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RULES OF THE BOARD OF SUPERVISORS

EXECUTIVE OFFICE



BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

RULES OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF LOS ANGELES

AND ALL SPECIAL DISTRICTS, AGENCIES

AND AUTHORITIES FOR WHICH

THE BOARD IS THE GOVERNING BODY

HILDA L. SOLIS

Supervisor, 1st District

HOLLY J. MITCHELL

Supervisor, 2nd District

LINDSEY P. HORVATH

Supervisor, 3rd District

JANICE HAHN

Supervisor, 4th District

KATHRYN BARGER

Supervisor, 5th District

Jeff Levinson

Interim Executive Officer

Amended and readopted July 5, 1994

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RULES OF THE BOARD OF SUPERVISORS

CHAPTER I GENERAL PROVISIONS

Section 1. APPLICATION. These rules shall apply to the Board of Supervisors of the County of Los Angeles whether sitting as the Board of Supervisors of the County or as the governing board of any other government agency.

CHAPTER II BOARD MEETINGS

Section 2. REGULAR MEETINGS. The regular meetings of the Board of Supervisors shall be held upon Tuesday of each and every week commencing at the hour of 9:30 a.m. at the Hearing Room of the Board of Supervisors in Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street in the City of Los Angeles. If any regular meeting day falls upon a holiday, the regular meeting of the Board of Supervisors shall be held at the same place upon the first succeeding day which is not a holiday or the day that a statewide primary or general election is being held, commencing at the same hour, in which event all hearings, applications, petitions and other matters before the Board shall be deemed to be and are hereby automatically continued to the same hour of the next succeeding day which is not a holiday or the day that a statewide primary or general election is being held. When a holiday is observed on a Monday, the regularly scheduled Tuesday meeting of the Board shall commence at the hour of 1:00 p.m. In even-numbered years when the regular Tuesday Board meeting falls on a statewide primary or general election day, the meeting shall commence at 9:30 a.m. of the next succeeding day which is not a holiday.

Section 2.5. CHANGE OF LOCATION OF REGULAR MEETINGS. The Board may change the location for the holding of a regular meeting of the Board to a location within the County other than the County seat as provided for in Section 25081 of the Government Code. The change of location shall be specified in a resolution or order adopted by the Board at a regular meeting of the Board. Notice of the change of location shall be posted in a location freely accessible to the public no later than the prior regular meeting of the Board. (Section 25081 of the Government Code, see Appendix).

Section 3. ADJOURNMENT AND CONTINUANCE. The Board 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 Executive Officer-Clerk of the Board may declare the meeting adjourned to a stated time and place in the manner provided by State law. (Section 54955 of the Government Code, see Appendix).

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.

Any hearing being held or noticed or ordered to be held at any such meeting may be continued or recontinued to any subsequent meeting of the Board in the manner provided by State Law. (Section 54955.1 of the Government Code, see Appendix).

Section 4. FOUR AND FIVE-VOTE MATTERS. The Executive Officer-Clerk of the Board may place all 4 or 5-vote matters not able to be considered at a regular Tuesday meeting on the next succeeding regular meeting.

Section 4.5. EMERGENCY MEETINGS. Emergency meetings may be called by the Mayor/Chair or a majority of the Board, 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. Upon the call of an emergency meeting, the Executive Officer-Clerk of the Board shall give notice of the meeting, and comply with posting requirements subsequent to the meeting, in compliance with Section 54956.5 of the Government Code (see Appendix). The Board shall not meet in closed session during an emergency meeting.

Section 5. CALL OF SPECIAL MEETINGS. Special meetings of the Board may be called by the Mayor/Chair or a majority of the Board. Upon the call of a special meeting, the Executive Officer-Clerk of the Board shall give notice of the meeting, including the time and place of the meeting, and the business to be transacted or discussed, in accordance with Government Code Section 54956 (see Appendix). No business other than that stated in the notice shall be transacted at the special meeting. The notice shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the notice for the meeting, before or during consideration of that item (Section 54954.3 of the Government Code, see Appendix).

Section 5.5. CLOSED SESSIONS. A closed session of the Board can be called by the Mayor/Chair or a majority of the Board, for those purposes allowed by the Government Code (Brown Act). Prior to holding any closed session, the Mayor/Chair shall announce in open meeting, the item(s) to be discussed in the closed session. During the closed session, the Board may consider only those items covered in the announcement. The Board shall publicly report action taken in closed session and the vote or abstention of every member present, in accordance with the requirements of Section 54957.1 of the Government Code (see Appendix).

Section 6. PUNCTUALITY AT BOARD MEETINGS. Each member shall be in his/her respective seat at the hour set for each such regular meeting and at the time set for any adjourned or special meeting. Any member not present shall be designated in the minutes as absent or as entering late.

CHAPTER III

ELECTION, POWERS, AND DUTIES OF THE MAYOR/CHAIR AND CHAIR PRO TEM

Section 7. ELECTION OF THE CHAIR PRO TEM. At noon on the first Monday in December, in the even-numbered years, the Chair Pro Tem shall automatically succeed to the position of Chair to serve until the election or succession of his/her successor; in the event there is no Chair Pro Tem, the Board shall elect a Mayor/Chair to serve for the said period.

If the term of the Mayor/Chair expires in an odd-numbered year, the succession or election as provided herein of the new Mayor/Chair shall take place at 9:30 a.m. the first Tuesday following the first Monday in December.

Upon the succession of the Chair Pro Tem to the position of Mayor/Chair, the Board shall elect a Chair Pro Tem to serve for the same period as the Mayor/Chair.

The nomination and election for the Chair Pro Tem shall follow the rotational schedule approved by the Board on December 8, 2015 and reaffirmed on November 1, 2022. Should the rotation fall on a District wherein a Supervisor would serve as Chair in his or her first year, that Supervisor-Elect shall not serve as Chair their incoming year. Instead, the Chair shall pass to the next Supervisor in the rotational schedule and the Supervisor-Elect shall serve as Chair Pro Tem their first year. The rotational schedule shall continue thereafter and remain unchanged, unless amended by the Board.

Section 8. PRESIDING OFFICER. The Mayor/Chair, when present, shall preside at all meetings of the Board and shall take the chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these rules.

Section 9. DUTIES AND POWERS OF MAYOR/CHAIR. The Mayor/Chair shall possess the powers and perform the duties prescribed, as follows:

- a. Have general direction over the Board Room and assign seats for the use of the members;
- b. Preserve order and decorum; prevent demonstrations; order removed from the Board Room any person whose conduct he/she deems objectionable; and order the Board Room cleared whenever he/she shall deem it necessary (Government Code Section 54957.9, see Appendix);
- c. Assure that attendants of the public at meetings in the Board Room shall be limited to that number which can be accommodated by the seating facilities regularly maintained therein. No standees shall be permitted;
- d. Allocate the length of time for public discussion of any matter in advance of such discussion, with the concurrence of the Board;
- e. Allocate equal time to opposing sides insofar as possible taking into account the number of persons requesting to be heard on any side;
- f. Limit the amount of time that a person may address the Board during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Board;
- g. Authorize not more than one Set Matter per Board meeting. Any additional Set Matters shall require Board action; and
- h. Instruct a member of the public who wishes to address the Board on a matter under the supervision of the Department of Children and Family Services that such matter is not within the subject matter jurisdiction of the Board, that it is not within the power of the Board to alter the outcome of a court matter, and that case identifying information is confidential and may not be disclosed in public; bar public disclosure of such information; and direct the person to Section 38 which outlines the alternate procedure to be followed.

Section 10. REMOVAL FROM BOARD ROOM. At the discretion of the Mayor/Chair or upon vote of the Board, the Mayor/Chair may order removed from the Board Room any person

who commits the following acts of disruptive conduct in respect to a regular, adjourned regular or special meeting of the Board of Supervisors:

- a. Disorderly, contemptuous or insolent behavior toward the Board or any member thereof, tending to interrupt the due and orderly course of said meeting;
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- c. Disobedience of any lawful order of the Mayor/Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. Any other unlawful interference with the due and orderly course of said meeting; and

Any person so removed shall be excluded from further attendance at the meeting from which he/she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board, and such exclusion shall be executed by the Sergeant-at-Arms upon being so directed by the Mayor/Chair.

- e. In addition, any person so removed on the basis of disruptive conduct described above may not be allowed to address the Board for up to a maximum of ninety (90) days. The period of prohibition from addressing the Board will be determined by the Board Mayor/Chair, or the Board upon a vote, based on the number and severity of prior incidents of disruptive conduct.

Section 11. SERGEANT-AT-ARMS. The Sergeant-at-Arms, who shall be a Deputy Sheriff, in attendance at the meeting or whose services are commanded by the Mayor/Chair, shall carry out all orders and instructions given by the Mayor/Chair for the purpose of maintaining order and decorum at the meeting. (Government Code Section 25206, see Appendix)

Section 12. CHAIR PRO TEM. In the absence of, or inability to act of, both the Mayor/Chair and the Chair Pro Tem, the members of the Board present shall by an order entered on the minutes select one of their members to act as Chair Pro Tem. The Chair Pro Tem shall have all of the powers and duties of the Mayor/Chair during the absences.

CHAPTER IV

ORDER OF BUSINESS

Section 13. TUESDAY MEETINGS. The business of each regular meeting of the Board held on the first, second, third and fifth Tuesdays of each month or upon the first succeeding day in the event any regular Tuesday meeting falls upon a holiday or the day that a statewide primary or general election is being held, as set forth in Section 2 of Chapter II of these Rules, shall be transacted as far as practicable in the following order:

- a. Invocation.
- b. Pledge of Allegiance.
- c. Calling of agenda by Executive Officer - Clerk of the Board to determine holds and continuances of individual agenda items.
- d. Presentations.

- e. Items not on the posted agenda, to be presented and (if requested) referred to staff or placed on the agenda for action at a future meeting of the Board, or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
- f. Posted agenda items referred to in (c) which are held for individual discussion.
- g. Set Matters.
- h. Comments by members of the public on matters that are within the subject matter jurisdiction of the Board.

No Set Matter shall be set for a time prior to 11 a.m., and no Set Matter shall be considered by the Board until all other business except item (h) above has been completed, unless the Board takes action to change the order of business set forth above.

Each regular meeting of the Board held on the fourth Tuesday of each month shall be primarily for the purpose of conducting legally required public hearings. The Mayor/Chair shall have discretion to authorize the Executive Officer-Clerk of the Board to place on agendas for said meetings, items recommended by departments which have time constraints or are critical in nature. Further, individual Board members may place their motions on said agendas. The business of said meetings shall be transacted as far as practicable in the following order:

- a. Invocation
- b. Pledge
- c. Posted agenda items, with public hearings conducted prior to the consideration of Board motions and administrative recommendations by departments.
- d. Items not on the posted agenda, to be presented and (if requested) referred to staff or placed on the agenda for action at a future meeting of the Board, or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
- e. Comments by members of the public on matters that are within the subject matter jurisdiction of the Board.

Section 14. DELETED¹

CHAPTER V RIGHTS AND DUTIES OF MEMBERS

Section 15. COPIES OF ITEMS NOT ON THE POSTED AGENDA. Any member intending to introduce an item not contained on the posted agenda, shall first deliver a copy of such item to each Board member and the Executive Officer-Clerk of the Board, and shall make copies available to the public upon request.

Section 16. ADDRESSING THE MAYOR/CHAIR, RECOGNITION TO SPEAK AND TIME LIMITS. When any member is about to speak, the member shall address the Mayor/Chair; and when two or more members address the Mayor/Chair at the same time, the Mayor/Chair shall name the member who is first to speak; and the speaker shall confine remarks to the topic under debate or discussion and shall avoid personalities.

Each member, in the order recognized by the Mayor/Chair, shall have up to five (5) minutes to speak. Answers to questions asked by a member shall be timed within the members five (5) minutes. The Mayor/Chair shall not recognize a member to speak again, except to answer questions, until all other Board members have had an opportunity to speak. All members shall have an opportunity to speak before the Mayor/Chair may enter debate or discussion.

After all members desiring to speak have had an opportunity to be heard once, the time for each member desiring to speak again, or for the first time, shall be limited to a maximum of three (3) minutes. There shall be no limit on the number of times a member is allowed to speak.

However, on any agenda item being discussed, the Mayor/Chair has the authority and discretion to allow members up to 10 (ten) minutes each to speak each time instead of the 5 (five) minute and 3 (three) minute time limits set forth above. In all other regards, the procedure set forth above remains unchanged.

The Executive Officer-Clerk of Board shall time the members when discussion of an issue begins and notify the Mayor/Chair when a member's time has expired.

This rule shall apply to all matters under consideration by the Board, except for ceremonial matters.

Section 17. SECONDED MOTIONS. Each motion made by any member of the Board shall require a second. Motions and seconds may be made by any member of the Board, including the Mayor/Chair.

Section 18. ROLL CALL. The roll need not be called in voting upon a motion except where specifically required by law or requested by a member. If the roll is not called, in the absence of objection, the Mayor/Chair may order the item unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "Aye."

However, for a non-consent agenda item, the roll will be called in voting upon that item. The Executive Officer-Clerk of the Board shall announce the results of the roll call vote, including the agenda item number and identifying Board members who cast ayes, nays and abstentions.

Section 19. ORDER OF ROLL CALL. Each roll call of the Board shall be by supervisorial district in numerical order, except that the Mayor/Chair shall be called last.

Section 20. ABSENCES FROM MEETINGS. No member shall be absent from any regular, adjourned regular or special meeting (except on account of illness or an emergency) without the consent of the Board. If any member is unable to attend a meeting, he/she shall notify the Executive Officer-Clerk of the Board at least one week prior to the meeting and advise him/her of the reasons thereof.

Section 21. ABSENCES DURING MEETINGS. No member shall leave his/her seat at the Board table during any session of the Board without having first obtained permission from the

Mayor/Chair.

Section 22. INTRODUCTION OF ITEMS NOT APPEARING ON THE POSTED AGENDA OR POSTED SUPPLEMENTAL AGENDA. No Action or discussion shall be undertaken on any item not appearing on the posted agenda or posted supplemental agenda, except as provided in Section 54954.2 of the Government Code (see Appendix).

Each member is requested to limit the number of items which appear on the green supplemental agenda plus those which are brought forward orally at the meeting to a total of five per meeting, excluding motions to adjourn in a person's memory, and presentation of scrolls.

CHAPTER VI DUTIES OF THE EXECUTIVE OFFICER - CLERK OF THE BOARD

Section 23. ATTENDANCE AT BOARD MEETINGS. The Executive Officer-Clerk of the Board, or one of his/her deputies, shall attend each meeting of the Board and maintain a record of all proceedings thereof as required by law.

Section 24. ATTENDANCE AT COMMITTEE MEETINGS. The Executive Officer- Clerk of the Board, or one of his/her deputies, upon request of the Mayor/Chair of any committee of the Board, shall attend meetings of that committee.

Section 25. PREPARATION AND DELIVERY OF AGENDA. The Executive Officer- Clerk of the Board shall each week prepare the agenda for the following Tuesday meeting for delivery to each Board office on Thursday morning.

The agenda shall include those matters, complete with all departmental papers and reports relating to each matter, addressed to the Board for action and on file with the Executive Officer-Clerk of the Board which have been reviewed by a member of the Board or by the Chief Executive Officer, except where such inclusion is otherwise required.

The agenda shall be prepared and posted in the manner provided by State law (Sections 54954.2, 54954.3 and 54954.5 of the Government Code, see Appendix).

Section 26. NOTIFICATION OF COMMITTEE MEETINGS. The Executive Officer- Clerk of the Board shall notify all Board members of the time set for any committee meeting, and he/she shall at the request of the Mayor/Chair call all committee meetings and notify parties interested in the matters pending before such committee of the time and place of the meeting.

Section 26.1. ANNOUNCEMENT OF CLOSED SESSION ACTIONS. In addition to the reporting requirements set forth in Sections 54957.1 and 54957.7 of the Government Code, any reportable action taken during a closed session shall be recorded in the Statement of Proceedings, and shall also be announced at the next Board meeting and provided in writing to all persons who have requested notice of such actions.

CHAPTER VII COMMITTEE OF THE WHOLE AND DUTIES

Section 27. REPORTING BY DEPARTMENT HEADS. Each Department Head shall report directly to the Board and not to any individual member of the Board.

Section 28. RESPONSIBILITIES OF DEPARTMENTAL CHAIRS AND DEPARTMENT HEADS. Each County department or district shall be assigned a Supervisor as departmental

Chair, on nomination of the Board Mayor/Chair and approval by the Board. It shall be the responsibility of each departmental Chair to be fully informed of the business performed by the County departments, institutions, and districts assigned to him/her, and each departmental Chair shall report to the Board such information and recommendations concerning said County departments, institutions, and districts as shall be necessary to properly administer and legislate for the same. Appointment as departmental Chair does not authorize a Supervisor to direct the activities of a department or district. Each department or district head shall keep all members of the Board fully and equally apprised of any issues affecting his/her department or district and shall be equally responsive to each member of the Board without regard to which Supervisor may be assigned as the Mayor/Chair responsible for that department or district.

CHAPTER VIII ORDINANCES AND RESOLUTIONS

Section 29. COPIES OF ORDINANCES AND RESOLUTIONS. An original and five copies of each ordinance and each resolution to come before the Board shall be presented. The original shall be presented to the Executive Officer-Clerk of the Board and one copy shall be presented to each member.

Section 30. COUNTY COUNSEL APPROVAL OF ORDINANCES. No ordinance shall be adopted until it has been approved as to form by the County Counsel.

CHAPTER IX MISCELLANEOUS PROVISIONS

Section 31. ADMITTANCE INSIDE RAILING. Subject to the direction of the Mayor/Chair, no persons other than Board members, County and district officials, and recognized representatives of the news media shall be admitted inside the railing to the floor of the Board Room. Other persons may be admitted upon the request of a member and the consent of the Mayor/Chair or of a majority of the Board.

Section 32. SIGNS. Except with prior authorization of the Mayor/Chair, no placards, signs, posters or packages, bundles, suitcases or other large objects shall be brought into the Board Room.

Section 33. SEATING. Unless addressing the Board or entering or leaving the Board Room, all persons in the audience shall remain sitting in the seats provided. No person shall stand or sit in the aisles or along the walls nor shall the doorways be blocked.

Section 34. DISRUPTIONS. All demonstrations, including cheering, yelling, whistling, hand clapping and foot stomping are prohibited.

Section 35. DISTRIBUTION OF LITERATURE. Except with prior authorization of the Mayor/Chair, the distribution of literature, of whatever nature or kind, is prohibited.

Section 36. SMOKING. Smoking is prohibited in the Board's Hearing Room.

Section 37. REQUESTS TO ADDRESS THE BOARD ON AN AGENDA ITEMS. A person requesting to address the Board will be allowed a total of three (3) minutes per meeting. Requests to be heard must be submitted to the Executive Officer-Clerk of the Board before the item is called. Any individual found to have engaged in disruptive conduct, as defined in Section 10 of these Rules, may be prohibited from addressing the Board at future meetings as set forth

in Section 10 (e).

Section 38. ADDRESSING THE BOARD. No person shall address the Board until he/she has first been recognized by the Mayor/Chair. The decision of the Mayor/Chair to recognize or not recognize a person may be changed by order of the Board. All persons addressing the Board shall give their names and addresses for the purpose of the record. The Mayor/Chair may, in the interest of facilitating the business of the Board, limit the amount of time which a person may use in addressing the Board. A person addressing the Board on a matter under the supervision of the Department of Children and Family Services shall not disclose any case identifying information which is made confidential under the provisions of Welfare and Institutions Code Sections 827 and 10850. Such person is advised that such matter is not within the subject matter jurisdiction of the Board, that it is not within the power of the Board to alter the outcome of a court matter and that because of confidentiality laws, the Board may not comment on any such matter. Therefore, the Mayor/Chair of the Board shall request that the person's comments which relate to confidential case identifying information be put into writing and forwarded to the Director of the Children and Family Services Department. The Mayor/Chair or any member of the Board may request the Director to provide the Board with a confidential report on the case.

Section 38.1. USE OF CELL PHONES AND PAGERS DURING BOARD MEETINGS. All pagers and cell phones belonging to the public, press or County personnel must be placed on vibrate mode or be turned off while a Board meeting is in session.

Section 39. PUBLIC COMMENT - NON-AGENDA ITEMS. Notwithstanding any other provision of these rules, members of the public shall have the right to address the Board on items of interest which are within the subject matter jurisdiction of the Board. A person requesting to address the Board on a non-agenda item will be allowed up to three(3) minutes per meeting. A person addressing the Board shall avoid personalities on an agenda or non-agenda item. Any individual found to exhibit disruptive conduct, as defined in Section 10 of these Rules, may be prohibited from addressing the Board on agenda items and during public comment at future meetings as set forth in Section 10 (e).

Section 40. ROBERT'S RULES OF ORDER. The proceedings of the Board shall be governed by the provisions of law applicable thereto and, except as herein otherwise provided, by Robert's Rules of Order, newly revised. Provided, further, that the failure to follow the Rules of Order or these rules shall not invalidate any action taken. The County Counsel shall act as parliamentarian and, on request of the Mayor/Chair, shall give parliamentary advice.

Section 41. CHIEF EXECUTIVE OFFICER AND COUNTY COUNSEL TO ATTEND MEETINGS. The Chief Executive Officer and the County Counsel, or a representative designated by each such officer, shall attend all regular, adjourned regular and special meetings of the Board.

Section 42. DEPARTMENTAL REPRESENTATIVE. Each County or district officer having any matter on the agenda for consideration by the Board shall either be present at the Board meeting or shall hold himself in readiness for the purpose of furnishing information to the Board. Each County or district officer may designate a deputy to perform this duty.

Section 43. DELETED²

Section 44. SUSPENSION OF RULES. Except as otherwise provided by law, these rules or any one thereof may be suspended by order of the Board when regularly entered in its minutes.

APPENDIX

SECTION 25081, GOVERNMENT CODE – CHANGE OF LOCATION OF REGULAR MEETINGS

By ordinance the Board shall provide for the holding of regular meetings of the Board at the County seat. The Board may change the place for the holding of one or more regular meetings of the Board to a location within the County other than the County seat if both of the following occur:

- (a) The change of location of the regular meeting of the Board is adopted by ordinance, resolution, bylaw, or other rule required for the conduct of business by the body at a regular meeting of the body.
- (b) Notice of the location change is posted in a location that is freely accessible to the public no later than the prior regular meeting of the Board.

SECTION 25206, GOVERNMENT CODE – SERGEANT-AT-ARMS

The Board may direct the Sheriff to attend, either in person or by deputy, all the meetings of the Board, to preserve order, and to serve notices, subpoenas, citations, or other process, as directed by the Board.

SECTION 54952, GOVERNMENT CODE – LEGISLATIVE BODY

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, decision making 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.

SECTION 54952 (Continued)

- (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.

SECTION 54954.2, GOVERNMENT CODE – AGENDA POSTING; ACTION ON OTHER MATTERS

- (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. 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) 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.

SECTION 54954.2 (Continued)

- (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.

SECTION 54954.3, GOVERNMENT CODE – OPPORTUNITY FOR PUBLIC TO ADDRESS LEGISLATIVE BODY; ADOPTION OF REGULATIONS

- (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

SECTION 54954.3 (Continued)

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) 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.
- (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.

SECTION 54954.5, GOVERNMENT CODE – CLOSED SESSION AGENDA DESCRIPTIONS

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
(Subdivision (a) of Section 54956.9)
Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)
Or

SECTION 54954.5 (Continued)

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 subdivision (b) 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 subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9)

Initiation of litigation pursuant to subdivision (c) 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)

SECTION 54954.5 (Continued)

- (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 BUREAU OF STATE AUDITS

SECTION 54955, GOVERNMENT CODE – ADJOURNMENT; ADJOURNED MEETINGS

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

SECTION 54955 (Continued)

adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, by-law, or other rule.

SECTION 54955.1, GOVERNMENT CODE – CONTINUANCE

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 re-continued to 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.

SECTION 54956, GOVERNMENT CODE – SPECIAL MEETINGS; CALL; NOTICE

- (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. 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

SECTION 54956 (continued)

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.

SECTION 54956.5, GOVERNMENT CODE – EMERGENCY MEETINGS IN EMERGENCY SITUATIONS

- (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

SECTION 54956.5 (continued)

notify, a copy of the roll call 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.

SECTION 54957, GOVERNMENT CODE – CLOSED SESSIONS; THREAT TO PUBLIC SERVICES; PERSONNEL MATTERS; EXCLUSION OF WITNESSES

- (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities, or 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.
- (b)
 - (1) Subject to paragraph (2), nothing contained in this chapter shall 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 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 officials, member of a legislative body or other independent contractors. Nothing in this section shall 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 section shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

**SECTION 54957.1, GOVERNMENT CODE -
CLOSED SESSIONS; PUBLIC REPORT OF ACTION TAKEN**

- (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 thereon, 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 specified below:
 - 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 specified below:
 - 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.

SECTION 54957.1 (continued)

- (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.

SECTION 54957.1 (continued)

- (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.

SECTION 54957.9, GOVERNMENT CODE – DISORDERLY CONDUCT OF GENERAL PUBLIC DURING MEETING; CLEARING OF ROOM

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.

¹ Board Order No. 19 of November 27, 2007.
Deleted Section 14, related to the Thursday meetings.

² Board Order No. 9 of July 5, 1994.
Deleted Section 43.

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