter or to engage in a debate about the underlying issue.

To protect the body from problems in this area, legislative bodies may wish to adopt a rule that any one member may request an item to be placed on a subsequent agenda, so that discussion of the merits of the issue can be easily avoided. If the legislative body does not wish to adopt this rule, then the body’s consideration and vote on the matter must take place with virtually no discussion.

It is important to follow these exceptions carefully and interpret them narrowly because the city would not want to have an important and complex action tainted by a non-agendized discussion of the item.

#### 5. The public’s right to photograph, videotape, tape-record and broadcast open meetings

The public has the right to videotape or broadcast a public meeting or to make a motion picture or still camera record of such meeting (Section 54953.5). However, a body may prohibit or limit recording of a meeting if the body finds that the recording cannot continue without noise, illumination, or obstruction of a view that constitutes, or would constitute, a disruption of the proceedings (Section 54953.5). These grounds would appear to preclude a finding based on nonphysical grounds such as breach of decorum or mental disturbance.



Any audio or video tape record of an open and public meeting that is made, for whatever purpose, by or at the direction of the city is a public record and is subject to inspection by the public consistent with the requirements of the Public Records Act. The city must not destroy the tape or film record of the open and public meeting for at least 30 days following the date of the taping or recording. Inspection of the audiotape or videotape must be made available to the public for free on equipment provided by the city (Section 54953.5).

If a member of the public requests a duplicate of the audio or videotape, the city must provide such copy. If the city has an audiotape or videotape duplication machine, the city must provide the copy on its own machine. If the city does not have such a machine, the city must send it out to a business that can make a copy. The city may charge a fee to cover the cost of duplication.

The Brown Act requires written material distributed to a majority of the body by *any person* to be provided to the public without delay. If the material is distributed during the meeting and prepared by the local agency, it must be available for public inspection at the meeting. If it is distributed during the meeting by a member of the public, it must be made available for public inspection after the meeting (Section 54957.5).

One problem in applying this rule arises when written materials are distributed directly to a majority of the body without knowledge of City staff, or even without the members knowing that a majority has received it. The law still requires these materials to be treated as public records. Thus, it is a good idea for at least one member of the body to ensure that staff gets a copy of the document so that copies can be made for the city's records and for members of the public who request a copy.

## F. Closed Sessions

The Brown Act allows a legislative body during a meeting to convene a closed session in order to meet privately with its advisors on specifically enumerated topics. Sometimes people refer to closed sessions as “executive sessions,” a holdover term from the Brown Act's early days. Examples of business which may be conducted in closed session include personnel evaluations or labor negotiations, pending litigation, and real estate negotiations (See Sections 54956.7 through 54957 and Sections 54957.6 and 54957.8). Political sensitivity of an item is not a lawful reason for a closed session discussion.

The Brown Act requires that closed session business be described on the public agenda. And, there is a “bonus” of sorts for using prescribed language to describe litigation closed sessions in that legal challenges to the adequacy of the description are precluded (Section 54954.5). This so-called “safe harbor” encourages cities to use a very similar agenda format. The legislative body must identify the City's negotiator in open session before going into closed session to discuss either real estate negotiations or labor negotiations.

The legislative body must reconvene the public meeting after a closed session and publicly report specified closed session actions and the vote taken on those actions (Section 54957.1). There are limited exceptions for certain kinds of litigation decisions, and to protect the victims of sexual misconduct or child abuse.

Contracts, settlement agreements or other documents that are finally approved or adopted in closed session must be provided at the time the closed session ends to any person who has made a standing request for all documentation in connection with a request for notice of meetings (typically members of the media) and to any person who makes a request within 24 hours of the posting of the agenda, if the requestor is present when the closed session ends (Section 54957.1).

The Brown Act also includes detailed requirements describing when litigation is considered “pending” for the purposes of a closed session (Section 54956.9). These requirements involve detailed factual determinations that will probably be made in the first instance by the City Attorney.

*Roberts v. City of Palmdale*, 5 Cal.4th 363 (1993), a California Supreme case, affirms the confidentiality of attorney-client memoranda. See also Section 54956.9(b)(3)(F) with respect to privileged communications regarding pending litigation.

Closed sessions may be started in a location different from the usual meeting place as long as the location is noted on the agenda and the public can be present when the meeting first begins. Moreover, public comment on closed session items must be allowed before convening the closed session.





One perennial area of confusion is whether a body may discuss salary and benefits of an individual employee (such as a city manager) as part of an evaluation session under Section 54957. It may not. However, the body may designate a negotiator to negotiate with that employee and meet with its negotiator in closed session under Section 54957.6 to provide directions. The employee in question may not be present in such a closed session.

**G. Enforcement**

There are both civil remedies and criminal misdemeanor penalties for Brown Act violations. The civil remedies include injunctions against further violations, orders nullifying any unlawful action, and orders determining the validity of any rule to penalize or discourage the expression of a member of the legislative body (Section 54960.1). The provision relating to efforts to penalize expression may come up in the context of measures by the legislative body to censure or penalize one of its members for breaching confidentiality or other violations. This area of law is charged with difficult free speech and attorney-client privilege issues. The tape recording of closed sessions is not required unless the court orders such taping after finding a closed session violation (Section 54960).

Prior to filing suit to invalidate an action taken in violation of the Brown Act, the complaining party must make a written demand on the legislative body to cure or correct the alleged violation. The written demand must be made within 90 days after the challenged action was taken in open session unless the violation involves the agenda requirements under Section 54954.2, in which case the written demand must be made within 30 days. The legislative body is required to cure or correct the challenged action and inform the party who filed the demand of its correcting actions, or its decision not to cure or correct, within 30 days. A suit must be filed by the complaining party within 15 days after receipt of the written notice from the legislative body, or if there is no written response, within 15 days after the 30-day cure period expires.

Any person may also seek declaratory and injunctive relief to find a past practice of a legislative body to constitute a violation of the Brown Act (Section 54960). In order to do so, the person must first send a “cease and desist” letter to the local agency, requesting that the practice cease. If the agency replies within a designated time, and disavows the practice, no lawsuit may be initiated. However, if the agency fails to reply or declares its intent to continue the practice, the lawsuit seeking to declare the practice a violation of the Brown Act may be filed, and attorney fees will be granted in the event the practice is found to violate the Act.

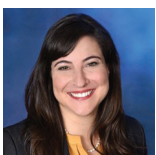
A member of a legislative body will not be criminally liable for a violation of the Brown Act unless the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act (Section 54959). This standard became effective in 1994 and is a different standard from most criminal standards. Until it is applied and interpreted by a court, it is not clear what type of evidence will be necessary to prosecute a Brown Act violation.

Under Section 54963, it is a violation of the Brown Act for any person to disclose confidential information acquired in a closed session. This section enumerates several nonexclusive remedies available to punish persons making such disclosures and to prevent future disclosures.

**H. Conclusion**

The Brown Act contains many rules and some ambiguities; it can be confusing and compliance can be difficult. In the event that you have any questions regarding any provision of the law, you should contact your City Attorney.

Please contact either of today's presenters if you would like more details on these issues and how your agency can address them:



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