CONTRA COSTA COUNTY
REGIONAL ALTERNATIVE COMPLIANCE (RAC)
JOINT POWERS AUTHORITY (JPA)
BOARD OF DIRECTORS REGULAR MEETING AGENDA

Date: Monday, July 20, 2026
Time: 1:00 p.m.

Meeting Location
Contra Costa County Public Works Department
255 Glacier Drive, Conference Room G
Martinez, CA 94553

Remote Public Participation
Members of the public may observe and participate remotely via Zoom.
Join Zoom Meeting:
https://cccounty-us.zoom.us/j/8380043657?pwd=IPw3kwYP2xDSFQWkqYgqX1bZbDVGtR.1&omn=85894002736
Meeting ID: 838 004 3657
Passcode: 170836
Dial-In: (888) 278-0254

Americans with Disabilities Act (ADA): *In compliance with the Americans with Disabilities Act (ADA), if you require assistance to participate in this meeting, need a copy of the agenda, or require the agenda packet in an alternative format, please contact:* ***Duanne Hernaez at*** *(925) 313-2360 or via email at Duanne.Hernaez@pw.cccounty.us. Please provide your name, phone number, email address, and the type of accommodation requested. Requests received at least 72 hours (three business days) before the meeting will help ensure that reasonable accommodations can be made.*

Public Comment: *Members of the public are welcome to address the Board on matters within the jurisdiction of the Board. Public comments on agenda items should be made when the item is considered. Public comments on matters not appearing on the agenda may be made during Item 3. Individual comments are limited to three (3) minutes per speaker, unless modified by the Chair. In accordance with the Ralph M. Brown Act (Government Code Section 54954.2), the Board may not take action on items not appearing on the posted agenda except as authorized by law.*

BOARD OF DIRECTORS

Member Agency	Board Representative(s)
City of Antioch	Toby Beach / Carlos Zepeda
Contra Costa County	Michele Mancuso / Michelle Giolli
City of Hercules	Jose Pacheco / Frank Kennedy
City of Martinez	Khalil Yowakim / Srinivas Muktevi / Frank Kennedy
Town of Moraga	Nate Levine / Diedre Castillo / Frank Kennedy
City of Oakley	Billilee Saengchalern / Brianne Visaya / Mostafa Nakhaei
City of Orinda	Ryan O'Kane / Scott Christie
City of Pinole	Heba El-Guindy / Frank Kennedy
City of Pittsburg	Jolan Longway / April Chamberlain
City of Pleasant Hill	Laetitia Porta / Frank Kennedy
City of Richmond	Bradley Harms / Tawfic Halaby
City of San Pablo	Amanda Booth / Itzel Gomez

AGENDA

1. Call to Order

2. Roll Call

3. Public Comment

Opportunity for members of the public to address the Board on matters within the jurisdiction of the Board that are not listed on this agenda. Remarks should not exceed three (3) minutes.

4. Consent Calendar

All matters listed under the Consent Calendar are considered routine and may be approved by one motion. There will be no separate discussion of these items unless a Board Member or member of the public requests removal of an item prior to the vote.

4.1 Election of Board Chair and Vice Chair
Consider a motion to **APPROVE** Amanda Booth (City of San Pablo) as Board Chair and Michele Mancuso (Contra Costa County) as Vice Chair

4.2 Establishment of Regular Meeting Times and Locations
Consider a motion to **ADOPT** a resolution establishing the regular meeting schedule and location for the Contra Costa County Regional Alternative Compliance Joint Powers Authority Board of Directors.

5. Business Items

5.1 Conflict of Interest Code

Consider adoption of a resolution to **APPROVE** the proposed Conflict of Interest Code for the Contra Costa County Regional Alternative Compliance Joint Powers Authority.

5.2 Contra Costa Clean Water Program Tasks (2022–2026)

RECEIVE a presentation summarizing completed and ongoing Contra Costa Clean Water Program deliverables, including RAC Operational Documents, Interim Tracking Tool, Technical Advisory Committee schedule, and Program implementation tasks

5.3 Clean Watersheds for All Project

RECEIVE a presentation regarding project deliverables, including RAC outreach fact sheets, materials for private developers, and materials for municipal staff

5.4 Community Facilities District (CFD) Future Annexation Boundaries

RECEIVE a presentation regarding potential future annexation Boundaries, data needs, project schedule, and deliverables

5.5 FY 2026–27 Budget and Work Plan

Consider a motion to **APPROVE** the proposed Fiscal Year 2026–27 Budget and Work Plan and Select the Methodology for Distributing JPA costs among member agencies.

5.6 Professional Services Contracts

Consider a motion to **APPROVE** the scopes of work and authorize the Board Chair and General Counsel to negotiate and execute professional services agreements, subject to final legal review and Board budget authorization for RAC JPA operations. Proposed consultant contracts include:

- Mercurio Engineering – JPA Manager and RAC Administrator
- Cynthia Herrmann – Treasurer
- Nicholas Ghirelli – General Counsel
- Geosyntec Consultants – Technical Consultant

5.7 RAC JPA Logo

Consider a motion to **APPROVE** the RAC JPA logo. The Board will review the three proposed logo designs and select the official RAC JPA logo.

6. Board Member Reports and Future Agenda Items

Board Members may provide brief reports on activities of interest and request future agenda items. No action may be taken except as authorized by the Brown Act.

7. Adjournment

Adjourn to the next Regular Meeting of the RAC JPA Board.

NEXT REGULAR BOARD MEETING

November 18, 2026
10:30 a.m. – 12:00 p.m.

Contra Costa County Public Works Department
255 Glacier Drive
Conference Room A
Martinez, California 94553

ATTACHMENTS

Consent Calendar

1. Staff Report – Election of Board Chair and Vice Chair
2. Staff Report – Resolution Establishing Regular Meeting Times and Locations

Business Items

3. Staff Report – Resolution approving Conflict of Interest Code
4. Staff Report – Approve FY 2026–27 Budget and Work Plan
5. Staff Report – Approve Professional Services Procurement
6. Staff Report – Approve RAC JPA Logo

CCC REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA) BOARD

Date: July 20, 2026

To: JPA Board of Directors

From: Rinta Perkins, CCCWP Interim Program Manager

Subject: Item No. 4.1 – Staff Report to Approve the Appointment of Amanda Booth as RAC JPA Board Chair and Michele Mancuso as RAC JPA Board Vice Chair and Secretary

---

Recommendation:

Approve the appointment of **Amanda Booth** (City of San Pablo) as **RAC JPA Board Chair**, and **Michele Mancuso** (Contra Costa County) as **RAC JPA Board Vice Chair and Secretary** for a two-year term ending **June 30, 2028**, unless modified by the Board.

Background:

The Contra Costa County Regional Alternative Compliance (RAC) Joint Powers Authority (JPA) is still in its early operational phase. Establishing leadership through defined two-year officer terms provides continuity, stability, and smoother implementation of the RAC System, particularly as the JPA Manager and consultants begin supporting program administration.

Both the Chair and Vice Chair/Secretary will work closely with the JPA Manager to support RAC System operations, JPA Board meetings, contract administration, and the coordination required among the 12 participating agencies.

RAC JPA Board Chair – Duties & Responsibilities

- Preside over all RAC JPA Board meetings and ensure orderly, efficient meeting facilitation.
- Develop meeting agendas in coordination with the JPA Manager and legal counsel.
- Serve as the primary Board representative during interagency coordination.
- Provide leadership on policy direction, RAC System implementation milestones, and oversight of consultant activities.
- Work closely with the JPA Manager on administrative, operational, and strategic matters.
- Represent the JPA in communications with member agencies, regional partners, and external stakeholders.

RAC JPA Board Vice Chair – Duties & Responsibilities

- Support the Chair and serve as acting Chair when the Chair is unavailable.
- Assist with agenda development, Board coordination, and review of key operational

documents.

- Provide additional leadership during transitional periods or major RAC System actions (e.g., budget adoption, consultant procurement).
- Work with the JPA Manager and Chair to ensure timely follow-up on Board directives.

RAC JPA Board Secretary – Duties & Responsibilities

- Oversee (or coordinate with the JPA Manager on) the preparation, review, and distribution of meeting agendas and minutes.
- Ensure accurate recordkeeping of Board actions, resolutions, and administrative documents.
- Support compliance with public meeting laws, posting requirements, and document retention obligations.
- Coordinate with the JPA Manager on maintaining Board files, resolutions, and official notices.

Fiscal Impact:

None.

Attachments:

None.

CCC REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA) BOARD

Date: July 20, 2026

To: JPA Board of Directors

From: Rinta Perkins, CCCWP Interim Program Manager

Subject: Item No. 4.2 – Staff Report to Adopt the Resolution Establishing the Meeting Times and Locations for the Board of Directors.

Recommendation:

Adopt the resolution establishing the meeting times and locations for the Board of Directors of the Regional Alternative Compliance (RAC) Joint Powers Authority (JPA).

Background:

The RAC JPA must establish a regular meeting schedule to comply with Brown Act requirements and to support transparent governance as the Authority begins operations. The Brown Act requires all meetings of legislative bodies, including joint powers authorities, to be conducted openly, with agendas posted in advance, accessible meeting locations, and opportunities for public participation. These requirements ensure the public can observe and participate in the JPA's decision-making process.

Legal counsel has emphasized several elements of the Brown Act that are particularly relevant to the JPA Board. Regular meetings must be scheduled at times and locations within the jurisdiction of at least one member agency, and agendas must be posted at least 72 hours in advance. The Act also regulates teleconferencing, offering both traditional rules and the updated SB 707 option that allows remote participation under specific conditions. These provisions will guide how the Board manages hybrid participation and ensures compliance, whether meetings occur in person, virtually, or through a combination of both.

In support of the Board's organizational meeting, counsel prepared the resolution establishing the regular meeting schedule and location. This resolution provides the structural foundation the JPA needs to conduct business lawfully and consistently. Additional formation documents, including the Conflict-of-Interest Code and professional services agreement, have also been prepared to support the Authority's initial administrative framework. Board members and alternates will be required to file Form 700 financial disclosure statements consistent with the Political Reform Act, ensuring transparency in JPA decision-making. This is addressed in a separate report.

In summary, key requirements include:

- Conducting meetings in public and allowing public participation.
- Posting agendas at least 72 hours in advance for regular meetings.
- Holding meetings at accessible locations within the jurisdiction of the JPA member agencies.

- Providing opportunities for public comments on agenda items.
- Following specific rules for teleconferencing, including notice, public access, and roll-call voting.
- Ensuring compliance with ADA requirements for accessibility.

The JPA Meeting Resolution sets these requirements by specifying that the Board of Directors will have regular meetings, as necessary, **at 10:30 a.m. on the third Wednesday of March and November each year**, and that meetings will occur in **Conference Room A (or a comparable room) at the Contra Costa County Public Works Department, 255 Glacier Drive, Martinez, California.** This location is within the member agency's jurisdiction, satisfying the Brown Act requirement that meetings of joint powers authorities occur within member territory. If necessary, a special meeting may be called from time to time to conduct business prior to the next regular meeting.

Fiscal Impact:

None.

Attachments:

1. Resolution Establishing the Meetings and Locations of the Board of Directors
2. Memo on JPA Formation, Brown Act, and Political Reform Act Compliance (from Nicholas Ghirelli, RWG)
3. 2026 Brown Act Handbook

RESOLUTION NO. 2026-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY REGIONAL ALTERNATIVE COMPLIANCE JOINT POWERS AUTHORITY ESTABLISHING THE MEETING TIMES AND LOCATIONS FOR THE BOARD OF DIRECTORS

THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY REGIONAL ALTERNATIVE COMPLIANCE JOINT POWERS AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. BOARD OF DIRECTORS MEETINGS. The regular meetings of the Board of Directors shall be held, as necessary, at 10:30 AM on the third Wednesday of March and November of each year in Conference Room A (or similar room if this room no longer exists of the Contra Costa County Public Works Department, 255 Glacier Drive, Martinez, California 94553.

Section 2. This Resolution setting the date, time and place of regular meetings of the Board of Directors is effective July 1, 2026.

Section 3. The Chair of the Board of Directors shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this XXth day of July 2026.

_____

Chair, Board of Directors

Nicholas R. Ghirelli
Michelle Embury

T 213.253.0287
F 213.626.8484
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

MEMORANDUM

ATTORNEY WORK PRODUCT
ATTORNEY–CLIENT PRIVILEGE

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

TO: Rinta Perkins
Contra Costa County Regional Alternative Compliance JPA

FROM: Nicholas R. Ghirelli
Michelle Embury

DATE: June 26, 2026

SUBJECT: JPA Formation; Brown Act and Political Reform Act Obligations

---

I. Introduction

I have been retained by the Contra Costa County Clean Water Program to assist with the formation of the Contra Costa County Regional Alternative Compliance Joint Powers Authority (the "Authority"). Your agencies have approved the joint powers agreement which formed the Authority, and your agencies have appointed you to serve on the Authority's Board of Directors. The Authority is governed by basic ethics and transparency laws such as the Ralph M. Brown Act and the Political Reform Act. The Authority is a separate public agency, and it is independently subject to both bodies of law. While we expect that you are each well versed in these laws, we will provide a brief overview of them given your role as members of a legislative body.

In addition, the Board will take two formal actions at or near its first organizational meeting: (1) adopt a resolution establishing its meeting times and location, and (2) adopt a conflict-of-interest code covering its directors and alternates and other officials.

II. Background

The Authority was formed under the Joint Exercise of Powers Act, with an effective date of July 1, 2026. Its members are the participating cities, Contra Costa County, and the Contra Costa County Flood Control and Water Conservation District. The Joint Powers Agreement (the "Agreement") establishes the Authority as "an independent public agency" and "a separate

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

entity from the Member Agencies."[1] The Authority will administer the Regional Alternative Compliance System, a stormwater-compliance program, and may form a Mello-Roos community facilities district to fund maintenance of Off-Site green stormwater infrastructure projects, including by levying special taxes on parcels within member territory and contracting with project developers.[2] The Authority will have no employees and will operate through a contracted Manager, General Counsel, Treasurer, and other consultants. Its powers are subject to the restrictions that apply to the City of San Pablo.[3]

The Agreement contains a number of structural requirements. Each member agency must, within thirty days of the effective date, appoint one of its officers, officials, or employees as its director, and may appoint an alternate authorized to act in the director's absence with the same authority.[4] Directors and alternates serve without compensation but are reimbursed for pre-authorized expenses.[5] The Board must annually select a Chair and Vice Chair; must hold publicly noticed meetings on a Board-established schedule and meet no less than once per year; and acts by majority vote of the directors present, with a majority of the members or their alternates constituting a quorum.[6] The Board is expressly authorized to adopt bylaws and to adopt and amend a conflict-of-interest code, to appoint a Legal Advisor, a Secretary, and a Manager.[7]

The Agreement also provides that the Board's meetings "shall be conducted and noticed in accordance with the provisions of the Ralph M. Brown Act," that directors are "public officials" within the meaning of the Political Reform Act, and that directors are "officials" within the meaning of the Levine Act."[8] Finally, the Agreement requires two formation filings shortly after the effective date:

- (1) a notice filed with the California Secretary of State and the State Controller within thirty (30) days under Government Code Section 6503.5,[9] and

[1] Agreement §§ 3, 5.1.
[2] Agreement § 8.2.
[3] Agreement § 21.
[4] Agreement § 7.2.
[5] Agreement § 7.2.
[6] Agreement §§ 7.4, 9.10, 9.12.
[7] Agreement §§ 6.1(k), 10.1(i)-(m).
[8] Agreement §§ 9.10, 9.16.
[9] Agreement § 5.2

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

- (2) a statement filed with the Secretary of State, the County Clerk, and the Local Agency Formation Commission within seventy (70) days under Government Code Section 53051.[10]

We has previously provided a memorandum describing these formation filings. We have separately been asked to provide guidance on the Authority's Brown Act and Political Reform Act obligations upon formation.

III. Brown Act Compliance

a. Open-Meeting Baseline

Under the Brown Act, "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."[11] The Authority's Board is a "legislative body" within the meaning of Government Code Section 54952, and the Act applies because the Board is a legislative body, independent of the Authority's status as a separate entity.

The Act also governs notice and public participation. The agenda for a regular meeting must be posted at least 72 hours in advance.[12] "Every agenda for regular meetings" must provide an opportunity for members of the public "to directly address the legislative body on any item of interest to the public" within the body's subject-matter jurisdiction.[13] Action generally may not be taken on items not appearing on the posted agenda.[14]

As stated in the Background, the Agreement directs that Board meetings be conducted under the Brown Act.[15] In practice, the Authority must post its own agendas at least 72 hours before each regular meeting, open its meetings to the public, and provide an opportunity for public comment. It cannot rely on separate compliance of its member agencies.

b. Required Resolution Establishing the Meeting Structure

[10] Agreement § 5.3
[11] Gov. Code § 54953(a).
[12] Gov. Code § 54954.2(a).
[13] Gov. Code § 54953(a).
[14] Gov. Code § 54954.2(a).
[15] Agreement § 9.10.

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

Under the Brown Act, "[e]ach legislative body of a local agency . . . 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."[16] For a joint powers authority, the Act also fixes where meetings may occur: "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)."[17] Subdivision (b) permits limited exceptions, such as complying with a court order or inspecting property that cannot be conveniently brought within the jurisdiction.[18]

Here, a resolution has been prepared to document that the Board meet no less than once per year on a Board-established schedule.[19] The resolution fixes the date, time, and frequency of regular meetings and a meeting location within the territory of a member agency.

c. Teleconferencing

The Authority may use teleconferencing "in connection with any meeting or proceeding authorized by law."[20] The teleconferenced meeting or proceeding shall comply with all the following requirements:

- All votes shall be taken by roll call;
- The meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties;
- The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter;
- The agenda shall provide an opportunity for the public to address the body directly.[21]

These general requirements apply to any teleconferenced meeting. Beyond them, the manner in which a member may participate from a remote location is governed by one of two routes, each with additional requirements of its own: (1) the traditional rules under Government Code

[16] Gov. Code § 54954(a).
[17] Gov. Code § 54954(d).
[18] Gov. Code § 54954(b).
[19] Agreement § 9.10.
[20] Gov. Code § 54953(b)(1).
[21] Gov. Code § 54953(b)(2).

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

Section 54953(b)(3), or (2) the alternative rules, recently modified by SB 707, for eligible multijurisdictional bodies. The two routes are alternatives and may not be used concurrently

i. Traditional Rules

The Brown Act has long permitted teleconferencing under Government Code Section 54953(b). If a body elects to use it, Government Code Section 54953(b)(3) requires that:

- "[I]t shall post agendas at all teleconference locations;"
- "Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding" and "shall be accessible to the public;"
- "[A]t 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."

These requirements apply to members of the body only.[22] Staff, counsel, and consultants are not subject to them.

Here, the traditional rules could allow for a fully remote meeting if all members participate from locations within the Authority's jurisdiction, which would include their respective city halls or offices, and the agenda identify those locations. Each director's remote location must be identified on the agenda and open to the public, but a director can satisfy that requirement by participating from his or her member-agency office, which is already a public building within the Authority's jurisdiction. There is no annual cap on a director's remote participation under this route.

ii. SB 707 Rules

Effective January 1, 2026, SB 707 modified an alternative teleconferencing option. Government Code Section 54953.8(a) allows a body to teleconference "without complying with the requirements of paragraph (3) of subdivision (b) of Section 54953" (i.e., the traditional rules described above) in circumstances described in Government Code Sections 54953.8.1 through 54953.8.7. The alternative teleconferencing option applies to an "eligible multijurisdictional body," a term the statute defines to include the legislative body of a joint powers authority, and

[22] Gov. Code § 54953(b)(2).

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

it permits a director to participate from an unposted, private location subject to certain conditions, detailed below:

- The body must adopt a resolution authorizing the section's use at a regular open-session meeting;
- A quorum must participate from one or more public locations within the jurisdiction;
- A remote director must be identified on the agenda and use both audio and video;
- The remote location must be more than 20 miles from any physical meeting location; and
- Remote participation is capped at "[t]wo meetings per year, if the legislative body regularly meets once per month or less."[23]

Government Code Section 54953.8.7 sunsets on January 1, 2030.

Here, this option is primarily beneficial in specific circumstances (i.e., a director is (1) more than 20 miles from the meeting site, (2) wants to participate from a private, unposted location, and (3) wishes to utilize the option only occasionally). A quorum must be physically present at the public meeting location within the Authority's jurisdiction.

In addition, SB 707 authorizes a member to participate remotely for certain "just cause" reasons, such as illness or agency-related travel. In those just cause circumstances, the agenda need not include the remote location. We are available to assist any board member who may wish to utilize this process.

IV. Conflict of Interest Compliance

a. Duty to Adopt a Conflict-of-Interest Code

The Political Reform Act requires the Authority to adopt its own code: "Every agency shall adopt and promulgate a Conflict of Interest Code conforming to the Act".[24] A new agency must act "not later than six months after it comes into existence."[25] Further, "[n]o conflict of interest

[23] Gov. Code § 54953.8.7.
[24] Gov. Code § 87399.
[25] Gov. Code § 87303.

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

code shall be effective until it has been approved by the code reviewing body."[26] The code reviewing body then has ninety (90) days to approve, revise, or return the proposed code.[27]

Government Code Section 82011 identifies the appropriate reviewing body for each agency. The Fair Political Practices Commission (FPPC) is the reviewing body for "any local government agency with jurisdiction in more than one county."[28] The board of supervisors is the reviewing body for "any local government agency, other than a city agency, with jurisdiction wholly within the county."[29]

Here, the Authority's membership and jurisdiction lie wholly within Contra Costa County and it is not a city agency. Therefore, the reviewing body is the Contra Costa Board of Supervisors. The Authority should incorporate the Commission's model code by reference and append a list of designated positions and disclosure categories, as the Agreement authorizes.[30] With an effective date of July 1, 2026, the Authority must submit its proposed code on or about January 1, 2027, and the code will not be effective until approved by the code reviewing body. A draft adoption resolution and code have been prepared for your consideration.

b. Coverage of Board Members and Alternates

A conflict-of-interest code must reach every official who makes or participates in agency decisions. Some officials disclose by statute rather than by designation. The statute lists categories of filers and extends it to "other public officials who manage public investments."[31] An alternate authorized to act in a director's absence with the same authorize exercises decision-making authority and must be covered. For all other officials, the agency designates the positions in its code and assigns disclosure categories tailored to the decisions each position makes.[32] In this case, we take the position that the individual board members do not themselves manage any public investments and are not statutory filers.

c. Designated Positions and Consultants

Consultants are covered by the Political Reform Act when they function as decision-makers. A "consultant" includes an individual who, under a contract with an agency, makes specified

[26] Gov. Code § 87303.
[27] Gov. Code § 87304.
[28] Gov. Code § 82011(a).
[29] Gov. Code § 82011(b).
[30] Agreement § 10.1(m).
[31] Gov. Code § 87300.
[32] Gov. Code § 87302; 2 C.C.R. § 18730

CONFIDENTIAL

This material is subject to the attorney-client privilege and/or attorney work product protection, or otherwise is privileged or confidential. Do not disclose the contents hereof. Do not file with publicly-accessible records.

governmental decisions or serves in a staff capacity and either participates in governmental decisions or performs substantially the same duties as a designated position.[33] The code must identify the agency's designated position and, for consultants, either assign disclosure categories or provide a mechanism for the agency head to determine, in writing, that a particular consultant's limited duties warrant reduced disclosure.[34]

Here, because the Authority has no employees and operates through a contracted Manager, General Counsel, Treasurer, and other consultants, the designated position list and consultant provisions are important.[35] The attached code designates the Manager, General Counsel, Treasurer, and Secretary, and carries forward a three-tier consultant framework.

V. Recommended Next Steps

At or shortly after its organizational meeting, the Board should adopt the resolution establishing the time and place of its regular meetings and the proposed conflict-of-interest code covering its directors, alternates, and other officials, and identify the Secretary as filing officer.

The proposed conflict-of-interest code must be submitted to the code-reviewing body, the Contra Costa County Board of Supervisors, on or about January 1, 2027, and is not effective until approved. The Agreement's formation filings are also due shortly after the effective date: the Secretary of State and State Controller notice within thirty (30) days, and the County Clerk and Local Agency Formation Commission statement within seventy (70) days.[36]

13074-0002\3269813v2.doc

[33] 2 C.C.R. § 18700.3.
[34] 2 C.C.R. § 18730.
[35] Agreement §§ 11-13.
[36] Agreement §§ 5.2, 5.3.

2026

Brown Act HANDBOOK

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

- Summary and Discussion of the Major Provisions of the Brown Act
- Text of the Ralph M. Brown Act
- Updated including changes effective January 1, 2026

RWG LAW

RICHARDS WATSON GERSHON

Representing California public and private entities since 1954

Table of Contents

INTRODUCTION iii

PART ONE: SUMMARY OF THE MAJOR PROVISIONS AND REQUIREMENTS OF THE RALPH M. BROWN ACT 1

I. APPLICATION OF THE BROWN ACT TO "LEGISLATIVE BODIES" 2

II. DEFINITION OF "MEETING" 3

III. EXCEPTIONS TO "MEETING" DEFINITION 3

A. Individual Contact Exception 4

B. Seminar or Conference Exception 4

C. Community Meeting Exception 4

D. Other Legislative Body Exception 5

E. Social or Ceremonial Occasion Exception 5

F. Standing Committee Exception 5

IV. PERMITTED LOCATIONS OF MEETINGS AND TELECONFERENCING 5

A. Permitted Locations of Meetings 5

B. Teleconferencing 6

1) SB 707 Alternative Teleconferencing Rules 6

2) "Just Cause" Remote Participation 8

3) Declared State of Emergency 9

4) Eligible Subsidiary Bodies 10

V. ADA COMPLIANCE 12

VI. SIMULTANEOUS OR SUCCESSIVE MEETINGS 13

VII. SERIAL MEETINGS 13

A. Contacts with Staff 14

B. Contacts with Constituents, Developers and Lobbyists 15

C. Contacts with Fellow Members of the Same Legislative Body 15

D. Contacts on Social Media 16

© 2026 Richards, Watson & Gershon

VIII. NOTICE, AGENDA AND REPORTING REQUIREMENTS 17
A. Time of Notice and Content of Agenda 17
B. Action and Discussion on Non-agenda Items 20
C. Reporting of Actions 21
IX. PUBLIC PARTICIPATION 21
A. Regular Meetings 21
B. Special Meetings 22
C. Limitations on the Length and Content of Public Comments 23
D. Meeting Accessibility for "Eligible Legislative Bodies" 24
E. Additional Rights of the Public 28
X. CLOSED SESSIONS 30
XI. ENFORCEMENT 32
XII. CONCLUSION 33
PART TWO: THE RALPH M. BROWN ACT 34

© 2026 Richards, Watson & Gershon

INTRODUCTION

This Handbook is prepared to provide you with a summary of the major provisions of California's open meeting law for local governments – the Ralph M. Brown Act. Part One includes rules about calling and holding various types of meetings and closed sessions, as well as guidelines for how to avoid unlawful serial meetings. Part Two contains the complete text of the Brown Act. This Handbook is designed for local government officials and staff, and we hope you will find it useful. Should you have any questions about the information included in this Handbook, please do not hesitate to contact us.

Richards, Watson & Gershon

© 2026 Richards, Watson & Gershon

PART ONE:

SUMMARY OF THE MAJOR PROVISIONS AND REQUIREMENTS OF THE RALPH M. BROWN ACT

© 2026 Richards, Watson & Gershon

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

The Ralph M. Brown Act, commonly known as the "Brown Act," is California's "sunshine" law for local government. The Brown Act is found in the California Government Code commencing with Section 54950 (unless indicated otherwise, all statutory references herein are to the California Government Code). In a nutshell, the Brown Act requires local government business to be conducted at open and public meetings except in certain limited situations. This Handbook summarizes and discusses the major provisions of the Brown Act.

I. APPLICATION OF THE BROWN ACT TO "LEGISLATIVE BODIES"

The requirements of the Brown Act apply to "legislative bodies" of local government agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g., the city council or the board of supervisors) 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. § 54952(a)-(b). Effective January 1, 2026, local government agencies must provide a copy of the Brown Act to each person elected or appointed to serve as a member of a legislative body of the local government agency. § 54952.7.

Standing committees of a legislative body also are subject to the Brown Act if they have either "continuing subject matter jurisdiction" or a meeting schedule fixed by formal action of the legislative body. § 54952(b). Some common examples include the finance, personnel, or similar policy subcommittees of a legislative body. Standing committees exist to make routine, regular recommendations on a specific subject matter. These committees continue to exist over time and survive resolution of any one issue or matter. They are also a regular part of the governmental structure.

The Brown Act does not apply to "ad hoc" committees comprised solely of members of the legislative body that are less than a quorum of the body, provided these committees do not have a "continuing subject matter jurisdiction," or a meeting schedule fixed by formal action of the legislative body. § 54952(b). Such ad hoc committees are purely advisory; they generally serve only a limited or single purpose, are not perpetual, and are dissolved when their specific task is completed.

Advisory and standing committees, but not ad hoc committees, are required to have agendas for their meetings. When the agenda is posted at least 72 hours in advance, the meeting is considered to be a regular meeting for all purposes. § 54954(a). If the agenda is not posted at least 72 hours in advance, the meeting must be treated as a

© 2026 Richards, Watson & Gershon

special meeting, and all of the limitations and requirements for special meetings apply, as discussed later in Section VIII of this Handbook.

The governing boards of some private corporations, limited liability companies, and private entities may be subject to the Brown Act under certain circumstances. A private entity's governing board constitutes a legislative body within the meaning of 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 legislative body; or (ii) the private entity receives funds from a local agency and its governing board includes a member of the legislative body of the local agency who was appointed by the legislative body to the governing board as a full voting member. § 54952(c)(1). Additionally, charter schools and entities managing charter schools may also be subject to the Brown Act. Educ. Code, § 47604.1(b)(1).

Even before they assume the duties of office, persons who are elected to serve as members of a legislative body of a local agency are subject to the Brown Act. § 54952.1. Under this provision, the statute is applicable to newly elected, but not-yet-sworn-in, members of the legislative body.

II. DEFINITION OF "MEETING"

The central provision of the Brown Act requires that all "meetings" of a legislative body be open and public. The Brown Act defines the term "meeting" very broadly in § 54952.2(a), and the definition encompasses almost every gathering of a majority of legislative body members, including:

> "[A]ny congregation of a majority of the members of a legislative body at the same time and location, including [a] teleconference . . . to **hear, discuss, deliberate, or take action** on any item that is within the subject matter jurisdiction of the legislative body."

This means that a meeting is any gathering of a majority of council members, board of directors, or other applicable legislative body to hear, discuss, or deliberate any item of local agency business or potential local agency business. It is important to emphasize that a meeting occurs if a majority gathers to hear, discuss, or deliberate on a matter and not just to vote or take action on the issue.

III. EXCEPTIONS TO "MEETING" DEFINITION

There are six types of gatherings that are not considered a legislative body "meeting" and are not subject to the Brown Act. We commonly refer to these exceptions as: (1) the individual contact exception; (2) the seminar or 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 the members of a legislative body falls within one of these exceptions, even if a majority of members are merely in the same room listening to a

© 2026 Richards, Watson & Gershon

discussion of local agency business, they will be participating in a Brown Act meeting that requires notice, a posted agenda, and a period for public comment.

A. Individual Contact Exception

Conversations, whether in person, by telephone, video conferencing, or other means, between a member of a legislative body and any other person do not constitute a meeting under the Brown Act. § 54952.2(c)(1). However, such contacts may constitute a "serial meeting" (discussed below) in violation of the Brown Act, if the individual also makes a series of individual contacts with other members of the legislative body, and communications with these other members are used to "discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body." § 54952.2(b)(1).

B. Seminar or Conference Exception

Attendance by a majority of the legislative body at a seminar, conference, or similar educational gathering generally is exempt from Brown Act requirements. § 54952.2(c)(2). However, for this exception to be applicable, the seminar or conference must be open to the public and must involve issues of general interest to the public or to local agencies. Attendance at a League of California Cities or California Contract Cities seminar is an example of an educational gathering that fulfills these requirements. However, as with many of the exceptions, this exception will not apply if a majority of legislative body members discusses among themselves items of specific business relating to their own local agency other than as part of the scheduled program.

C. Community Meeting Exception

The community meeting exception allows a majority of legislative body members to attend privately sponsored neighborhood meetings, town hall forums, chamber of commerce lunches, or other community meetings at which issues of local interest are discussed. § 54952.2(c)(3). In order to fall within this exception, however, the community meeting must satisfy specific criteria. First, the community meeting must be "open and publicized." § 54952.2(c)(3). A homeowners' association meeting restricted to the residents of a particular development and only publicized to those residents cannot be attended by a majority of the legislative body without following the Brown Act requirements because the meeting does not qualify for the exception. And again, for those meetings that fall within the community meeting exception, a majority of legislative body members cannot discuss among themselves items of specific business of their own local agency other than as part of the scheduled program.

In 2024, the California Attorney General issued an opinion declaring that some State of the City events constitute a "meeting" under the Brown Act when attended by a majority of city council members because council members are present at the same time and location to hear and potentially discuss an item within the council's subject matter jurisdiction. 107 Ops. Cal. Atty. Gen. 47. In the Attorney General's view, as a "meeting" of the city council, the meeting must comply with the Brown Act's open meeting

© 2026 Richards, Watson & Gershon

requirements. However, the opinion left open the possibility for these events to qualify for the "community meeting" exception if members of the public have the ability to view the event in real time, in person, or via livestreaming, without paying to attend the event.

D. Other Legislative Body Exception

This exception allows a majority of members of any legislative body to attend open and noticed meetings of other legislative bodies of their local agency, or of another local agency, without treating such attendance as a meeting of the body. § 54952.2(c)(4). Of course, the legislative body members are prohibited from discussing items of specific business of their local agency among themselves other than as part of the scheduled meeting.

E. Social or Ceremonial Occasion Exception

The Brown Act also does not apply to attendance by a majority of the legislative body members at purely social or ceremonial occasions. § 54952.2(c)(5). This exception only applies if a majority of legislative body members do not discuss among themselves items of specific business of their local agency.

F. 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 committee without making the gathering a meeting of the full legislative body itself. § 54952.2(c)(6). If a quorum of the legislative body is created by the attendance of the additional members, the legislative body members who are not members of the standing committee may attend only as "observers." This means that the non-committee members of the legislative body should not speak at the standing committee's meeting, sit in their usual seat on the dais, or otherwise participate in the meeting. It is generally recommended that, if a standing committee meeting is likely to be attended by other legislative body members, then the meeting should be agendized as a meeting of the whole legislative body. This will allow full participation by all members of the legislative body.

IV. PERMITTED LOCATIONS OF MEETINGS AND TELECONFERENCING

A. Permitted Locations of Meetings

The Brown Act generally requires regular and special meetings of a legislative body to occur within the boundaries of the local agency. § 54954(b). There are limited exceptions to this rule, however, such as allowing meetings with a legislative body of another local agency in that agency's jurisdiction. Meetings held outside of a local

© 2026 Richards, Watson & Gershon

agency's boundaries pursuant to an exception still must comply with agenda and notice requirements, as discussed below.

B. Teleconferencing

The role of "teleconferencing," or using telephonic or video technology in public meetings, was expanded significantly during the COVID-19 pandemic. Prior to this time, the Brown Act relied on physical, in-person meetings as the primary means to achieve its goals of public participation and transparency. Under the "traditional" teleconferencing rules, which have been in existence since before the COVID-19 pandemic, one or more members of a legislative body can participate in a meeting via teleconferencing, under the following conditions: (1) the remote location must be connected to the main meeting location by audio, video, or both; (2) the notice and agenda of the meeting must identify the remote location; (3) the agenda must be posted at the remote location; (4) the remote location must be accessible to the public; (5) all votes must be by roll call; (6) the meeting must comply with the Brown Act, which includes allowing participation by members of the public present in remote locations; and (7) a quorum of the legislative body must participate from locations within the agency's jurisdiction. § 54953(b). These teleconferencing rules only apply to members of the legislative body. Staff members, attorneys, and consultants may participate remotely without following the posting and public access requirements of the teleconferencing rules.

On March 17, 2020, Governor Newsom issued Executive Order ("EO") N-29-20, which temporarily relaxed these traditional teleconferencing requirements in response to the COVID-19 pandemic. EO N-29-20 and the Governor's COVID-19 state of emergency have expired, but recent amendments to the Brown Act, described below, now provide other alternatives to the traditional teleconferencing requirements under specific conditions. The Brown Act's traditional teleconferencing requirements remain available in lieu of the alternative rules described below.

1) SB 707 Alternative Teleconferencing Rules

Previously, AB 2449 (2022) provided alternate teleconferencing authority, separate from both the traditional teleconferencing requirements and the relaxed teleconferencing requirements during declared emergencies. The provisions of AB 2449 were effective from January 1, 2023 through January 1, 2026. Beginning January 1, 2026, SB 707 (2025) provides a new framework of rules for teleconference participation by members of a legislative body under specified circumstances, without complying with the traditional Brown Act teleconferencing requirements. The alternative teleconferencing rules are as follows:

i. The legislative body must use a two-way audio visual platform ("internet option")[1] or a two-way telephonic service and a live webcast of the meeting ("call-in

[1] A "two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. § 54953.8(g)(3)

© 2026 Richards, Watson & Gershon

option")[2] that allows the public to both hear and visually observe the meeting. § 54953.8(b)(1).

ii. The notice for the meeting must state how members of the public may access the meeting and offer public comment, including how members of the public can attend and participate using the internet option or the call-in option whichever the legislative body has elected to use. § 54953.8(b)(2). In addition, the notice must provide information regarding the procedure for receiving and resolving requests for accommodation. § 54953.8(b)(8).

iii. If there is a disruption that either prevents the legislative body from broadcasting the meeting to members of the public using the internet or call-in option, or there is a disruption that is within the local agency's control or prevents members of the public from offering public comments using the internet or call-in option, then the legislative body cannot take any further actions on items on the agenda until the service disruption is resolved and service is restored.§ 54953.8(b)(3). If any actions are taken, the District Attorney or any interested party may bring a legal action challenging the validity of the action taken.

iv. The legislative body cannot require public comments to be submitted in advance of the teleconference meeting and the public must have the opportunity to provide comments in real time. § 54953.8(b)(4).

v. If the legislative body uses an internet option that requires registration to log into the teleconferenced meeting, a member of the public may be required to register by the third-party website or platform to participate ("register"). § 54953.8(b)(5).

vi. For public comment:
   a) If the legislative body provides a timed public comment period for each agenda item, then the legislative body cannot close that timed period or the opportunity to register, until the listed timed public comment period has elapsed. § 54953.8(b)(6)(A).
   b) If the legislative body provides a timed general public comment period that does not correspond to a specific agenda item, then the legislative body cannot close the public comment period or the opportunity to register until the listed timed public comment period has elapsed. § 54953.8(b)(6)(C).
   c) If the legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, then the legislative body must allow a reasonable amount of time per agenda item for the opportunity to provide public comment, including time for members

[2] A two-way audiovisual platform may be structured to disable the use of video for the public participants. § 54953.8(g)(4)

© 2026 Richards, Watson & Gershon

of the public to register or otherwise be recognized to give public comment. § 54953.8(b)(6)(B).

vii. The minutes of the meeting must list the name of the member of the legislative body who participated in the meeting via teleconference from a remote location, as well as the specific provision of the Brown Act that the member relied upon to permit their remote participation. § 54953.8(b)(7).

viii. At the meeting, before any action is taken, members of the legislative body participating remotely must disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and must disclose the general nature of the member's relationship with any such individuals. § 54953.8(e).

A local agency must identify meeting locations where its legislative bodies can conduct their meetings and the local agency must provide this list of potential meeting locations to its legislative bodies. § 54953.8(c). Legislative bodies may also provide additional teleconference locations or physical locations where the public may observe and address the legislative body by electronic means. § 54953.8(d)(2).

The above general set of rules for teleconferencing apply to circumstances specified in Sections 54953.8.1 through 54953.8.7, with each of these sections providing additional requirements for remote participation tailored to the relevant circumstances. Specifically, "health authorities" may hold meetings pursuant to Section 54953.8, as described in Section 54953.8.1; legislative bodies may hold meetings pursuant to Section 54953.8 during a state of emergency, as described in Section 54953.8.2 (discussed below); legislative bodies may conduct meetings pursuant to Section 54953.8 to allow remote participation by a member for "just cause," as described in Section 54953.8.3 (discussed below); "eligible neighborhood councils" may hold meetings pursuant to Section 54953.8, as described in Section 54953.8.4; "eligible community college student organizations" may hold meetings pursuant to Section 54953.8, as described in Section 54953.8.5; "eligible subsidiary bodies" may hold meetings pursuant to Section 54953.8, as described in Section 54953.8.6 (discussed below); and "eligible multijurisdictional bodies" may hold meetings pursuant to Section 54953.8, as described in Section 54953.8.7.

2) "Just Cause" Remote Participation

Legislative bodies with members who wish to participate remotely for "just cause" must follow the teleconferencing rules in Section 54953.8 and the additional rules in Section 54953.8.3. SB 707 (2025) folded the "emergency basis" for remote participation, which was established by AB 2449 (2022), into an expanded definition of "just cause." Childcare or caregiving needs for certain family members, a contagious illness, a physical or mental condition not otherwise accommodated, official travel for state or local agency business and a physical or family medical emergency that prevents a member from attending in person al constitute "just cause" for remote participation. The new definition for "just cause" also includes when an immunocompromised family member or domestic partner

© 2026 Richards, Watson & Gershon

of the member requires the member to participate remotely and when certain military service obligations prevent the member from attending in person. § 54953.8.3(c).

If a member of a legislative body wishes to remotely participate in a meeting for "just cause," they must notify the legislative body of their need to participate remotely at the earliest opportunity possible, up to and including the start of a regular meeting. § 54953.8.3(a)(1). The member must describe the "just cause" circumstances for their remote participation and the meeting minutes must identify the specific statutory basis for the remote participation. § 54953.8.3(b).

A member of a legislative body is only allowed to participate remotely for "just cause" up to the following limits (multiple sessions in one day are considered to be one meeting for purposes of calculating the remote participation limit):

- Two meetings per year if the body meets once per month or less;
- Five meetings per year if the body meets twice per month; or
- Seven times per year if the body meets three or more times per month.

§ 54953.8.3(a)(3)(A).

Additionally, "just cause" remote participation requires that at least a quorum of the legislative body participates in person from a singular, physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the agency exercises jurisdiction. § 54953.8.3(a).

The "just cause" basis for remote participation will sunset on January 1, 2030.

3) Declared State of Emergency

SB 707 (2025) also updates the rules for teleconference meetings when there is a declared state of emergency. AB 361 (2021), which was amended by AB 557 (2023), built upon EO N-29-20 to provide a statutory basis in the Brown Act for relaxed teleconferencing requirements during the COVID-19 declared emergency.

SB 707 (2025) updates these emergency teleconference meeting rules. Section 54953.8.2 authorizes a local agency to hold teleconference meetings, during a state of emergency proclaimed by the Governor or a local emergency pursuant to Section 54953.8, if the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. § 54953.8.2(a). To continue teleconference meetings under Section 54953.8.2, the legislative body of the local agency must make two findings every 45 days after meeting under Section 54953.8.2 for the first time. First, the legislative body must find that it has reconsidered the circumstances of the state of emergency or local emergency. § 54953.8.2(b)(1). Second, it must find that the state of emergency or local emergency continues to directly impact the ability of the members to meet safely in person. § 54953.8.2(b)(2).

© 2026 Richards, Watson & Gershon

A "state of emergency" is a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. § 54953.8.2 (e)(2). A "local emergency" is a condition of extreme peril to persons or property proclaimed by the governing body of the affected local agency, in accordance with Section 8630 of the California Emergency Services Act, or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code § 54953.8.2 (e)(1).

4) Eligible Subsidiary Bodies

SB 707 (2025) authorizes an "eligible subsidiary body" to hold teleconference meetings without having an in-person quorum at the physical meeting location pursuant to section 54953.8.6. An "eligible subsidiary body" is defined as a legislative body (i) created by formal action; (ii) to serve exclusively in an advisory capacity; (iii) which is not authorized to take final action on any legislation, regulations, contracts, licenses, permits, or any other entitlements, grants or allocation of funds; and (iv) which does not have primary jurisdiction on the police, elections, budgets, taxes, privacy, or library access. § 54953.8.6(b).

The legislative body that created the eligible subsidiary body (e.g., the city council) must formally authorize the use of teleconferencing by an eligible subsidiary body by making certain initial findings, and then making those findings every six months thereafter, by majority vote in both cases. Those findings are:

i. It has considered the circumstances of the eligible subsidiary body;
ii. Teleconference meetings would enhance public access to meetings of the eligible subsidiary body, and the public has been made aware of the type of remote participation, including audio-visual or telephonic, that will be made available for the meeting;
iii. The public has been provided the opportunity to comment at an in-person meeting of the city council authorizing the eligible subsidiary body to meet entirely remotely; and
iv. Teleconference meetings of an eligible subsidiary body would promote the attraction, retention, and diversity of eligible subsidiary body members.

§ 54953.8.6(a)(4)(A).

If the legislative body makes the above findings, then the eligible subsidiary body itself also must approve the use of teleconferencing before allowing its members to participate remotely under Section 54953.8.6. It should be noted that the legislative body may prohibit the eligible subsidiary body from using teleconferencing under Section 54953.8.6 at any time. § 54953.8.6(a)(4)(D).

Once authorized, the following additional rules are required for the eligible subsidiary body to hold meetings by teleconference:

i. The eligible subsidiary body must designate one physical meeting location within the boundaries of the jurisdiction that is open the public and where at least one

© 2026 Richards, Watson & Gershon

staff member must be present during the meeting. This means there must be a screen or monitor at the physical location wherein members of the public and staff can view the remote meeting. Also, members who are not participating remotely are required to participate from the designated location.

ii. The agenda must be posted at the physical meeting location,[3] however, the agenda is not required to be posted at the remote location. This means that all members of the eligible subsidiary body may appear remotely from any location.

iii. Members shall appear remotely via a two-way audio visual platform and each member must visibly appear on camera throughout the public portion of the meeting, unless the member is participating remotely because of a disability accommodation and their disability prevents them from being on camera.

iv. If a member is having technological issues that impacts appearing on camera, such as a lack of reliable broadband services or internet connectivity that could be remedied by joining without video, then the member is not required to appear on camera. However, the member must announce the reason for their nonappearance prior to turning off their camera.

v. If an elected official is a member of an eligible subsidiary body in their official capacity, then the elected official must attend the meeting in person.[4]

§54953.8.6(a).

Section 54953.8.6 establishes a process for an eligible subsidiary body to present its recommendation to the legislative body that created it as follows:

i. The eligible subsidiary body submits a request to present its recommendation to the legislative body that created it.

ii. Upon receiving the request, the legislative body must hold a discussion at a regular meeting held within 60 days *after* it receives the request. Under the Brown Act, the a legislative body must receive a request at a meeting. Thus, this provisions seems to require the discussion about the recommendation to be held at a meeting *after* the meeting at which the request was received.

iii. The discussion of the recommendation cannot be placed on the consent calendar.

iv. The legislative body cannot take any action on the recommendation until the next regular meeting following the meeting at which it held its discussion about the recommendation. This would be the legislative body's third meeting on the matter -- one meeting to receive the request, a second meeting to discuss the recommendation, and a third meeting to take action on the recommendation.

§54953.8.6(a)(4)(B).

[3] This posting is in addition to the posting required by the Brown Act and we would recommend that the agenda be posted on the door of the location where the meeting will be held.

[4] The only exception is if the elected official is attending using the traditional teleconferencing rules.

© 2026 Richards, Watson & Gershon

The "eligible subsidiary body" basis for remote participation will sunset on January 1, 2030.

V. ADA COMPLIANCE

Pursuant to Section 54953.2, all meetings of a legislative body, other than closed session meetings or parts of meetings involving a closed session, are required to be conducted in a manner that complies with the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 ("ADA").

SB 707 (2025) amended Section 54953 of the Brown Act to allow a member of a legislative body with a disability[5] to participate in meetings remotely as a reasonable accommodation. § 54953(c). If a member chooses to participate in a meeting through teleconferencing due to their disability, the member must: (i) disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any of those individuals; and (ii) use both audio and visual technology to participate in the meeting unless their disability prevents the person from participating on camera. In that case, the member may participate using audio technology only. § 54953(c)(2). Remote participation due to a disability pursuant to this new rule will be treated as in-person attendance at the physical meeting location for all purposes, including reaching a quorum. § 54953(c)(3). The traditional teleconference requirements of posting the address of the teleconference location and allowing public participation from the teleconference location do not apply. § 54953(c)(3). This statutory framework follows a 2024 Attorney General Opinion opining that the ADA generally requires a local agency to allow remote participation by a legislative body member as a reasonable accommodation for a member with a qualifying disability that precludes in-person attendance at meetings of the body. 107 Ops. Cal. Atty. Gen. 107.

A local agency must ensure that remote meetings are conducted in a manner that allows persons with a disability to participate to the fullest extent possible. The legislative body must have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the ADA and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body also must give notice of the procedure for receiving and resolving requests for accommodation. § 54953.8(b)(8).

Relatedly, the agenda must 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 meeting. § 54954.2(a)(1). If requested,

[5] The term "disability" means a physical or mental disability as defined by Government Code §§ 12926 and 12926.1, or as defined in 14 U.S.C. § 12102.

© 2026 Richards, Watson & Gershon

the agenda and documents in the agenda packet also must be made available in alternative formats to persons with a disability. § 54954.1.

VI. SIMULTANEOUS OR SUCCESSIVE MEETINGS

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 successively, only if a clerk or a member of the convened legislative body verbally announces the following prior to convening the simultaneous or successive meeting:

1. There is a subsequent legislative body;

2. The amount of compensation or stipend, if any, each member may receive as a result of the multiple meetings; and

3. The compensation or stipend is provided as a result of convening the multiple meetings.

However, the amount of compensation is not required to be announced if: (1) it is listed in a statute; and (2) the local agency has not authorized additional compensation. In any case, the announced "compensation" or "stipend" does not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of his or her official duties. Such expenses may include, but are not limited to, those related to travel, meals, and lodging. § 54952.3.

VII. SERIAL MEETINGS

In addition to regulating all gatherings of a majority of the members of a legislative body, the Brown Act also addresses certain contacts between individual members of the legislative body. On the one hand, the Brown Act specifically provides that nothing in the Act is intended to impose requirements on individual contacts or conversations between a member of a legislative body and any other person. § 54952.2(c)(1). This provision applies to individual contacts between two members of the legislative body (the individual contact exception to the "meeting" definition described above). Despite this exception, however, the Brown Act prohibits "serial meetings." § 54952.2(b)(1).

A serial meeting is a series of meetings or communications, either in person or by other means, between individual members of the legislative body in which ideas are exchanged among a majority of the legislative body regarding an item of business that is within the subject matter jurisdiction of the legislative body. A serial meeting can occur even though a majority of legislative body members never gather in a room at the same time. For example, an email response concerning an agency's business circulating among a majority of the members of the legislative body, such as "reply to all," could be

© 2026 Richards, Watson & Gershon

considered a serial meeting. A serial meeting typically occurs in one of two ways. The first is when a staff member, a legislative body member or some other person individually contacts a majority of legislative body members and shares ideas among the majority (e.g., "I've talked to members A and B and they will vote 'yes.' Will you?"). Alternatively, member A calls member B, who then calls member C and so on, until a majority of the legislative body has discussed or deliberated or has taken action on the item of business.

The prohibition against serial meetings does not, however, prohibit communications between staff and legislative body members for the purpose of answering questions or providing information regarding a matter that is within the subject matter jurisdiction of the local agency, as long as the staff person does not communicate with other members of the legislative body, the comments or positions of any other member of the legislative body. § 54952.2(b)(2).

Social media interactions between or among members of a legislative body can also raise serial meeting concerns. See Section VII(D) for a discussion of issues related to social media.

Observing the following guidelines can avoid inadvertent violation of the serial meeting prohibition.

A. 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. Originally, the California Court of Appeal held that staff briefings of individual city council members do not constitute an illegal serial meeting under the Brown Act unless there was additional evidence that: (1) staff acted as a personal intermediary for other members of the legislative body; and (2) the meetings led to a collective concurrence among members of the legislative body. Following that decision, the state legislature amended Government Code Section 54952.2 in 2008, effective in 2009, to further clarify that staff briefings of individual city council members for the purpose of answering questions or providing information regarding an item of business do not constitute an illegal serial meeting under the Brown Act as long as a staff person does not communicate the comments or positions of a member of the legislative body to other members of the legislative body. Staff briefings must therefore be handled carefully. To avoid having a staff briefing become a serial meeting:

- Staff briefings to members of the legislative body should be "unidirectional" when done on an individual basis for a majority of the legislative body. This means that information should flow from staff to the member, and the member's participation should be limited to asking questions and acquiring information. Otherwise, if multiple members separately give staff direction thereby causing staff to shape or modify their ultimate recommendations in order to reconcile the views of a majority of the members, a violation might occur.

© 2026 Richards, Watson & Gershon

- A legislative body member should not ask staff to describe the views of any other members of the legislative body, and staff should not volunteer those views, if known.

- Staff may present their views to a legislative body member during an individual contact, but staff should not ask for that member's views unless it is absolutely clear that staff is not discussing the matter with a majority of the legislative body.

B. Contacts with Constituents, Developers and Lobbyists

A constituent, developer or lobbyist can also inadvertently become an intermediary among a majority of members of a legislative body thereby creating an illegal serial meeting in violation of the Brown Act. Such person's unfamiliarity with the requirements of the Brown Act aggravate this potential problem because they may expect a legislative body member to be willing to commit to a position in a private conversation in advance of a meeting. To avoid violations arising from contacts with constituents, developers, and lobbyists, members are advised to:

- State the ground rules "up front." Ask if the person has talked, or intends to talk, with other members of the legislative body about the same subject. If the answer is "yes," then make it clear that the person must not disclose the views of other legislative body member(s) during the conversation.

- Explain to the person 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 noticed meeting. I will listen to what you have to say and give it consideration as I make up my mind."

- Do more listening and asking questions than expressing opinions. If you disclose your thoughts about a matter, tell the person not to share your statements with other members of the legislative body.

- Be especially careful with discussions about matters involving "quasi-judicial" land use decisions such as subdivision maps, site development plans, conditional use permits or variances. Consult with your city attorney or legal counsel before the meeting in order to avoid any potential problems involving illegal prejudice against the project or illegally receiving evidence about the project outside of the administrative record.

C. 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, letters, online exchanges, email with or to staff members – are the most obvious means by which an illegal serial meeting can occur. This does not mean that a member of a

© 2026 Richards, Watson & Gershon

legislative body is precluded from discussing items of local agency business with another member of that legislative body outside of a meeting; as long as the communication does not involve a majority of the legislative 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 legislative body member, creating the possibility of a discussion of an item of business outside a noticed public meeting. Therefore, avoid discussing agency business with a majority of the members of your legislative body and communicating the views of other legislative body members outside a meeting.

D. Contacts on Social Media

Social media engagement can also inadvertently create an illegal serial meeting in violation of the Brown Act. The Brown Act was previously silent on social media and its use by members of a legislative body, leading to uncertainty as to whether certain uses of social media could result in unintended violations. AB 992 (2020) amended the Brown Act to clarify allowable uses of social media. These provisions, which are discussed below, were set to expire January 1, 2026. SB 707 (2025) removes the sunset date making these provisions effective indefinitely. § 54952.2(d).

A member of a legislative body may engage 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. However, a majority of the members of the legislative body cannot use the internet-based social media platform to discuss among themselves business of a specific nature that is within the body's subject matter jurisdiction. Further, a member of the legislative body is prohibited from responding directly to any communication on an internet-based social media platform regarding a matter that is within the body's subject matter jurisdiction if the communication is made, posted, or shared by any other member of the legislative body. § 54952.2(b)(3)(A). Unlike other serial meeting restrictions that are invoked when there are contacts of a majority of the legislative body, this provision is triggered when there is interaction between as little as two members of a legislative body. For purposes of these provisions, such interaction includes commenting or using digital icons that express reactions to communications made by other members of the legislative body. § 54952.2(b)(3)(B)(i). Thus, "liking" a post or using a digital icon is considered a discussion under the Brown Act.

To avoid violations arising from social media engagement, members of a legislative body should avoid interacting on social media platforms with any other members of their legislative body regarding matters within the body's subject matter jurisdiction.

These suggested rules of conduct may seem unduly restrictive and impractical and may make acquiring 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 statute in any given situation, you should seek advice from your city attorney or legal counsel.

© 2026 Richards, Watson & Gershon

Adherence to the foregoing guidelines is not a substitute for securing advice from your legal counsel.

VIII. NOTICE, AGENDA AND REPORTING REQUIREMENTS

A. Time of Notice and Content of Agenda

Two key provisions of the Brown Act which ensure the public's business is conducted openly are the requirements that legislative bodies publicly post agendas prior to their meetings, (§§ 54954.2, 54955, 54956 and 54957.5) and that no action or discussion may occur on items or subjects not listed on the posted agenda (§ 54954.2). The limited exceptions to the rule against discussing or taking action not on a posted agenda are discussed further below.

Legislative bodies, except advisory committees and standing committees, are required to establish a time and place for holding regular meetings. § 54954(a). A "regular" meeting is a meeting that occurs on the legislative body's established meeting day. Generally, agendas for a regular meeting must be publicly posted 72 hours in advance of the meeting in a place that is freely accessible to the public.

Agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. § 54954.2(a). The description should inform the public of the "essential nature" of the matter, but need not exceed 20 words. *San Diegans for Open Government v. City of Oceanside*, 4 Cal. App. 5th 637 (2016). Courts will uphold a challenge to the sufficiency of an agenda item description when the description provides fair notice of what the agency will consider. The *San Diegans for Open Government* case provides an example of a sufficient agenda description that provides fair notice. In *San Diegans for Open Government*, the Oceanside City Council approved a subsidy agreement with a hotel developer using the following agenda item description:

> Adoption of a resolution to approve: 1. An Agreement Regarding Real Property (Use Restrictions) between the City of Oceanside and SD Malkin Properties Inc. to guarantee development and use of the property as a full service resort consistent with the entitlements for the project; 2. An Agreement Regarding Real Property to provide a mechanism to share Transient Occupancy Tax (TOT) generated by the Project; 3. A Grant of Easement to permit construction of a subterranean parking garage under Mission Avenue; 4. A report required by AB 562 prepared by Paul Marra of Keyser Marston and Associates documenting the amount of subsidy provided to the developer, the proposed start and end date of the subsidy, the public purpose of the subsidy, the amount of the tax revenue and jobs generated by the project; and 5. A License Agreement to permit construction staging for the project on a portion of Lot 26.

© 2026 Richards, Watson & Gershon

The court ruled that this agenda description complied with the requirements of Government Code Section 54954.2 because the agenda description expressly gave the public notice that the council would consider a fairly substantial development of publicly owned property into a hotel, that the city would share the transient occupancy tax generated by the project, and that the transaction would involve a subsidy by the city. Additional information, while helpful, was not necessary to provide fair notice of the essential nature of the action under state law. The court found that the language of the agenda, considered as a whole, provided more than a "clue" that the city planned to provide the developer with a substantial and ongoing financial subsidy in exchange for the project.

In contrast, in *Hernandez v. Town of Apple Valley*, 7 Cal. App. 5th 194 (2017), the court ruled that the Apple Valley Town Council's agenda description was insufficient. There, the town council adopted three resolutions that called for a special election related to an initiative to adopt a commercial specific plan and the filing of arguments and rebuttal arguments for and against the initiative. In addition, the town council adopted a Memorandum of Understanding ("MOU") that authorized the acceptance of a gift from an interested party, Wal-Mart, to pay for the special election. The agenda description for the matter read "Wal-Mart Initiative Measure" and included a recommendation for action that read "[p]rovide direction to staff."

The court reiterated that the Brown Act requires that each item of business be placed on the agenda. Specifically, the court highlighted that nothing in the agenda description, or even in the agenda packet, indicated that the town council was going to consider an MOU to accept a gift from Wal-Mart to pay for a special election to pass the initiative. The court concluded that the town violated the Brown Act by omitting the MOU from the agenda description because the omission meant that the public was given no notice of the item of business.

Furthermore, agendas should make clear whether items may be acted on or whether they are informational only. Thus, if an agenda for a meeting states that the legislative body will only "discuss" an item, the legislative body may not take an "action" on that item.

Agendas must also be posted on the local agency's website, if one exists, for city council meetings, and meetings of any other legislative body where some members are city council members and are compensated for their appearance. While the language of the 72 hour posting requirement appears absolute, the California Attorney General opined that technical difficulties, such as a power failure, cyber-attack or other third-party interference that prevents a local agency from posting its agenda on its website for the full 72 hours will not necessarily preclude the legislative body from lawfully holding its meeting. 99 Ops. Cal. Atty. Gen. 11 (2016). Whether a public meeting may continue as scheduled requires a fact specific analysis that turns on whether the local agency has otherwise "substantially complied" with the Brown Act's agenda posting requirements by properly posting a physical agenda and making other "reasonably effective efforts" (such as making the agenda available on social media or some other alternative website) to notify the public of the meeting.

© 2026 Richards, Watson & Gershon

Please note that a planning commission's or a city council's proposed approval of a CEQA document, such as an environmental impact report or a negative declaration, is a distinct item of business separate from the item approving the project and must be expressly described in an agenda. *San Joaquin Raptor Rescue Center v. County of Merced*, 216 Cal. App. 4th 1167 (2013). In addition, one court has ruled that a planning commission's or a city council's consideration of a CEQA exemption is also a distinct item of business for purposes of the Brown Act. *G.I. Industries v. City of Thousand Oaks* 84 Cal. App. 5th 814 (2022) (ordered not published by California Supreme Court, February 15, 2023).

A "special" meeting is a meeting that is held at a time or place other than the time and place established for regular meetings. For special meetings, the "call and notice" of the meeting and the agenda must be posted in a publicly accessible area and on the local agency's website, at least 24 hours prior to the meeting. § 54956(a). Additionally, 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 facsimile, email 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, then that notice must be given at the same time notice is provided to members of the legislative body.

An "emergency" meeting may be called to address certain emergencies, such as a terrorist act or crippling disaster, without complying with the 24-hour notice requirement. Certain requirements apply for notifying the press and for conducting closed sessions as part of those meetings and except as specified, all other rules governing special meetings apply. § 54956.5.

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. § 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. § 54954.2(b)(3).

The Brown Act requires a 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. Additionally, a local agency with an internet website must send a website link to or a copy of the agenda or the full agenda packet by email, if a person requests that the documents be sent by email. A local 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. § 54954.1.

© 2026 Richards, Watson & Gershon

B. Action and Discussion on Non-agenda Items

The Brown Act also ensures the public's business is conducted openly by restricting a legislative body's ability to deviate from posted agendas. The statute affords a legislative body limited authority to act on or discuss non-agenda items at regular meetings, but forbids doing so at special meetings.

As a general rule, a legislative body may not act on or discuss any item that does not appear on the agenda posted for a regular meeting. § 54954.2(a)(3). This rule does not, however, preclude a legislative body from acting on a non-agenda item that comes to the local agency's attention subsequent to the agenda posting which requires immediate action. § 54954.2(b)(2). In order to utilize this exception, the legislative body must make findings of both components of the exception by a two-thirds vote of those present (by unanimous vote if less than two-thirds of the body is present). This means that if five members of a five-member body are present, at least four members must vote to add the item; If four members of a five-member body are present, then at least three members must vote to add the item; if three members of a five-member body are present, all three members must vote to add the item . In addition, an item not appearing on an agenda may be added if the legislative body determines by a majority vote that an emergency situation exists. § 54954.2(b)(1). For purposes of this exception, the term "emergency situation" refers to work stoppages or crippling disasters that severely impair public health, safety, or both.

In addition to the general exceptions discussed above, a legislative body may also discuss non-agenda items at a regular meeting under the following five additional exceptions:

- Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- Members of the legislative body or staff may ask a question for clarification, make a brief announcement or make a brief report on their own activities;
- Members of the legislative body may, subject to the procedural rules of the body, provide a reference to staff or other resources for factual information;
- Members of the legislative body may, subject to the procedural rules of the body, request staff to report back at a subsequent meeting concerning any matter; and

© 2026 Richards, Watson & Gershon

- Members of the legislative body may, subject to the procedural rules of the body, take action to direct staff to place a matter of business on a future agenda.

Therefore, spending a few minutes to discuss whether a matter should be placed on a future agenda or asking staff procedural questions is permissible. *Cruz v. City of Culver City*, 2 Cal.App. 5th 239 (2016). The legislative body may not, however, discuss non-agenda items to any significant degree. This means there should not be long or wide-ranging question and answer sessions on non-agenda items between the legislative body and the public or between the legislative body and staff. It is important to follow these exceptions carefully and construe them narrowly to avoid tainting an important and complex action by a non-agendized discussion of the item.

The Brown Act contains even more stringent regulations to restrict action on and discussion of non-agenda items at special meetings. In particular, the statute mandates that only business that is specified in the "call and notice" of the special meeting may be considered by the legislative body. § 54956. In no event, however, may a special meeting be called to discuss compensation of a local agency executive or the salary or other compensation provided to members of the legislative body. § 54956(b).

C. Reporting of Actions

The Brown Act mandates the public reporting of individual votes or abstentions by members of legislative bodies on any given motion or action. This requirement may be satisfied in most situations by reporting the individual vote or abstention of each member in the minutes of a meeting. § 54953(c).

The Brown Act also requires that the legislative body orally report a summary of a recommendation made with respect to the salary, salary schedule or compensation paid in the form of fringe benefits to a local agency executive, as defined in section 3511.1(d), a department head or a similar administrative officer of the local agency. §54953(d)(3)(A). The legislative body must issue the report at the same meeting in which the final action on compensation is being considered. § 54953(d)(3)(A).

IX. PUBLIC PARTICIPATION

A. Regular Meetings

The Brown Act mandates that every agenda for a regular meeting provide an opportunity for members of the public to directly address the legislative body on any matter that is within the subject matter jurisdiction of the legislative body. § 54954.3(a). In addition, the Brown Act requires the legislative body to allow members of the public to comment on any item on the agenda either before or during the body's consideration of that item. § 54954.3(a). Also, although not required under the Brown Act, a local agency may consider reading written comments received into the public record by the

© 2026 Richards, Watson & Gershon

clerk, or their designee, subject to reasonable time and content limitations imposed in accordance with the requirements outlined below.

A local agency can accomplish both public comment requirements by placing a general audience comment period at the beginning of the agenda where the public can comment on both agenda and non-agenda items. Others 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.

The Brown Act allows a legislative body to preclude public comments on an agenda item in one limited situation sometimes referred to as the "committee exception" - where the item was considered by a committee, composed solely of members of the legislative body, that held a meeting where public comments on that item were allowed. § 54954.3(a)(2)(A). If the legislative body has standing committees (which are required to have agendized and open meetings with an opportunity for the public to comment on agenda items) and the committee has previously considered an item, then at the time the item comes before the full legislative body, the body may choose not to take additional public comments on that item.

However, if the version of the item presented to the legislative body has substantially changed, as determined by the legislative body, from the version of the item presented to, and considered by, the committee, then the public must be given another opportunity to speak on that item at the meeting of the legislative body. § 54954.3(2)(B)(i).

SB 707(2025) adds two more conditions under which the public must be given another opportunity to speak on an item. First, public comments must be permitted when the item was considered by a quorum of committee members who did not attend in person from the same physical location. § 54954.3(2)(B)(ii). Second, public comment must be permitted when the item was considered by a committee that has primary subject matter jurisdiction over certain areas, including elections, budgets, taxes, and police oversight. § 54954.3(2)(B)(iii). However, if this type of subject matter committee considered the item under rules that do not limit the total amount of time for public comment, then the legislative body can preclude public comments. § 54954.3(2)(B)(iii).

B. Special Meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the legislative body concerning any item listed on the agenda before or during the body's consideration of that item. § 54954.3(a). Unlike regular meetings, public comment on non-agenda matters at a special meeting may be omitted. Additionally, unlike regular meetings, the "committee exception" (discussed above) does not apply to special meetings. *Preven v. City of Los Angeles*, 32 Cal. App. 5th 925, 936 (2019).

© 2026 Richards, Watson & Gershon

C. Limitations on the Length and Content of Public Comments

A legislative body may adopt reasonable regulations limiting the total amount of time allocated to each person for public testimony. § 54954.3(b). Typical time limits restrict speakers to three or five minutes. If an individual utilizes a translator to give testimony and simultaneous translation equipment is not used, the legislative body must allot at least twice the standard amount of time to the speaker. § 54954.3(b)(2). 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. However, setting total time limits per item for any quasi-judicial matter, such as a conditional use permit application, is not recommended because the time restriction could violate the due process rights of those who were not able to speak to the body during the time allotted.

The Brown Act precludes a legislative body from prohibiting public criticism of the policies, procedures, programs or services of the local agency or the acts or omissions of the body. § 54954.3(c). This restriction does not mean that a member of the public may say anything during public testimony. If the topic of the public's comments falls outside the subject matter jurisdiction of the local agency, the legislative body may stop a speaker's comments if the comments are disruptive, as described below.

A legislative body also may adopt reasonable rules of decorum that preclude a speaker from disrupting, disturbing or otherwise impeding the orderly conduct of its meetings. § 54954.3(b). 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 free speech rights of speakers by suppressing opinions relevant to the business of the legislative body.

Finally, in some circumstances, the use of profanity may serve as a basis for stopping a speaker. It will depend, however, upon what profane words or comments are made and the context of those comments. Therefore, no one should be ruled out of order for profanity unless the language both is truly objectionable and causes a disturbance or disruption in the proceeding.

The presiding officer of a legislative body may remove an individual from a meeting for actual disruptive behavior if they first warn the individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. § 54957.95(a). Behavior is disruptive only if it actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. § 54957.95(b)(1). Disruptive behavior may include noncompliance with the legislative body's established rules of decorum, such as speaking out of turn or exceeding established time limits on how long an individual can speak on a particular topic during public comment. § 54957.95(b)(1)(A). If the individual disrupting the meeting is using force or a true threat of force — such that a reasonable observer would perceive the threat to be an actual

© 2026 Richards, Watson & Gershon

threat to use force by the person making the threat — they may be removed without a prior warning to cease their behavior. § 54957.95.

The presiding officer's authority to remove a disruptive person includes the removal of a disruptive person who participates via a two-way telephonic service or a two-way audiovisual platform. § 54957.96.

D. Meeting Accessibility for "Eligible Legislative Bodies"

SB 707 (2025) added Section 54953.4 to the Brown Act to make meetings more accessible to the public. These accessibility requirements, discussed in detail below, include taking steps to make sure the public has access to translated agendas and interpreters at public meetings and the ability to participate in public meetings remotely via a two-way telephonic or audiovisual platforms. Section 54953.4 goes into effect July 1, 2026 and will sunset on January 1, 2030.

The accessibility requirements of Section 54953.4 only apply to the following "eligible legislative bodies:" (i) a city council of a city with a population of 30,000 or more; (ii) a county board of supervisors of a county or a city and county;(iii) a city council of a city located in a county with a population of 600,000 or more; and (iv) a board of directors for a special district that has a website and meets one of the following conditions: 1) the boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees; 2) the special district has over 1,000 full-time equivalent employees; or 3) the special district has annual revenues of over $400,000,000[6] and employs over 200 full-time equivalent employees. § 54953.4(e)(2).

A. Hybrid Meetings and Remote Participation Requirements

Section 54953.4 requires an eligible legislative body to hold hybrid meetings. This means that the eligible legislative body must provide a way for the public to participate in its meetings either through: (i) a two-way telephonic service, which is a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate; or (ii) a two-way audiovisual platform, which is an online platform that provides participants with the ability to participate both through video conference and a two-way telephonic service (participation via two-way telephonic service or two-way audiovisual platform are informally referred to as "remote" participation). The only exception is if there is no operational telephone or internet service at the meeting location. § 54953.4(b)(1)(A)(i)(I)(ia). If telephone or internet service is only available for a portion of the meeting, then the eligible legislative body must allow the public to attend the meeting for that portion of the meeting. § 54953.4(b)(1)(A)(i)(I)(ia). Members of the public participating remotely must be

[6] The annual revenue is based on the most recent Financial Transaction Report data published by the California State Controller. The $400,000,000 revenue amount to qualify as an eligible body will be adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year. See § 54953.4(e)(2)(D)(iii).

© 2026 Richards, Watson & Gershon

provided the same time allotment for public comment as a person attending the meeting in person. § 54953.4(b)(1)(A)(i). If the eligible legislative body provides a two-way audiovisual platform for meeting participation, then it must also publicly post and provide a call-in option (which can be listed on the meeting agenda) and provide automatic captioning, if that is a feature available on the two-way audiovisual platform. § 54953.4(b)(1)(B)(i).

B. Telephonic or Internet Service Disruption Policy

On or before July 1, 2026, an eligible legislative body must adopt a policy regarding the handling of a disruption of telephonic or internet service and its restoration during meetings. The policy must provide procedures for recessing and reconvening a meeting in the event of an internet or telephone service disruption and must describe the steps to be taken in an attempt to restore the service. The consideration and approval of this policy cannot be a consent calendar item. § 54953.4(b)(1)(A)(i)(I)(ib)(Ia).

If a telephone or internet service disruption occurs that prevents members of the public from attending the meeting remotely, the eligible legislative body must recess the open session of the meeting for at least one hour and make a good faith attempt to restore the service. § 54953.4(b)(1)(A)(i)(I)(ib)(Ib). During the recess time, while attempts to restore service are being made, the body may meet in a closed session if the agenda included a closed session discussion. The meeting, however, cannot be reconvened until at least one hour following the disruption or until telephonic or internet service is restored, whichever occurs first. § 54953.4(b)(1)(A)(i)(I)(ib)(Ib). We believe this means that the meeting may resume once the service is restored, even if that occurs within the hour. If telephone and internet service is not restored by the time the meeting is reconvened (at least one hour), in order to continue with the meeting, the eligible legislative body must adopt a finding by a roll call vote that pursuant to their policy, good faith efforts to restore internet or telephone services were made and that the public interest in continuing the meeting outweighs the public interest in remote public access. § 54953.4(b)(1)(A)(i)(I)(ib)(Ic).

The above requirements related to a policy regarding disruption of telephonic or internet service and the requirements that must be met in order to reconvene a meeting that has experienced an internet or telephone service disruption, do not apply to a the following types of meetings:

i. Judicial or administrative proceedings where the local agency is a party.
ii. A meeting to inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.
iii. A meeting with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
iv. A meeting 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.

© 2026 Richards, Watson & Gershon

v. A meeting in an "emergency situation" pursuant to Government Code Section 54956.5.

§ 54953.4(b)(1)(A)(i)(II).

C. Assistance for Public Meeting Translation and Interpreters

Section 54953.4 imposes new responsibilities regarding translation and interpretation services for public meetings. An eligible legislative body is required to assist members of the public who want to translate a public meeting into any language or have a public meeting interpreted for them by another member of the public, as long as the interpretation does not disrupt the meeting.[7] In that regard, the eligible legislative body is required to publicize instructions on how to request assistance. Assistance may include any of the following: (i) arranging a space for interpreters at the meeting; (ii) allowing extra time during the meeting for interpretation to occur;[8] or (ii) allowing members of the public to use their personal interpretation equipment or have reasonable access to the local agencies''s facilities so that they can access commercially available interpretation services. § 54953.4(b)(2)(A).

Although an eligible legislative body must assist members of the public in this regard, it is not required to actually provide interpretation services at any public meetings. § 54953.4(b)(2)(B). The eligible legislative body is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided under the statute. Section 54953.4 also protects eligible legislative bodies from liability by stating that no action can be commenced or maintained against the eligible legislative body arising from the content or accuracy of any interpretation facilitated, assisted with, or provided. § 54953.4(b)(2)(C).

D. Translated Agenda Requirements

Section 54953.4 introduces new requirements for agendas[9] of an eligible legislative body to be translated into all "applicable languages." § 54953.4(c)(1)(A). For cities, the applicable language is any language spoken by 20% of the city's population, provided that 20% or more of that population speaks English less than "very well" according to data from the most recent American Community Survey conducted by the United States Census Bureau.[10] An eligible legislative body has the option to determine its "applicable

[7] § 54953.4(b)(2)(A); disrupting a meeting in this section has the same meaning as provided in § 54957.95.
[8] The Brown Act already has a requirement that if a legislative body (city council or commissions) limits the time for a public comment, the body must 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 body. See, §54954.3(b)(2).
[9] Only the agenda is required to be translated, not the entire agenda packet. See, § 54953.4(c)(1).
[10] See the American Community Survey, https://www.census.gov/acs/www/about/why-we-ask-each-question/language/, use the "View State and Local Data" dropdown menu, and insert California. On that page, search for your city. Once entered, the page will show the percentage of people who speak a language other than English at home and the percentage of people who speak English less than very well.

© 2026 Richards, Watson & Gershon

languages" based on a source other than the American Community Survey if it makes a finding, based on substantial evidence, that the other source provides equally or more reliable data for its jurisdiction. If three or more languages meet the criteria described above, "applicable languages" means the three languages that are spoken by the largest percentage of the population.

If an eligible legislative body must translate its agenda,[11] then the translated agenda must include information describing how to join the meeting remotely either by the telephonic or internet-based service option, including any requirements for registration for public comment. § 54953.4(c)(1)(A). In addition, the translated agenda must be posted in the same manner as English agendas are posted, as required by Government Code § 54954.2 for regular meetings.[12] The eligible legislative body's website page that is dedicated to public meetings[13] must also be translated into all applicable languages and each translation shall be accessible through a prominent direct link posted on the primary website's home page. § 54953.4(c)(1)(B). There must also be a physical space that is in reasonable proximity to the location where agendas are posted, to allow the public to post additional translations of the agenda. § 54953.4(c)(2).

An eligible legislative body is not responsible for the content or accuracy of any translation provided and is protected from liability for the content, accuracy, posting or removal of any translation provided by the city council or posted by any person. § 54953.4(c)(4).

E. Encouraging Public Participation

Under Section 54953.4, an eligible legislative body is required to take additional steps to encourage residents, especially residents from underrepresented and/or non-English speaking groups, to participate in public meetings. The eligible legislative body must make a reasonable effort, as determined by the body itself, to invite groups that do not traditionally participate in public meetings, to attend its meetings. These efforts include inviting local media organizations and local good government, civic engagement or community groups that are active in the local agency, especially those media organizations and community groups that serve non-English speaking communities. § 54953.4(b)(3)(C)(i). The eligible legislative body has broad discretion to determine its reasonable efforts to invite groups that do not traditionally participate in public meetings to attend meetings. However, the eligible legislative body will not be legally liable and no action may be commenced or maintained against the eligible legislative body for

The issue, however, is the difficulty in finding the actual languages spoken other than English when you click on that link. We are reaching out to the bill's author to obtain further information in how to access the language information.

[11] A translation made using a digital translation service satisfies the translation requirement.

[12] As the reference to Section 54954.2 is the provision for regular meetings, it seems that the requirement would not apply to special meetings as the posting requirements for special meetings is in a different section of the Brown Act. We advise, however, that both regular and special meeting agendas are translated and posted, assuming the local agency is required to translate its agendas.

[13] See, the heading labeled "Accessible Internet Webpages" in this handbook for further details on a local agency's requirement to have a web page dedicated to public meetings.

© 2026 Richards, Watson & Gershon

failing to provide public meeting information to any specific group listed in the statute. § 54953.4(b)(3)(C)(ii).

To encourage residents from underrepresented communities and non-English speaking communities to participate in public meetings, Section 54953.4 requires the eligible legislative body to have a system for electronically accepting requests for, and providing copies of, meeting agendas and agenda documents either through email or through an integrated agenda management platform. § 54953.4(b)(3). In addition, a prominent direct link posted on the agency's website home page must provide the public with information on how to make such a request. § 54953.4(b)(3)(A).

F. Accessible Webpages

As part of the provisions to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in public meetings, the eligible legislative body must also create and maintain an accessible webpage dedicated to public meetings that includes, or provides a link to, all of the following information:

i. A general explanation of the public meeting process for the eligible legislative body.
ii. An explanation of the procedures for members of the public to provide in-person or remote oral public comment during a public meeting or to submit a written public comment.
iii. A calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting.
iv. The agenda for the meeting. [14]

§ 54953.4(b)(3)(B).

Section 54943.4 requires that the accessible internet webpage dedicated to public meetings, also be translated to all applicable languages and be accessible through a prominent link on the agency's website's home page. § 54953.4(c)(1)(B).

E. Additional Rights of the Public

The Brown Act grants the public the right to videotape or broadcast a public meeting, as well as the right to make a motion picture or still camera record of such meeting. § 54953.5(a). A legislative body may prohibit or limit recording of a meeting, however, if the body finds that the recording cannot continue without noise, illumination or view obstruction that constitutes, or would constitute, a disruption of the proceedings. § 54953.6.

[14] Note that the agenda for a public meeting is already required to be posted online under § 54954.2(a)(2).

© 2026 Richards, Watson & Gershon

Any audio or videotape record of an open and public meeting that is made, for whatever purpose, by or at the direction of the local agency is a public record and is subject to inspection by the public consistent with the requirements of the Public Records Act. § 54953.5(b). The local agency must not destroy the tape or film record 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 local agency.

The Brown Act requires written material distributed to a majority of the legislative body by any person to be provided to the public without delay. This rule is inapplicable, to attorney-client memoranda, the confidentiality of which was affirmed by the California Supreme Court in *Roberts v. City of Palmdale*, 5 Cal. 4th 363, 381 (1993). However, if non-privileged 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. § 54957.5(c).

If material related to an agenda item is distributed to a majority of the legislative body less than 72 hours prior to an open session of a regular meeting, the writing must be made available at the same time for public inspection at a public office or location that has been designated in advance for such purpose. Each local agency must list the address of the designated office or location on the agendas for all meetings of the legislative body of that agency. § 54957.5(b). Although this Brown Act provision technically requires an agency to list the designated office address on closed session meeting agendas, it does not require an agency to make such closed session documents and materials available for public inspection.

A local agency may also post all documents made available for public inspection pursuant to Section 54957.5(b) on the agency's website. However, a local agency may not post the writings to its website in lieu of designating a public office or location for inspection of physical copies of the documents.

There is a limited exception to the requirement regarding making a writing distributed to a majority of the legislative body less than 72 hours in advance of a meeting immediately available for public inspection at a physical location. § 54957.5(b)(2)(B). The exception only applies to materials that supplement an initial staff report or similar document containing an executive summary or the staff recommendation relating to that agenda item that was made available for public inspection at the office or location designated at least 72 hours before the meeting. The exception allows the agency to make the materials available for public inspection the next business day commencing at least 24 hours in advance of the meeting during regular hours if the agency posts the materials on the agency's website immediately upon distributing them to the majority of the body, making it clear they relate to the item at the upcoming meeting, and the agenda posted for all meetings of the legislative body contains the agency's website address.

We recommend a local agency implements the following procedures to comply with Section 54957.5(b):

© 2026 Richards, Watson & Gershon

- Place a binder at the agency's principal place of business next to the public counter agenda packet that identifies the contents as follows: "Disclosable public documents related to an open session agenda item on the _____ Agenda Packet distributed by the [AGENCY] to a majority of the [LEGISLATIVE BODY] less than 72 hours prior to the meeting."

- On the agenda template for all meetings, there should be a standard footer or statement that indicates the following: "Any disclosable public writings related to an open session item on a regular meeting agenda and distributed by the [AGENCY] to at least a majority of the [LEGISLATIVE BODY] less than 72 hours prior to that meeting are available for public inspection at the _____ Counter at [AGENCY'S PLACE OF BUSINESS] located at [ADDRESS] and [optional] the _____ Counter at the _____ Library located at [LIBRARY ADDRESS] during normal business hours. [Optional] In addition, the Agency may also post such documents on the Agency's Website at [WEBSITE ADDRESS]." Agencies should make these documents available online to the greatest extent possible, when public buildings or facilities are temporarily closed to public access.

- On the agency's website, create a subfolder under the agenda packet folder that identifies the contents of the subfolder as follows: "Disclosable public documents related to an open session agenda item on the _____ Agenda Packet distributed by the [AGENCY] to a majority of the [LEGISLATIVE BODY] less than 72 hours prior to the meeting."

- On all documents made available for public inspection pursuant to Section 54957.5(b), make a notation of the date when distributed to at least a majority of the legislative body and placed in the binder at agency's place of business, [optional] the Library, or [optional] on the agency's website.

- Charge customary photocopying charges for copies of such documents.

One problem left unaddressed by Section 54957.5(b) is what to do when written materials are distributed directly to a majority of the legislative body without knowledge of staff, or without the legislative body 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 legislative body to ensure that staff gets a copy of any document distributed to members of the legislative body so that copies can be made for the local agency's records and for members of the public who request a copy.

X. CLOSED SESSIONS

The Brown Act allows a legislative body to convene a "closed session" during a meeting in order to meet privately with its advisors on specifically enumerated topics. Sometimes people refer to closed sessions as "executive sessions," which is a holdover term from the statute's early days. Examples of business that may be conducted in closed session

© 2026 Richards, Watson & Gershon

include personnel actions and evaluations, threats to public safety, labor negotiations, pending litigation, real estate negotiations and consideration of a response to an audit report. §§ 54956.8, 54956.9, 54957, 54957.6, 54956.75. Additionally, starting in 2025, AB 2715 (2024) authorizes a legislative body to hold a closed session on matters pertaining to a threat to critical infrastructure controls or critical infrastructure information related to cybersecurity. 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. For a litigation threat against a local agency made outside an open and public meeting to be discussed in closed session it must be included in the agenda packet made available upon request before the meeting. *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360, 370 (2020), *as modified on denial of reh'g* (Mar. 11, 2020), *review denied* (July 22, 2020).

Moreover, there is a "safe harbor" for using prescribed language to describe closed session items on an agenda in that legal challenges to the adequacy of the description are precluded when such language is used. § 54954.5. This so-called "safe harbor" encourages a local agency to use a very similar agenda format, especially in light of a California Court of Appeal ruling that a local agency substantially complied with the Brown Act's requirement to describe closed session agenda items even though the notice referred to the wrong subsection of Section 54956.9. *Castaic Lake Water Agency v. Newhall County Water District*, 238 Cal.App. 4th 1196, 1207 (2015). Audio recording of closed sessions is not required unless a court orders such recording after finding a closed session violation. § 54960.

Closed sessions may start in a different location 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.

After a closed session, the legislative body must publicly report certain types of actions if they were taken and the vote on those actions. § 54957.1. This report typically is given orally at the meeting, but it may done in writing. There are limited exceptions for specified 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. § 54957.1.

One perennial area of confusion is whether a legislative body may discuss the salary and benefits of an individual employee (such as a city manager) as part of a performance evaluation session under Section 54957. It may not. However, the body may designate a negotiator or negotiators, such as two members of a five-member legislative body, to negotiate with that employee and then meet with the negotiator(s) in closed session under Section 54957.6 to provide directions on salary and compensation issues. The

© 2026 Richards, Watson & Gershon

employee in question may not be present in such a closed session. The Brown Act prohibits attendees from disclosing confidential information obtained during a closed session, unless the legislative body authorizes the disclosure. Violations can be addressed through injunctions, disciplinary action, and referral to the grand jury. § 54963.

XI. 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, orders determining that an alleged act violated the Brown Act, orders determining the validity of any rule to penalize or discourage the expression of a member of the legislative body, and remedies for breaching closed session confidences. §§ 54960, 54960.1, 54960.2, 54963.

The procedures for claiming there was a Brown Act violation vary depending upon what the complaining party is seeking. If the complaining party is seeking to invalidate an action based on a violation of the Brown Act, the procedures for doing so are set forth in Section 54960.1. If the complaining party is merely seeking a determination that a Brown Act violation occurred or desires the court to impose an order preventing further violations, the procedures for doing so are set forth in Section 54960.2.

Under Section 54960.1, prior to filing suit to obtain a judicial determination that an action is null and void because of an alleged Brown Act violation, the complaining party must make a written demand on the legislative body to cure or correct the alleged violation. § 54960.1(b). The written demand must be made within 90 days after the challenged action was taken. However, if the challenged action was taken in open session and involves a violation of the agenda requirements of Section 54954.2, then the written demand must be made within 30 days. § 54960.1(c)(1). 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. § 54960.1(c)(2). The complaining party must file suit 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. § 54960.1(c).

Under Section 54960.2, prior to filing suit to obtain a judicial determination that an alleged Brown Act violation, the district attorney or interested person must submit a cease and desist letter to the legislative body clearly describing the legislative body's past action and the nature of the alleged violation within nine months of the alleged violation. § 54960.2(a). Second, the legislative body may respond within 30 days, including responding with an unconditional commitment to cease and desist from, and not repeat the past action that is alleged to violate the Brown Act. § 54960.2(b). If the legislative agency responds with an unconditional commitment, that commitment must be approved by the legislative body in open session at a regular or special meeting as a separate item of business not on the consent calendar and must be in substantially the same form set forth in Section 54960.2(c)(1). Also, a legislative body may resolve to rescind an unconditional commitment with proper notice to the public and to each person to whom the unconditional commitment was made. § 54960.2(e). Upon

© 2026 Richards, Watson & Gershon

rescission, the district attorney or any interested person may file an action pursuant to Section 54960(a). Finally, Section 54960.2 provides further deadlines and requirements that must be met when filing an action in connection with an unconditional commitment. § 54960.2. Note that even where a plaintiff can satisfy the threshold procedural requirements, a Brown Act violation will not automatically invalidate the action taken by the legislative body absent a showing that the violation caused prejudice. *Martis Camp Cmty. Ass'n v. Cty. of Placer*, 53 Cal. App. 5th 569, 592 (2020).

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 which the member knows or has reason to know the public is entitled to under the Brown Act. § 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.

XII. CONCLUSION

The Brown Act's many rules and ambiguities can be confusing, and compliance with it can be difficult. In the event that you have any questions regarding any provision of the law, you should contact your legal counsel for advice.

© 2026 Richards, Watson & Gershon

PART TWO:

THE RALPH M. BROWN ACT

Updated including changes effective January 1, 2026

© 2026 Richards, Watson & Gershon

The Ralph M. Brown Act

Government Code §§ 54950-54963

Section 54950. Declaration of public policy

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.

Section 54950.5. Title of act

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

Section 54951. "Local agency"

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.

Section 54952. "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, 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:

© 2026 Richards, Watson & Gershon

(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.

Section 54952.1. Member of a legislative body of a local agency; conduct

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.

Section 54952.2. Prohibited communications of local agency's legislative body; social media; exclusions from this chapter

(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

© 2026 Richards, Watson & Gershon

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

© 2026 Richards, Watson & Gershon

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.

Section 54952.3. Simultaneous or serial order meetings authorized; Requirements; Compensation or stipends

(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.

© 2026 Richards, Watson & Gershon

Section 54952.6. "Action taken"

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.

Section 54952.7. Copy of chapter to members of legislative body of local agencies

A local agency shall provide a copy of this chapter to any person elected or appointed to serve as a member of a legislative body of the local agency.

Section 54953. Requirement that meetings be open and public; Teleconferencing; Teleconference meetings by health authority

(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 otherwise applicable 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each

© 2026 Richards, Watson & Gershon

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 expressly provided in this chapter.

(4) The teleconferencing requirements of this subdivision shall not apply to remote participation described in subdivision (c).

(c) (1) Nothing in this chapter shall be construed to prohibit a member of a legislative body with a disability from participating in any meeting of the legislative body by remote participation as a reasonable accommodation pursuant to any applicable law.

(2) A member of a legislative body participating in a meeting by remote participation pursuant to this subdivision shall do both of the following:

(A) The member shall participate through both audio and visual technology, except that any member with a disability, as defined in Section 12102 of Title 42 of the United States Code, may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera.

(B) The member shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any of those individuals.

(3) Remote participation under this subdivision shall be treated as in-person attendance at the physical meeting location for all purposes, including any requirement that a quorum of the legislative body participate from any particular location. The provisions of subdivision (b) and Sections 54953.8 to 54953.8.7, inclusive, shall not apply to remote participation under this subdivision.

(d) (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) (A) 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 either of the following during the open meeting in which the final action is to be taken:

(i) A local agency executive, as defined in subdivision (d) of Section 3511.1.

© 2026 Richards, Watson & Gershon

(ii) A department head or other similar administrative officer of the local agency.

(B) This paragraph shall not affect the public's right under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(e) For purposes of this section, both of the following definitions apply:

(1) "Disability" means a physical disability or a mental disability as those terms are defined in Section 12926 and used in Section 12926.1, or a disability as defined in Section 12102 of Title 42 of the United States Code.

(2) (A) "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.

(B) Notwithstanding subparagraph (A), "teleconference" does not include one or more members watching or listening to a meeting via webcasting or any other similar electronic medium that does not permit members to interactively speak, discuss, or deliberate on matters.

(3) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting.

Section 54953.1. Grand jury testimony

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.

Section 54953.2. Meetings to conform to Americans with Disabilities Act

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.

Section 54953.3. Registration of attendance

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

© 2026 Richards, Watson & Gershon

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.

Section 54953.4. Translation of agendas

(a) The Legislature finds and declares that public access, including through translation of agendas as required by this section, is necessary for an informed populace. The Legislature encourages local agencies to adopt public access requirements that exceed the requirements of this chapter by translating additional languages, employing human translators, and conducting additional outreach.

(b) (1) In addition to any other applicable requirements of this chapter, a meeting held by a eligible legislative body pursuant to this chapter shall comply with both of the following requirements:

(A) (i) (I) (ia) All open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform, except if adequate telephonic or internet service is not operational at the meeting location. If adequate telephonic or internet service is operational at the meeting location during only a portion of the meeting, the legislative body shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform during that portion of the meeting.

(ib) (Ia) On or before July 1, 2026, an eligible legislative body shall approve at a noticed public meeting in open session, not on the consent calendar, a policy regarding disruption of telephonic or internet service occurring during meetings subject to this sub-subclause. The policy shall address the procedures for recessing and reconvening a meeting in the event of disruption and the efforts that the eligible legislative body shall make to attempt to restore the service.

(Ib) If a disruption of telephonic or internet service that prevents members of the public from attending or observing the meeting via the two-way telephonic service or two-way audiovisual platform occurs during the meeting, the eligible legislative body shall recess the open session of the meeting for at least one hour and make a good faith attempt to restore the service. The eligible legislative body may meet in closed session during this period. The eligible legislative body shall not reconvene the open session of the meeting until at least one hour following the disruption, or until telephonic or internet service is restored, whichever is earlier.

(Ic) Upon reconvening the open session, if telephonic or internet service has not been restored, the eligible legislative body shall adopt a finding by rollcall vote that good faith efforts to restore the telephonic or internet service have been made in accordance with the policy adopted pursuant to sub-sub-subclause (Ia) and that the public interest in continuing the meeting outweighs the public interest in remote public access.

© 2026 Richards, Watson & Gershon

(II) Subclause (I) does not apply to a meeting that is held to do any of the following:

(ia) Attend a judicial or administrative proceeding to which the local agency is a party.

(ib) Inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.

(ic) Meet with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(id) Meet 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.

(ie) Meet in an emergency situation pursuant to Section 54956.5.

(ii) If an eligible legislative body elects to provide a two-way audiovisual platform, the eligible legislative body shall publicly post and provide a call-in option, and activate any automatic captioning function during the meeting if an automatic captioning function is included with the two-way audiovisual platform. If an eligible legislative body does not elect to provide a two-way audiovisual platform, the eligible legislative body shall provide a two-way telephonic service for the public to participate in the meeting, pursuant to subclause (I).

(B) (i) All open and public meetings for which attendance via a two-way telephonic service or a two-way audiovisual platform is provided in accordance with paragraph (1) shall provide the public with an opportunity to provide public comment in accordance with Section 54954.3 via the two-way telephonic or two-way audiovisual platform, and ensure the opportunity for the members of the public participating via a two-way telephonic or two-way audiovisual platform to provide public comment with the same time allotment as a person attending a meeting in person.

(2) (A) An eligible legislative body shall reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive interpretation provided by another member of the public, so long as the interpretation is not disrupting to the meeting, as defined in Section 54957.95. The eligible legislative body shall publicize instructions on how to request assistance under this subdivision. Assistance may include any of the following, as determined by the eligible legislative body:

(i) Arranging space for one or more interpreters at the meeting location.

(ii) Allowing extra time during the meeting for interpretation to occur.

© 2026 Richards, Watson & Gershon

(iii) Ensuring participants may utilize their personal equipment or reasonably access facilities for participants to access commercially available interpretation services.

(B) This section does not require an eligible legislative body to provide interpretation of any public meeting, however, an eligible legislative body may elect to provide interpretation of any public meeting.

(C) The eligible legislative body is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided under this subdivision. An action shall not be commenced or maintained against the eligible legislative body arising from the content or accuracy of any interpretation facilitated, assisted with, or provided under this subdivision.

(3) An eligible legislative body shall take the following actions to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings:

(A) Have in place a system for electronically accepting and fulfilling requests for meeting agendas and documents pursuant to Section 54954.1 through email or through an integrated agenda management platform. Information about how to make a request using this system shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

(B) (i) Create and maintain an accessible internet webpage dedicated to public meetings that includes, or provides a link to, all of the following information:

(I) A general explanation of the public meeting process for the eligible legislative body.

(II) An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public meeting or to submit written public comment.

(III) A calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting.

(IV) The agenda posted online pursuant to paragraph (2) of subdivision (a) of Section 54954.2.

(ii) The eligible legislative body shall include a link to the webpage required by subparagraph (A) on the home page of the eligible legislative body's internet website.

© 2026 Richards, Watson & Gershon

(C) (i) Make reasonable efforts, as determined by the legislative body, to invite groups that do not traditionally participate in public meetings to attend those meetings, which may include, but are not limited to, all the following:

(I) Media organizations that provide news coverage in the jurisdiction of the eligible legislative body, including media organizations that serve non-English-speaking communities.

(II) Good government, civil rights, civic engagement, neighborhood, and community group organizations, or similar organizations that are active in the jurisdiction of the eligible legislative body, including organizations active in non-English-speaking communities.

(ii) Legislative bodies shall have broad discretion in the choice of reasonable efforts they make under this subparagraph. No action shall be commenced or maintained against an eligible legislative body arising from failing to provide public meeting information to any specific group pursuant to this subparagraph.

(c) (1) (A) The agenda for each meeting of an eligible legislative body shall be translated into all applicable languages, and each translation shall be posted in accordance with Section 54954.2. Each translation shall include instructions in the applicable language describing how to join the meeting by the telephonic or internet-based service option, including any requirements for registration for public comment.

(B) The accessible internet webpage provided under subparagraph (B) of paragraph (3) of subdivision (b) shall be translated into all applicable languages, and each translation shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

(2) A translation made using a digital translation service shall satisfy the requirements of paragraph (1).

(3) The eligible legislative body shall make available a physical location that is freely accessible to the public in reasonable proximity to the physical location in which the agenda and translations are posted as described in paragraph (1), and shall allow members of the public to post additional translations of the agenda in that location.

(4) The eligible legislative body is not responsible for the content or accuracy of any translation provided pursuant to this subdivision. No action shall be commenced or maintained against an eligible legislative body arising from the content, accuracy, posting, or removal of any translation provided by the eligible legislative body or posted by any person pursuant to this subdivision.

(5) For the purposes of this section, the agenda does not include the entire agenda packet.

© 2026 Richards, Watson & Gershon

(d) This section shall not be construed to affect or supersede any other applicable civil rights, nondiscrimination, or public access laws.

(e) For purposes of this section, all of the following definitions apply:

(1) (A) "Applicable languages" means languages, according to data from the most recent American Community Survey, spoken jointly by 20 percent or more of the applicable population, provided that 20 percent or more of the population that speaks that language in that city or county speaks English less than "very well."

(B) For the purposes of subparagraph (A), the applicable population shall be determined as follows:

(i) For an eligible legislative body that is a city council or county board of supervisors, the applicable population shall be the population of the city or county.

(ii) For an eligible legislative body of a special district, the applicable population shall be either of the following, at the discretion of the board of directors of the special district:

(I) The population of the county with the greatest population within the boundaries of the special district.

(II) The population of the service area of the special district, if the special district has the data to determine what languages spoken by the population within its service area meet the requirements of paragraph (A).

(C) If more than three languages meet the criteria set forth in subparagraph (A), "applicable languages" shall mean the three languages described in subparagraph (A) that are spoken by the largest percentage of the population.

(D) An eligible legislative body may elect to determine the applicable languages based upon a source other than the most recent American Community Survey if it makes a finding, based upon substantial evidence, that the other source provides equally or more reliable data for the territory over which the eligible legislative body exercises jurisdiction.

(2) "Eligible legislative body" means any of the following:

(A) A city council of a city with a population of 30,000 or more.

(B) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.

(C) A city council of a city located in a county with a population of 600,000 or more.

© 2026 Richards, Watson & Gershon

(D) The board of directors of a special district that has an internet website and meets any of the following conditions:

(i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.

(ii) The special district has over 1,000 full-time equivalent employees.

(iii) The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars ($400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

(3) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.

(4) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(f) This section shall become operative on July 1, 2026.

(g) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

Section 54953.5. Recording proceedings

(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 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 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 (Division 10 (commencing with Section 7920.000) 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.

Section 54953.6. Restrictions on broadcasts of proceedings

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

© 2026 Richards, Watson & Gershon

cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

Section 54953.7. Access to meetings beyond minimal standards

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 those requirements on appointed legislative bodies of the local agency.

Section 54953.8. Open meetings: teleconferences

(a) The legislative body of a local agency may use teleconferencing as authorized by subdivision (b) of Section 54953 without complying with the requirements of paragraph (3) of subdivision (b) of Section 54953 in any of the circumstances described in Sections 54953.8.1 to 54953.8.7, inclusive.

(b) A legislative body that holds a teleconference meeting pursuant to this section shall, in addition to any other applicable requirements of this chapter, comply with all of the following:

(1) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(A) A two-way audiovisual platform.

(B) A two-way telephonic service and a live webcasting of the meeting.

(2) In each instance in which notice of the time of the teleconference meeting held pursuant to this section is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(3) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

© 2026 Richards, Watson & Gershon

(4) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(5) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(6) (A) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to paragraph (5), to provide public comment until that timed public comment period has elapsed.

(B) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to paragraph (5), or otherwise be recognized for the purpose of providing public comment.

(C) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to paragraph (5), until the timed general public comment period has elapsed.

(7) Any member of the legislative body who participates in a teleconference meeting from a remote location pursuant to this section and the specific provision of law that the member relied upon to permit their participation by teleconferencing shall be listed in the minutes of the meeting.

(8) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(9) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.(c) A local agency shall identify and make available to legislative bodies a list of one or more meeting locations that may be available for use by the legislative bodies to conduct their meetings.

(d) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

© 2026 Richards, Watson & Gershon

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(e) A member of a legislative body who participates in a teleconference meeting from a remote location pursuant to this section shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with those individuals.

(f) The teleconferencing provisions described in Section 54953 and Sections 54953.8.1 to 54953.8.7, inclusive, are cumulative. A legislative body may elect to use any teleconferencing provisions that are applicable to a meeting, regardless of whether any other teleconferencing provisions would also be applicable to that meeting.

(g) For purposes of this section, the following definitions apply:

(1) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to paragraph (7) of subdivision (b), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(2) "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.

(3) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. A two-way audiovisual platform may be structured to disable the use of video for the public participants.

(4) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(5) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

Section 54953.8.1 Open meetings: teleconferences: health authorities

(a) A health authority may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section.

(b) Nothing in this section or Section 54953.8 shall be construed as discouraging health authority members from regularly meeting at a common physical site within the

© 2026 Richards, Watson & Gershon

jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority.

(c) For purposes of this section, 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.

Section 54953.8.2 Open meetings: teleconferences: state or local emergencies

(a) A legislative body of a local agency may conduct a teleconference meeting pursuant to Section 54953.8 during a proclaimed state of emergency or local emergency, provided that it complies with the requirements of that section and the teleconferencing is used in either of the following circumstances:

(1) For the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) After a determination described in paragraph (1) is made that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(b) If the state of emergency or local emergency remains active, in order to continue to teleconference pursuant to this section, the legislative body shall, no later than 45 days after teleconferencing for the first time pursuant to this section, and every 45 days thereafter, make the following findings by majority vote:

(1) The legislative body has reconsidered the circumstances of the state of emergency or local emergency.

(2) The state of emergency or local emergency continues to directly impact the ability of the members to meet safely in person.

(c) This section shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(d) Notwithstanding paragraph (1) of subdivision (b) of Section 54953.8, a legislative body conducting a teleconference meeting pursuant to this section may elect to use a two-way telephonic service without a live webcasting of the meeting.

(e) For purposes of this section, the following definitions apply:

© 2026 Richards, Watson & Gershon

(1) "Local emergency" means a condition of extreme peril to persons or property proclaimed by the governing body of the local agency affected, in accordance with Section 8630 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), as defined in Section 8680.9, or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code. Local emergency, as used in this section, refers only to local emergencies in the boundaries of the territory over which the local agency exercises jurisdiction.

(2) "State of emergency" means state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

Section 54953.8.3 Open meetings: teleconferences: quorum

(a) A legislative body of a local agency may conduct a teleconference meeting pursuant to Section 54953.8 if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the legislative body complies with the requirements of Section 54953.8 and all of the following additional requirements:

(1) A member of the legislative body notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting.

(2) The member shall participate through both audio and visual technology.

(3) (A) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for just cause for more than the following number of meetings, as applicable:

(i) Two meetings per year, if the legislative body regularly meets once per month or less.

(ii) Five meetings per year, if the legislative body regularly meets twice per month.

(iii) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(B) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

© 2026 Richards, Watson & Gershon

(b) The minutes for the meeting shall identify the specific provision in subdivision (c) that each member relied upon to participate remotely. This subdivision shall not be construed to require the member to disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law, including, but not limited to, the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code).

(c) For purposes of this section, "just cause" means any of the following:

(1) Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(2) A contagious illness that prevents a member from attending in person.

(3) A need related to a physical or mental condition that is not subject to subdivision (c) of Section 54953.

(4) Travel while on official business of the legislative body or another state or local agency.

(5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.

(6) A physical or family medical emergency that prevents a member from attending in person.

(7) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

(d) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

Section 54953.8.4 Open meetings: teleconferences: neighborhood councils

(a) An eligible neighborhood council may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following have occurred:

(1) (A) The city council for a city described in paragraph (2) of subdivision (b) considers whether to adopt a resolution to authorize eligible neighborhood councils to use teleconferencing as described in this section at an open and regular meeting.

© 2026 Richards, Watson & Gershon

(B) If the city council adopts a resolution described in subparagraph (A), an eligible neighborhood council may elect to use teleconferencing pursuant to this section if a majority of the eligible neighborhood council votes to do so. The eligible neighborhood council shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from an eligible neighborhood council described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible neighborhood council from using teleconferencing pursuant to this section.

(2) After completing the requirements of subparagraph (A) of paragraph (1), an eligible neighborhood council that holds a meeting pursuant to this subdivision shall do all of the following:

(A) At least a quorum of the members of the eligible neighborhood council shall participate from locations within the boundaries of the city in which the eligible neighborhood council is established.

(B) At least once per year, at least a quorum of the members of the eligible neighborhood council shall participate in person from a singular physical location that is open to the public and within the boundaries of the eligible neighborhood council.

(3) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible neighborhood council, the eligible neighborhood council shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city council member who represents the area where the eligible neighborhood council is located, unless the eligible neighborhood council identifies an alternative location.

(4) If the meeting is outside regular business hours, the eligible neighborhood council shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting.

(b) For purposes of this section, the following definitions apply:

(1) "Accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(2) "Eligible neighborhood council" means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

© 2026 Richards, Watson & Gershon

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

Section 54953.8.5 Open meetings: teleconferences: community college student organizations

(a) An eligible community college student organization may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) An eligible community college student organization may only use teleconferencing as described in Section 54953.8 after all the following have occurred:

(A) The board of trustees for a community college district considers whether to adopt a resolution to authorize eligible community college student organizations to use teleconferencing as described in this section at an open and regular meeting.

(B) If the board of trustees for a community college district adopts a resolution described in subparagraph (A), an eligible community college student organization may elect to use teleconferencing pursuant to this section if a majority of the eligible community college student organization votes to do so. The eligible community college student organization shall notify the board of trustees if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from an eligible community college student organization as described in subparagraph (B), the board of trustees may adopt a resolution to prohibit the eligible community college student organization from using teleconferencing pursuant to this section.

(D) (i) Except as specified in clause (ii), at least a quorum of the members of the eligible community college student organization shall participate from a singular physical location that is accessible to the public and is within the community college district in which the eligible community college student organization is established.

(ii) The requirements described in clause (i) shall not apply to the California Online Community College.

(iii) Notwithstanding the requirements of clause (i), a person may count toward the establishment of a quorum pursuant to clause (i) regardless of whether the person is participating at the in-person location of the meeting or remotely if the person meets any of the following criteria:

(I) The person is under 18 years of age.

(II) The person is incarcerated.

(III) The person is unable to disclose the location that they are participating from because of either of the following circumstances:

© 2026 Richards, Watson & Gershon

(ia) The person has been issued a protective court order, including, but not limited to, a domestic violence restraining order.

(ib) The person is participating in a program that has to remain confidential, including, but not limited to, an independent living program.

(IV) The person provides childcare or caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. For purposes of this subclause, "child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms are defined in Section 12945.2.

(2) An eligible community college student organization that holds a meeting by teleconference as described in Section 54953.8 shall do the following, as applicable:

(A) (i) Except as specified in subparagraph (B), if the meeting is during regular business hours of the offices of the board of trustees of the community college district, the eligible community college student organization shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the board of trustees of the community college district, unless the eligible community college student organization identifies an alternative location.

(ii) Except as specified in subparagraph (B), if the meeting is outside regular business hours, the eligible community college student organization shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(B) The requirements described in subparagraph (A) shall not apply to the California Online Community College.

(b) For purposes of this section, "eligible community college student organization" means a student body association organized pursuant to Section 76060 of the Education Code, or any other student-run community college organization that is required to comply with the meeting requirements of this chapter, that is in any community college recognized within the California Community Colleges system and includes the Student Senate for California Community Colleges.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

© 2026 Richards, Watson & Gershon

Section 54953.8.6 Open meetings: teleconferences: eligible subsidiary bodies

(a) An eligible subsidiary body may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) The eligible subsidiary body shall designate one physical meeting location within the boundaries of the legislative body that created the eligible subsidiary body where members of the subsidiary body who are not participating remotely shall be present and members of the public may physically attend, observe, hear, and participate in the meeting. At least one staff member of the eligible subsidiary body or the legislative body that created the eligible subsidiary body shall be present at the physical meeting location during the meeting. The eligible subsidiary body shall post the agenda at the physical meeting location, but need not post the agenda at a remote location.

(2) (A) A member of the eligible subsidiary body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except if the member has a physical or mental condition not subject to subdivision (c) of Section 54953 that results in a need to participate off camera.

(B) The visual appearance of a member of the eligible subsidiary body on camera may cease only when the appearance would be technologically infeasible, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video.

(C) If a member of the eligible subsidiary body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance prior to turning off their camera.

(3) An elected official serving as a member of an eligible subsidiary body in their official capacity shall not participate in a meeting of the eligible subsidiary body by teleconferencing pursuant to this section unless the use of teleconferencing complies with the requirements of paragraph (3) of subdivision (b) of Section 54953.

(4) (A) In order to use teleconferencing pursuant to this section, the legislative body that established the eligible subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the eligible subsidiary body uses teleconferencing pursuant to this section for the first time, and every six months thereafter:

(i) The legislative body has considered the circumstances of the eligible subsidiary body.

(ii) Teleconference meetings of the eligible subsidiary body would enhance public access to meetings of the eligible subsidiary body, and the public has been made aware of the type of remote participation, including audio-visual or

© 2026 Richards, Watson & Gershon

telephonic, that will be made available at a regularly scheduled meeting and has been provided the opportunity to comment at an in-person meeting of the legislative body authorizing the subsidiary body to meet entirely remotely.

(iii) Teleconference meetings of the eligible subsidiary body would promote the attraction, retention, and diversity of eligible subsidiary body members.

(B) (i) An eligible subsidiary body authorized to use teleconferencing pursuant to this section may request to present any recommendations it develops to the legislative body that created it.

(ii) Upon receiving a request described in clause (i), the legislative body that created the subsidiary body shall hold a discussion at a regular meeting held within 60 days after the legislative body receives the request, or if the legislative body does not have another regular meeting scheduled within 60 days after the legislative body receives the request, at the next regular meeting after the request is received.

(iii) The discussion required by clause (ii) shall not be placed on a consent calendar, but may be combined with the legislative body's subsequent consideration of the findings described in subparagraph (A) for the following 12 months.

(iv) The legislative body shall not take any action on any recommendations included in the report of a subsidiary body until the next regular meeting of the legislative body following the discussion described in clause (ii).

(C) After the legislative body makes the findings described in subparagraph (A), the eligible subsidiary body shall approve the use of teleconferencing by majority vote before using teleconference pursuant to this section.

(D) The legislative body that created the eligible subsidiary body may elect to prohibit the eligible subsidiary body from using teleconferencing pursuant to this section at any time.

(b) (1) For purposes of this section, "eligible subsidiary body" means a legislative body that meets all of the following:

(A) Is described in subdivision (b) of Section 54952.

(B) Serves exclusively in an advisory capacity.

(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds.

(D) Does not have primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals.

© 2026 Richards, Watson & Gershon

(2) An eligible subsidiary body may include members who are elected officials, members who are not elected officials, or any combination thereof.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

Section 54953.8.7 Open meetings: teleconferences: multijurisdictional bodies

(a) An eligible multijurisdictional body may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) The eligible multijurisdictional body has adopted a resolution that authorizes the eligible multijurisdictional body to use teleconferencing pursuant to this section at a regular meeting in open session.

(2) At least a quorum of the members of the eligible multijurisdictional body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

(3) A member of the eligible multijurisdictional body who receives compensation for their service on the eligible multijurisdictional body shall participate from a physical location that is open to the public. For purposes of this paragraph, "compensation" does not include reimbursement for actual and necessary expenses.

(4) A member of the eligible multijurisdictional body may participate from a remote location provided that:

(A) The eligible multijurisdictional body identifies each member of the eligible multijurisdictional body who plans to participate remotely in the agenda.

(B) The member shall participate through both audio and visual technology.

(5) A member of the eligible multijurisdictional body shall not participate in a meeting remotely pursuant to this section, unless the location from which the member participates is more than 20 miles each way from any physical location of the meeting described in paragraph (2).

(6) The provisions of this section shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for more than the following number of meetings, as applicable:

(A) Two meetings per year, if the legislative body regularly meets once per month or less.

© 2026 Richards, Watson & Gershon

(B) Five meetings per year, if the legislative body regularly meets twice per month.

(C) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(D) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(b) For the purposes of this section, both of the following definitions apply:

(1) "Eligible multijurisdictional body" means a multijurisdictional board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed, and the board, commission, or advisory body is otherwise subject to this chapter.

(2) "Multijurisdictional" means either of the following:

(A) A legislative body that includes representatives from more than one county, city, city and county, or special district.

(B) A legislative body of a joint powers entity formed pursuant to an agreement entered into in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed

Section 54954. Rules for conduct of business; Time and place of meetings

(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,

© 2026 Richards, Watson & Gershon

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

© 2026 Richards, Watson & Gershon

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.

Section 54954.1. Request for notice; Renewal; Fee

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 a local agency has an internet website, the legislative body or its designee shall email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the item or items be delivered by email. If the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to this section. 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.

Section 54954.2. Posting of agenda: actions not on agenda

(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda that meets all of the following requirements:

(A) The agenda shall contain 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.

(B) 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 website, if the local agency has one.

© 2026 Richards, Watson & Gershon

(C) (i) 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.

(ii) 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 website, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary internet website home page 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 website 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 website home page 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 website 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.

© 2026 Richards, Watson & Gershon

(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) 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.

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

(1) "Integrated agenda management platform" means an internet website 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.

(2) "Legislative body" means a legislative body that meets the definition of subdivision (a) of Section 54952.

(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 their 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.

© 2026 Richards, Watson & Gershon

(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 website, 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. Public testimony at regular meetings

(a) (1) 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.

(2) (A) Notwithstanding paragraph (1), 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.

(B) Subparagraph (A) shall not apply if any of the following conditions are met:

© 2026 Richards, Watson & Gershon

(i) The item has been substantially changed since the committee heard the item, as determined by the legislative body.

(ii) When considering the item, a quorum of the committee members did not participate from a singular physical location, that was clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency exercises jurisdiction.

(iii) The committee has primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals. This clause shall not apply to an item if the local agency has adopted a law applicable to the meeting of the committee at which the item that was considered prohibits the committee from placing a limit on the total amount of time for public comment on the item.

(3) 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.

© 2026 Richards, Watson & Gershon

Section 54954.4. Legislative findings and declarations relating to reimbursements; Legislative intent; Review of claims

(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.

Section 54954.5. Description of closed session items

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

© 2026 Richards, Watson & Gershon

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)

© 2026 Richards, Watson & Gershon

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:

© 2026 Richards, Watson & Gershon

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

© 2026 Richards, Watson & Gershon

Section 54954.6. Public meeting on general tax or assessment: notice

(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

© 2026 Richards, Watson & Gershon

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

© 2026 Richards, Watson & Gershon

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.

© 2026 Richards, Watson & Gershon

(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.

Section 54955. Adjournment of 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 adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

Section 54955.1. Continuance of hearing

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 recontinued 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

© 2026 Richards, Watson & Gershon

be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Section 54956. Special meetings: call; notice; meetings regarding local agency executive salaries, salary schedules or compensation in form of fringe benefits; posting on Internet Web site

(a) (1) 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 website, 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 telephone or electronic mail. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

(2) 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 the legislative body or 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.

Section 54956.5. Emergency meetings: notice

(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

© 2026 Richards, Watson & Gershon

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.

(A) Except as provided in subparagraph (B), the notice required by this paragraph 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 paragraph 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.

(B) For an emergency meeting held pursuant to this section, the presiding officer of the legislative body, or designee thereof, may send the notifications required by this paragraph by email instead of by telephone, as provided in subparagraph (A), to all local newspapers of general circulation, and radio or television stations, that have requested those notifications by email, and all email addresses provided by representatives of those newspapers or stations shall be exhausted. In the event that internet services and telephone services are not functioning, the notice requirements of this paragraph 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.

© 2026 Richards, Watson & Gershon

Section 54956.6. Fees

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.

Section 54956.7. Closed sessions regarding application from person with criminal record

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.

Section 54956.75. Closed session for response to final draft audit report

(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.

Section 54956.8. Closed sessions regarding real property negotiations

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.

© 2026 Richards, Watson & Gershon

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.

Section 54956.81. Closed sessions regarding purchase or sale of pension fund investments

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.

Section 54956.86. Closed session for health plan member

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.

Section 54956.87. Disclosure of records and information; Meetings in closed session

(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

© 2026 Richards, Watson & Gershon

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.

Section 54956.9. Closed sessions concerning pending litigation: lawyer-client privilege

(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

© 2026 Richards, Watson & Gershon

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

© 2026 Richards, Watson & Gershon

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 (Division 10 (commencing with Section 7920.000) 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.

Section 54956.95. Closed sessions regarding liability

(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.

© 2026 Richards, Watson & Gershon

Section 54956.96. Disclosure of specified information in closed session of joint powers agency, Clean Power Alliance of Southern California; Authorization of designated alternate to attend closed session; Closed session of legislative body of local agency member

(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

© 2026 Richards, Watson & Gershon

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, 2030, and as of that date is repealed.

Section 54956.97. Public bank; governing board or committee of governing board; closed session

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.

© 2026 Richards, Watson & Gershon

Section 54956.98. Public bank; policy or bylaw; information from a closed session considered confidential

(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).

Section 54957. Closed session regarding public security, facilities, employees, examination of witness

(a)(1) This chapter does not 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 other law enforcement or security personnel, or a security consultant or a security operations manager, on matters posing a threat to the security

© 2026 Richards, Watson & Gershon

of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, a threat to the public's right of access to public services or public facilities, or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Critical infrastructure controls" means networks and systems controlling assets so vital to the local agency that the incapacity or destruction of those networks, systems, or assets would have a debilitating impact on public health, safety, economic security, or any combination thereof.

(B) "Critical infrastructure information" means information not customarily in the public domain pertaining to any of the following:

(i) Actual, potential, or threatened interference with, or an attack on, compromise of, or incapacitation of critical infrastructure controls by either physical or computer-based attack or other similar conduct, including, but not limited to, the misuse of, or unauthorized access to, all types of communications and data transmission systems, that violates federal, state, or local law or harms public health, safety, or economic security, or any combination thereof.

(ii) The ability of critical infrastructure controls to resist any interference, compromise, or incapacitation, including, but not limited to, any planned or past assessment or estimate of the vulnerability of critical infrastructure.

(iii) Any planned or past operational problem or solution regarding critical infrastructure controls, including, but not limited to, repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to interference, compromise, or incapacitation of critical infrastructure controls.

(b) (1) Subject to paragraph (2), this chapter does not 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 their 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.

© 2026 Richards, Watson & Gershon

(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.

Section 54957.1. Public report of action taken in closed session; Form; Availability; Actions for injury to interests

(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.

© 2026 Richards, Watson & Gershon

(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

© 2026 Richards, Watson & Gershon

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.

Section 54957.2. Minute book for closed sessions

(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 (Division 10 (commencing with Section 7920.000) 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. The 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).

Section 54957.5. Agendas and other writings as public records

(a) Agendas of public meetings are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay and in compliance with Section 54954.2 or Section 54956, as applicable. However, this section shall not apply to a writing, or portion thereof, that is exempt from public disclosure.

(b) (1) If a writing is a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to discussion or consideration at an open meeting of the body less than 72 hours before that meeting, the writing shall be made available for

© 2026 Richards, Watson & Gershon

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) Except as provided in subparagraph (B), a local agency shall comply with both of the following requirements:

(i) 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.

(ii) A local agency shall list the address of the office or location designated pursuant to clause (i) on the agendas for all meetings of the legislative body of that agency.

(B) A local agency shall not be required to comply with the requirements of subparagraph (A) if all of the following requirements are met:

(i) An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated pursuant to clause (i) of subparagraph (A) at least 72 hours before the meeting.

(ii) The local agency immediately posts any writing described in paragraph (1) on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(iii) The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

(iv) (I) Subject to subclause (II), the local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated pursuant to clause (i) of subparagraph (A).

(II) This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

(c) Writings that are public records described in subdivision (b) and 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

© 2026 Richards, Watson & Gershon

Section 7922.530, 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 (Division 10 (commencing with Section 7920.000) of Title 1), including, but not limited to, the ability of the public to inspect public records pursuant to Section 7922.525 and obtain copies of public records pursuant to either subdivision (b) of Section 7922.530 or Section 7922.535. 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.

Section 54957.6. Closed sessions regarding employee matters

(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, subject to all of the following conditions:

(1) 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.

(2) The closed session shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

(3) The closed session may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

(4) Any closed session 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.

(5) The closed session shall not include final action on the proposed compensation of one or more unrepresented employees.

(6) 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

© 2026 Richards, Watson & Gershon

include any elected official, member of a legislative body, or other independent contractors.

Section 54957.7. Disclosure of items to be discussed at closed session

(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.

Section 54957.8. Closed sessions of multijurisdictional drug law enforcement agencies

(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.

Section 54957.9. Authorization to clear room where meeting willfully interrupted; Readmission

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the 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

© 2026 Richards, Watson & Gershon

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.

Section 54957.95 Removal of Disruptive Individuals

(a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting, including any teleconferenced meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

Section 54957.96 Presiding officer's authority to limit participation

(a) The existing authority of a legislative body or its presiding officer to remove or limit participation by persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including existing limitations upon that authority, shall apply to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform.

(b) For purposes of this section, the following definitions apply:

© 2026 Richards, Watson & Gershon

(1) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. A two-way audiovisual platform may be structured to disable the use of video for the public participants.

(2) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

Section 54957.10. Closed sessions regarding application for early withdrawal of deferred compensation plan funds

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.

Section 54958. Application of chapter

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

Section 54959. Criminal penalty for violation of chapter

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.

Section 54960. Proceeding to prevent violation of chapter; Recording closed sessions; Procedure for discovery of tapes

(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

© 2026 Richards, Watson & Gershon

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.

Section 54960.1. Proceeding to determine validity of action; Demand for correction

(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,

© 2026 Richards, Watson & Gershon

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.

© 2026 Richards, Watson & Gershon

(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.

Section 54960.2 Proceeding to determine the applicability of chapter to past actions of legislative body; Conditions; Cease and desist letter

(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

© 2026 Richards, Watson & Gershon

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]

© 2026 Richards, Watson & Gershon

(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.

Section 54960.5. Costs and attorneys' fees

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

© 2026 Richards, Watson & Gershon

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.

Section 54961. Meeting place with discriminatory admission policies; Identification of victim of sexual or child abuse

(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.

Section 54962. Prohibition against closed sessions except as expressly authorized

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.

Section 54963. Disclosure of confidential information acquired in closed session prohibited; Disciplinary action for violation

(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:

© 2026 Richards, Watson & Gershon

(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 grandjury.

(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.

© 2026 Richards, Watson & Gershon

Richards, Watson & Gershon delivers practical advice and solutions tailored to the unique needs of California public entities.

About

Working seamlessly across offices in Los Angeles, San Francisco, Orange County, Temecula, the Central Coast, and Sacramento our dedicated team of experts provides the full-scope of public law services.

We are the lawyers of choice for clients who seek reliable, efficient, and effective legal counsel. Richards, Watson & Gershon serves as city attorney, special counsel and general counsel to clients of all sizes and demographics.

Our attorneys are proficient in areas of law only found in a firm with substantial experience in public agency representation. Local governments count on us for help with their most complex problems.

Specialties Include:

- Administrative Law
- Airports, Rail & Transit
- Brown Act
- Cannabis
- CEQA
- Coastal Act
- Code Enforcement
- Conflicts of Interest
- Construction & Public Works
- Elections
- Eminent Domain
- Environment & Natural Resources
- Housing
- Labor & Employment
- Land Use & Planning
- Litigation
- Police Practices
- Public Finance
- Public Records Act
- Real Estate & Leasing
- Rent Control
- Subdivisions & Zoning
- Taxes, Fees & Assessments
- Telecommunications
- Solid Waste
- Stormwater Compliance
- Water Rights & Water Law

LOS ANGELES
350 S. Grand Avenue
37th Floor
Los Angeles, CA 90071

SAN FRANCISCO
One Sansome Street
Suite 2050
San Francisco, CA 94104

ORANGE COUNTY
1 Civic Center Circle
P.O. Box 1059
Brea, CA 92822

TEMECULA
41000 Main Street
Suite 316
Temecula, CA 92590

CENTRAL COAST
847 Monterey Street
Suite 211
San Luis Obispo, CA 93401

SACRAMENTO
2300 N Street
Suite 3
Sacramento, CA 95816

CCC REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA) BOARD

Date: July 20, 2026

To: JPA Board of Directors

From: Nicholas Ghirelli, Richards, Watson & Gershon

Subject: Item No. 5.1 – Staff Report to Adopt a Resolution Approving the Conflict of Interest Code for the RAC JPA

Recommendation:

Adopt a resolution approving the Conflict of Interest Code for the Regional Alternative Compliance (RAC) Joint Powers Authority (JPA).

Background:

The RAC JPA is an independent public agency formed as of July 1, 2026, under the Joint Exercise of Powers Act to administer the Contra Costa County Regional Alternative Compliance System. As a local government agency, the Authority is subject to the Political Reform Act (PRA), which requires adoption of a conflict-of-interest code within six months of formation.

The proposed Conflict of Interest Code incorporates by reference the standard terms of Section 18730 of Title 2 of the California Code of Regulations, which are periodically amended by the Fair Political Practices Commission (FPPC) to reflect changes in the PRA. The Code designates specific positions - including Board Members, Alternates, Legal Counsel, Manager, Treasurer, Secretary, and certain consultants — as subject to disclosure requirements. Each designated position must disclose economic interests according to assigned categories, covering investments, business positions, income, gifts, loans, travel payments, and interests in real property within or near the Authority's jurisdiction.

Consultants who make or participate in governmental decisions, serve in a staff capacity, or perform duties comparable to designated positions are also subject to disclosure requirements, unless the Manager determines in writing that limited duties warrant reduced disclosure. All Statements of Economic Interests are filed with the Secretary of the Authority, who acts as the filing officer and retains originals for public inspection and reproduction during regular business hours.

Violations of the Conflict of Interest Code are subject to administrative, criminal, and civil sanctions under the Political Reform Act. The Code becomes effective upon approval by the Contra Costa County Board of Supervisors.

Fiscal Impact:

None.

Attachments:

1. Resolution Adopting a Conflict of Interest Code
2. Conflict of Interest Code of the Contra Costa County RAC JPA

RESOLUTION NO. 2026-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY REGIONAL ALTERNATIVE COMPLIANCE JOINT POWERS AUTHORITY ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Contra Costa Regional Alternative Compliance Joint Powers Authority ("the Authority") is an independent public agency formed under the Joint Exercise of Powers Act (Gov. Code § 6500 et seq.), effective July 1, 2026, to administer the Contra Costa County Regional Alternative Compliance System; and

WHEREAS, the Political Reform Act (Government Code Sections 81000 *et seq*.) ("PRA") requires State and local government agencies to adopt and promulgate conflict of interest codes and the Authority is a local government agency within the purview of the PRA; and

WHEREAS, the Authority must adopt a conflict of interest code not later than six months after it comes into existence (Gov. Code § 87303); and

WHEREAS, the Fair Political Practices Commission ("FPPC") has adopted a regulation, Section 18730 of the California Code of Regulations, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the FPPC to conform to amendments in the PRA after public notice and hearings; and

WHEREAS, because the Authority's membership and jurisdiction lie wholly within Contra Costa County and the Authority is not a city agency, the code-reviewing body for the Authority is the Contra Costa County Board of Supervisors (Gov. Code § 82011(b)); and

WHEREAS, the Board desires to adopt the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations, together with an appendix designating positions and establishing disclosure categories, to constitute the Conflict of Interest Code of the Authority (Exhibit A).

NOW, THEREFORE, the Board of Directors of the Contra Costa Regional Alternative Compliance Joint Powers Authority hereby resolves as follows:

Section 1. The facts set forth in the Recitals of this Resolution are true and correct.

Section 2. The Board of Directors of the Contra Costa Regional Alternative Compliance Joint Powers Authority hereby adopts the proposed Conflict of Interest Code (Exhibit A), which incorporates by reference the terms of Section 18730 of Title 2 of the California Code of Regulations and any amendments thereto duly adopted by the FPPC.

Section 3. Designated officials who manage public investments shall file with the Secretary of the Authority Statements of Economic Interests on FPPC forms, in conformance with the individual disclosure categories and State law. Statements will be available for inspection and reproduction pursuant to Government Code Section 81008.

Section 4. The Secretary of the Authority shall be and perform the duties of filing officer for purposes of the Conflict of Interest Code. The Secretary of the Authority shall retain all statements for all designated employees and officials who manage public investments.

Section 5. Any violation of any provision of the Conflict of Interest Code is subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code Section 81000 et seq.

Section 6. The Conflict of Interest Code shall be submitted to the Contra Costa County Board of Supervisors for approval and said Code shall become effective after the Contra Costa County Board of Supervisors approves the proposed Conflict of Interest Code as submitted (Gov. Code §§ 87303, 87304).

PASSED, APPROVED AND ADOPTED this xx day of July, 2026, by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAINED: BOARD MEMBERS:

SIGNATURE: _____

Chair, Board of Directors

CONFLICT OF INTEREST CODE OF THE
CONTRA COSTA COUNTY REGIONAL ALTERNATIVE COMPLIANCE (RAC)
JOINT POWERS AUTHORITY (JPA)

(xxxxxxx, xx, 2026)

The Political Reform Act (Gov. Code § 81000, *et seq*.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This incorporation page, Regulation 18730, and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Contra Costa County Regional Alternative Compliance Joint Powers Authority (the "Authority").

All Officials and Designated Positions required to submit a statement of economic interests shall file their statements with the Secretary of the Authority, as the Authority's Filing Officer. The Authority's Filing Officer shall retain the originals of the statements of all Officials and Designated Positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

I. DESIGNATED POSITIONS

The positions listed below are designated positions and the individual occupying each position is deemed to make, or participate in the making of, decisions which may have a material effect on the financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories.*

POSITION	DISCLOSURE CATEGORY
Board Member and Alternate	1, 2, 3, 4
Legal Counsel	1, 2, 3, 4
Manager	1, 2, 3, 4
Treasurer	1, 2, 3, 4
Secretary	1, 2, 3, 4
Consultants (if not listed above)	*See* Consultants: Disclosure Requirements

II. DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.* Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the Authority.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the Authority.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside the jurisdiction of the Authority.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction, or the acquisition or sale of real property within the jurisdiction of the Authority.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services or products of a type purchased or leased by the Authority.

Consultants: Disclosure Requirements[1]

Designated Consultants	**Disclosure Requirements**
Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant Authority approval to a plan, design, report, study, or adopt or grant Authority approval of policies, standards, or guidelines for the Authority or any subdivision thereof.	All reportable interests in real property in the jurisdiction; reportable income and business positions; reportable investments; and reportable gifts, unless the Manager determines in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section.[2]
Consultants who serve in a staff capacity with the Authority, and in that capacity participate in making a governmental decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.	Disclosure required at the same level as a comparable designated position in the same or similar Position or Department identified elsewhere in this Code.
Consultants who perform the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a designated position in the Authority's Conflict of Interest Code.	Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.

* This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions of the position. (Reg. 18730.1)

[1] When the consultant is a corporation or partnership, only individuals who fit into one of the three categories of "Designated Consultants" must file disclosure statements.

[2] If the Authority Manager determines in writing that a particular consultant is not required to fully comply with the requisite disclosure requirements, then such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

CCC REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA) BOARD

Date: July 20, 2026

To: JPA Board of Directors

From: Rinta Perkins, CCCWP Interim Program Manager

Subject: Item No. 5.5 – Staff Report to Approve the Proposed FY 26/27 Budget and Workplan and to Select the Methodology for Distributing JPA Costs Among Member Agencies

---

Recommendation:

1. Approve the proposed FY 26/27 Budget and Workplan.
2. Select the methodology for distributing JPA costs among member agencies.

Background:

In FY 25/26, twelve (12) agencies adopted resolutions to approve the Regional Alternative Compliance (RAC) Joint Powers Agreement (Agreement), establishing the initial membership of the RAC JPA (see Table 1 below). The first draft of the FY 26/27 RAC JPA workplan and budget was presented to JPA member agencies on June 22. Members provided feedback on both the proposed cost allocation methodology and the overall budget structure.

A follow-up meeting of the RAC Technical Advisory Committee met on June 30 and refined several operational elements, including procedures for collecting compliance-unit payments from project applicants, establishing work orders to track project-specific transactions separately from regular JPA operation, and creating templates for compliance-unit fee purchase agreements. Refer to Attachment 1 for the proposed FY 26/27 Workplan.

Key Changes to the Budget:

Because FY 26/27 represents the first year of JPA operations, several foundational and one-time setup activities are required, resulting in updates to scopes of work and budget assumptions. The final draft of FY 26/27 JPA Budget incorporated revised cost estimates for several positions and services needed to fully establish the JPA's administrative, financial, and compliance infrastructure (refer to Attachment 2).

- **RAC JPA Manager, $14,500**

  The Manager will facilitate three JPA Board meetings, oversee budgeting and financial transactions, coordinate JPA consultants, and manage member contributions. The Manager may collaborate with the CCCWP Interim Program Manager on shared responsibilities. This budget line item increased by $1,240.

- **Treasurer (Bookkeeper), $7,000**

  Additional hours are needed to complete first-year financial setup tasks, including establishing the QuickBooks account and general ledger, collecting member contributions, processing invoices, preparing financial reports, and performing recordkeeping. These startup tasks increased the Treasurer's budget by $3,400.

- **Auditor, $8,000**

  An independent annual audit is required for JPA financial statements. At the June 22nd meeting, Andrea Bullock (CCCWP) was initially proposed to serve as the Auditor. However, legal counsel reminded the Board that Government Code Section 6505.5, requires an auditor to "draw warrants to pay demands against the agency" once demands are approved. Because this statutory duty cannot be performed by internal staff, the JPA must retain a qualified, independent accounting firm to perform the annual audit and submit the required reporting to the State Controller and the members. The cost of an independent accounting firm to serve as Auditor is estimated between $8,000 and $10,000 per year, which represents a significant cost increase. Procurement of an Auditor is still underway. The FY 26/27 budget allocates $8,000, an increase of $6,400 from the original estimate.

- **Legal Services, $8,500**

  This category covers on-call **Legal Counsel** to support RAC JPA governance, agreements, and potential membership changes. There is no change from the previous budget.

- **RAC Administrator, $ 10,800**

  This category covers on-call support for RAC program administration, including responding to general inquiries, facilitating two RAC Technical Advisory Committee meetings, and coordinating with the RAC Technical Consultant, CFD Administrator and CFD Legal Counsel. This role addresses RAC-related administrative matters not funded by the US EPA grant. The Board may refine this scope as needed. The allocated budget increased by $5,550.

- **RAC Technical Consultant, $14,400**

  This category supports updating RAC operational documents, data entry into the Interim Tracking Tool, and other RAC-related technical tasks. The Consultant is expected to participate in the two RAC Advisory Committee meetings facilitated by the RAC Administrator.

- **Technology Fees, $1,000**

  This category covers the QuickBooks online subscription fees and updating the RAC JPA website. There is no change from the previous allocation.

- **Overhead Costs, $20,000**

  This is a new category to support essential startup tasks required during the JPA's first year of operation, such as processing resolutions and agreements, filing JPA documents and Form 700s for the Board, establishing the JPA bank account, and performing other foundational administrative needs. The allocated budget for overhead tasks is $20,000.

- **Contingency ($3,640)**

  This category provides flexibility for unforeseen needs, such as additional consultant hours or

cost adjustments. There is no change from the previous allocation.

JPA Cost Distribution Methodology Options:

Option 1 – Equal Cost Sharing

Under Section 15.2 of the RAC JPA Agreement, operating costs are shared equally among all member agencies unless the Board adopts an alternative method. Using equal distribution, each member agency would contribute **$7,320** toward FY 26/27 JPA costs.

Option 2 – Prorated Cost Sharing

Section 15.2 also allows the Board to adopt a cost-sharing method that members determine to be fair and transparent. For planning and budgeting purposes, JPA member agencies are grouped into Small, Medium, or Large-sized categories based on the population classifications defined in Section E of the Contra Costa Clean Water Program (Program) Agreement. As an alternative to equal shares, agencies may contribute based on their prorated cost units, which correspond to the population categories shown below.

Table 1 – RAC JPA Initial Members

Agency	Population Category [1]	Prorated Cost Unit (by Population Category)
City of Antioch	Large	3
Contra Costa County	Large	3
City of Hercules	Small	1
City of Martinez	Medium	2
Town of Moraga	Small	1
City of Oakley	Medium	2
City of Orinda	Small	1
City of Pinole	Small	1
City of Pittsburg	Large	3
City of Pleasant Hill	Medium	2
City of Richmond	Large	3
City of San Pablo	Medium	2
TOTAL PRORATED UNITS		**24**

The initial membership totals **24 prorated units**.

Table 2 – Prorated Share of JPA Costs

Population Category	Prorated Methodology	Prorated Share
Small-sized Agency	1/24 of total JPA Costs	$3,660
Medium-sized Agency	2/24 of total JPA Costs	$7,320
Large-sized Agency	3/24 of total JPA Costs	$10,980

[1] Agency category was based on the CCCWP (Program) Agreement, Section E, July 1, 2026. A "Small Municipality" is designated as having a population of less than 30,000; a "Medium Municipality" is designated as having a population of between 30,000 and 65,000; and a "Large Municipality" is designated as having a population of more than 65,000, based on population data from the State of California's Department of Finance.

Source of Funding:

Several RAC JPA members have expressed interest in using a portion of their Stormwater Utility Area (SUA) revenues to cover their share of the annual JPA costs. SUA revenues are dedicated stormwater funding sources used to support municipal regional NPDES permit (MRP) compliance activities. It is understood that member agencies participate in the RAC JPA to comply with multiple provisions of the MRP, and administrative costs of the JPA that address member compliance are appropriately funded by SUA revenues.

Other Considerations:

- Member agencies may elect to use Option 1 (Equal Cost Sharing) for FY 26/27, as outlined in the RAC JPA Agreement, and revisit an alternative cost-sharing methodology in future budget cycles, if needed.
- If a new agency joins the JPA later, it must contribute its portion of the adopted JPA Budget based on the selected cost-distribution methodology, along with any associated administrative and legal costs tied to its membership. This would reduce costs to other members.
- JPA Manager will provide a mid-year budget and work-plan update at the November Board meeting. Several early-year tasks are still conceptual and will require further Board direction as they develop.
- If external funding becomes available to offset JPA costs, Board of Directors may determine whether the resulting surplus should be held in reserve or applied toward a future JPA budget.

Fiscal Impact:

The FY 26/27 proposed RAC JPA budget is **$87,840**. Under **Option 1**, each member agency would pay **$7,320**. Under **Option 2**, contributions would vary based on prorated units, ranging from **$3,660 (for a Small-sized Agency), $7,320 (for a Medium-sized Agency), to $10,980 (for a Large-sized Agency)**.

Attachments:

1. FY 26/27 Workplan
2. FY 26/27 Budget (Proposed)

CCC Regional Alternative Compliance

FY 2026-27 JPA Workplan

7/10/2026

Completed
In progress
To Plan

	FY 2026-27											
	2026						2027					
	Q3			Q4			Q1			Q2		
	J	A	S	O	N	D	J	F	M	A	M	J
JPA Operations												
File JPA documents with Secretary of State, LAFCO, County's Recorder's Office												
JPA Board Meeting #1 (In-Person) on July 20. Post agenda by 7/15.												
Select JPA Chair and Vice Chair												
Select JPA Logo												
Resolution Adopting Conflict of Interest Code												
Resolution Establishing\ the JPA Board of Directors Meetings and Schedule												
Award contracts to JPA Manager and RAC Administrator, JPA Treasurer, JPA Legal Counsel, and RAC Technical Consultant												
Approve FY 26/27 Work plan and Budget												
RAC JPA website and GroupSite for document filing												
Open bank account, setup QuickBooks and General Ledger												
Collect member contribution of JPA costs												
Collaborate with CW4A Team on CFD-related tasks												
JPA Board Meeting #2 (In-person)					11/18							
JPA Board Meeting #3 (In-person)									3/17			
RAC Administration & Technical Support												
Respond to general inquiries												
Update RAC Operational document (related to project-specific transactions tracking, deposit, work orders)												
Facilitate two RAC Technical Committee meetings												
Update and data entry into Interim Tracking Tool												
Annual compliance reporting (if any)												
RAC Legal												
Professional services agreement												
Compliance-Unit Fees Purchase agreements												
Other RAC-related legal tasks												
Community Facilities District												
Establish CFD Future Annexation Boundaries map												
Annexation to the CFD												
Annual CFD administration												
Technical support (O&M costs)												
Private buyer agreement (per Melo Roos Act)												

FY 2026/27 RAC JPA Budget

July 20, 2026 (Final Draft)

Task	Task Description	Allocated Hours	Total Budget	Comments
RAC JPA Administration			**$29,500**	
Row 1	JPA Manager (for JPA Operations only)	54	$14,500	Facilitate & prepare for 3 JPA Board Meetings (July, Nov, and March). Misc. administrative support. Review agreements and deliverables. Oversee legal counsel, treasurer, and auditor. Manage members' contributions and payment processing.
Row 2	Treasurer (Bookkeeper)	70	$7,000	QuickBooks account and ledger setup, Process 4 invoices per month, track JPA members' contribution, maintain financial records (books)
Row 3	Auditor (CPA)	LS	$8,000	Audit financial statement by a CPA (once per year)
Row 4	Procurement of JPA consultants	0	$0	Efforts incurred in FY 25/26
Legal Services			**$8,500**	
Row 5	JPA Legal Counsel	25	$8,500	On-call legal support of RAC JPA. Professional services & Compliance Units exchange agremeents. (New JPA member pays contract amendment efforts).
RAC Administration			**$25,200**	
Row 6	RAC Administrator	30	$10,800	On-call support to respond to general inquiries on compliance units available and costs. Tasks related to managing two (2) RAC Technical Advisory meetings. Record updates (along with Technical Consultant)
Row 7	RAC Technical Support Consultant	40	$14,400	On-call support for tasks not paid for by EPA grant. JPA Board to determine the SOW. Update RAC Operation document and data entry on Tracking tool.
RAC JPA Projects			**$24,640**	
Row 8	Scoping RAC JPA grant projects	0	$0	Placeholder for JPA Manager to scope grant-funded JPA projects (incl. grant application and management)
Row 9	Technology Fees	NTE	$1,000	Quickbook setup and monthly subscription. RAC website (up to 10 hrs)
Row 10	Overhead for RAC setup and transaction	NTE	$20,000	RAC documents and Form 700 filing, process resolutions, setup JPA Bank Account, compliance annual reporting, and other overhead-related tasks
Row 11	Contingency	NTE	$3,640	
Total FY 26/27 RAC JPA Budget			**$87,840**	Split among 12 JPA Member Agencies

CCC REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA) BOARD

Date: July 20, 2026

To: JPA Board of Directors

From: Rinta Perkins, CCCWP Interim Program Manager

Subject: Item No. 5.6 – Staff Report to Approve the Scopes of Work and Authorize the Board Chair and General Counsel to Negotiate and Execute Professional Service Agreements, Subject to Final Legal Review and Board Budget Authorization for RAC JPA Operations.

Recommendation:

Approve the scopes of work and authorize the Board Chair and General Counsel to negotiate professional services agreements, subject to final legal review and Board budget authorization for RAC JPA operations. Proposed consulta contracts include:

1. Mercurio Engineering - JPA Manager and RAC Administrator;
2. Cynthia Herrmann - Treasurer;
3. Nicholas Ghirelli of Richards, Watson & Gershon – General Counsel;
4. Geosyntec Consultants - Technical Consultant.

Background:

At the June 22 meeting prior to the formation of the JPA, some JPA member agencies received a presentation describing the procurement process for RAC consultants and provided initial comments.

Under Section 8 of the JPA Agreement, the JPA Board is to take actions necessary to operate the JPA, including entering into contracts for essential staffing and services, and appointing a Legal Advisor as provided in Section 8.1(i). These actions must comply with Section 21 of the Agreement – consistent with Government Code Section 6509 – which requires that the JPA's powers be exercised in the same manner as the City of San Pablo, the designated agency whose procedural limitations apply, as identified in the JPA agreement. This includes adhering to San Pablo's procurement requirements until the JPA establishes its own procurement process.

Contra Costa Clean Water Program (CCCWP) Administrative Analyst, Interim Program Manager, and Legal Counsel met with the City of San Pablo Environmental Program Manager on May 14 to discuss the procurement policy and its applicability to the JPA procurement. Outreach conducted during March and April 2026 sought qualified firms and individuals for roles including JPA Manager, Treasurer, Auditor, and General Counsel. They included direct contact with accounting firms, small engineering firms, local agencies, and specialized consultants with relevant experience. The Interim Program Manager briefed JPA member meetings on March 5 and May 7, soliciting interest in serving as Treasurer or Auditor.

Procurement Process and Results

Staff contacted numerous accounting firms regarding Treasurer and Auditor services. Despite broad outreach, there were few responses; most firms did not respond.

- Several firms indicated the scope was too limited or not viable (e.g., one firm noted the account was too small).
- A small number of firms expressed limited or conditional interest but were unable to commit due to capacity constraints.

The lack of response indicates that the single annual audit and limited scope of bookkeeping services are not attractive to private accounting firms.

1. JPA Manager and RAC Administrator

Staff contacted four small engineering sole-proprietor businesses with experience in stormwater management and municipal services. Three firms did not respond. One candidate, Mercurio Engineering, responded.

Jill Mercurio is a Registered Professional Civil Engineer with over 30 years of experience in public and private sector engineering, including extensive municipal and stormwater expertise. She served as a former Public Works Director/City Engineer for multiple Bay Area cities. She has served on the CCCWP Management Committee for six years. Her familiarity with the CCC RAC System through her recent service in San Pablo makes her well-qualified to serve as JPA Manager and RAC Administrator.

Recommendation: Appoint Jill Mercurio dba Mercurio Engineering as JPA Manager and RAC Administrator. In these roles, she will respond to general inquiries, facilitate Technical Advisory Committee meetings, coordinate with consultants, and oversee annual compliance reporting (see Attachments 1 and 2).

2. JPA Treasurer

Outreach to accounting firms produced few responses. Many firms indicated that the scope of work was not sufficient to support a traditional firm engagement. Through this process, staff identified Cynthia Herrmann, CPA, as a qualified candidate to serve as Treasurer. Cynthia is a Certified Public Accountant with 18 years of experience operating her own CPA firm, specializing in self-employed individuals and non-profit organizations. Her relevant experience includes providing full-service bookkeeping and financial management, preparing monthly financial statements and reports, managing bank reconciliations and transaction categorization, and extensive experience with QuickBooks Online. Her background working with nonprofits and small organizations closely aligns with the RAC JPA's scale and needs.

Recommendation: Appoint Cynthia Herrmann as RAC JPA Treasurer, given her relevant experience, familiarity with nonprofit accounting, and competitive pricing (refer to Attachment 3).

3. General Counsel

Due to the RAC JPA's limited budget for administrative and professional services, it is important to retain general counsel who is familiar with the CCCWP, the RAC System, and the applicable regulatory framework. Leveraging existing expertise will reduce

onboarding time, minimize legal research costs, and provide overall cost-effective legal support. Nicholas Ghirelli (of Richards, Watson & Gershon) is currently serving as legal counsel to CCCWP, bringing direct familiarity with the RAC System and the governing framework. He has extensive experience representing Joint Powers Authorities (JPAs) throughout California. He has a strong background in public agency law and stormwater regulatory issues.

Recommendation: Appoint Nicholas Ghirelli as JPA General Counsel based on his directly relevant experience, familiarity with the RAC System, and ability to provide cost-effective legal services (refer to Attachment 4) and approve the legal services agreement and associated conflict waiver with Richards, Watson & Gershon. The conflict waiver would allow Nick to represent both the CCCWP and the JPA concurrently.

4. Technical Consultant

Given the importance of maintaining continuity during RAC System startup, it is beneficial to retain a technical consultant deeply familiar with the RAC System framework and implementation. Geosyntec Consultants is well-positioned to support the RAC JPA in facilitating compliance unit exchanges, tracking exchanges, updating the operational document, and supporting technical committee activities.

Recommendation: Appoint Geosyntec Consultants as the Technical Consultants based on its directly relevant experience and familiarity with the RAC System (refer to Attachment 5).

Future Procurement for Auditor, CFD Administrator, and CFD Legal Counsel

5. Auditor.

Since March, staff have reached out to member agencies to determine whether any public agency would be willing to assume the Auditor role. No agencies volunteered. Given that the JPA requires only one audit per year, staff initially recommended Andrea Bullock (CCCWP Administrative Analyst) as an interim JPA Auditor to perform the annual audit of financial reports.

However, legal counsel reminded the Board that Government Code Section 6505.5, requires an auditor to "draw warrants to pay demands against the agency" once demands are approved. Because this statutory duty cannot be performed by internal staff, the JPA must retain a qualified, independent accounting firm to perform the annual audit and submit the required reporting to the State Controller and the members. The cost of an independent accounting firm serving as Auditor is estimated at $8,000 to $10,000 per year, representing a significant increase. The procurement of an Auditor is still underway. JPA Manager will update the Board once the procurement is completed with the recommendation.

6. CFD Administrator and CFD Legal Counsel

This staff report does not address procurement for the Community Facilities District (CFD) Administrator and the CFD Legal Counsel. Services provided by Goodwin Consulting Group (GCG) are funded through the US EPA grant for *the Clean Watersheds for All (CW4A)* project through June 30, 2027. Because CFD legal services are required, Jones Hall LLP (CFD Legal Counsel) is contracted directly with and funded by the CCCWP.

For context, the U.S. EPA awarded the CCCWP a $1 million grant for the CW4A project, which includes developing a CFD (Task 2.b). CCCWP is seeking to extend the grant timeline through June 30, 2029. The next step in the project is to establish a future annexation boundary map for parcels within the twelve JPA member agencies and five additional CCCWP permittees: The town of Danville, the cities of Concord, El Cerrito, Lafayette, and Walnut Creek.

There will be other annual CFD administration tasks that will need to be completed once a private RAC buyer is identified. It is recommended that the JPA Board commence the procurement process to retain a CFD Administrator and CFD Legal Counsel to carry out ongoing CFD-related tasks. As stated in the RAC Operational document, buyer(s) will be responsible for the costs associated with the compliance-unit transactions, CFD annexation, legal support, and other CFD-related tasks.

Fiscal Impact:

Compensation for the JPA Manager and RAC Administrator, JPA Treasurer, JPA General Counsel, and Technical Consultant will be funded by the JPA member agencies. Compliance-unit transaction costs and CFD-related tasks will be borne directly by participating buyers.

Attachments:

1. Scope of work for JPA Manager
2. Scope of work for RAC Administrator
3. Scope of work for JPA Treasurer
4. Scope of work for JPA General Counsel
5. Scope of work for Technical Consultant

Scope of Work for JPA Manager Services

1. Purpose and Background

The consultant ("JPA Manager") will provide professional management and administrative services to support the operation of the Joint Powers Authority (JPA) established for the Regional Alternative Compliance (RAC) System. The JPA Manager's primary focus will be on the effective, compliant, and transparent operation of the JPA, with limited support provided to the RAC Administrator as described herein. This Scope of Work is intended to ensure the JPA's successful implementation of its obligations under the Regional Alternative Compliance System and related regulatory requirements.

2. Key Responsibilities

a) A. JPA Operations and Administration

- **Board Support:**
    - Prepare agendas, notices, and meeting materials for JPA Board and committee meetings.
    - Attend and facilitate JPA Board and committee meetings, record minutes, and track action items.
    - Maintain official records, resolutions, and agreements of the JPA.
- **Policy and Procedure Development:**
    - Draft, update, and implement JPA policies and procedures in accordance with applicable laws, regulations, and the JPA's governing documents.
    - Coordinate with legal counsel as needed for policy interpretation and compliance.
- **Interagency Coordination:**
    - Serve as the primary point of contact for JPA member agencies, stakeholders, and regulatory bodies.
    - Facilitate communication and collaboration among JPA members, including the coordination of working groups and technical committees.
- **Reporting and Compliance:**
    - Oversee the preparation and submission of required reports to regulatory agencies and JPA members.
    - Ensure compliance with the JPA's obligations under the State of California Secretary of State, LAFCO, Contra Costa County, and other applicable requirements.
- **Financial Oversight:**
    - Support the development and management of the JPA's annual budget in coordination with the JPA Treasurer and Auditor.

- Review and process invoices, track expenditures, and assist with audits as needed.

- **Recordkeeping and Transparency:**
  - Maintain all JPA records in accordance with public records laws and best practices for transparency and accountability.

b) Future Role Integration

- **Role Flexibility:**
  - The parties acknowledge that, as the RAC System and JPA evolve, it may be deemed appropriate for the JPA Manager and RAC Administrator roles to be assumed by a single entity. This Scope of Work may be amended accordingly by mutual agreement of the parties.

3. Deliverables

- Agendas, minutes, and supporting materials for all JPA Board and committee meetings.
- Annual work plan and budget for JPA operations.
- Quarterly and annual reports on JPA activities, compliance, and financial status.
- Updated policies, procedures, and records as required.
- Documentation of coordination activities with the RAC Administrator.

4. Performance Standards

- All work shall be performed in accordance with applicable laws, regulations, and the JPA's governing documents.
- The JPA Manager shall maintain the highest standards of professionalism, transparency, and responsiveness in all interactions with JPA members, stakeholders, and the public.
- The JPA Manager shall ensure timely completion of all deliverables and proactive communication regarding any issues or risks to JPA operations.

5. Term and Amendments

- This Scope of Work shall remain in effect for the duration specified in the professional services agreement, unless amended in writing by mutual agreement.
- The Scope of Work may be updated to reflect changes in JPA needs, regulatory requirements, or the integration of JPA Manager and RAC Administrator roles.

Scope of Work for RAC Administrator

1. Purpose

The purpose of this Scope of Work (SOW) is to define the duties and responsibilities of the Regional Alternative Compliance (RAC) Administrator in overseeing daily operations, managing technical and administrative processes, establishing and administering work orders, coordinating consultants and legal support, and ensuring accurate documentation and reporting for the RAC System.

2. Roles and Responsibilities

2.1 Administration of the RAC Technical Advisory Committee (Overhead)

The RAC Administrator shall coordinate, schedule, and facilitate meetings of the RAC Technical Advisory Committee, including agenda development, preparation of materials, and documentation of decisions. The Administrator shall track and incorporate committee feedback into RAC System procedures and consultant scopes of work. Facilitate 2 Technical Advisory meetings.

2.2 Facilitation of Compliance Unit Transactions (Paid for by Buyer)

The RAC Administrator shall serve as the point of contact for Buyers and Sellers interested in compliance unit exchange. The Administrator shall work with RAC Technical Consultants to obtain the project-specific capital data from Seller during the Compliance Units transaction. Working with the Treasurer, the RAC Administrator's responsibilities include establishing and tracking Compliance Unit Fee deposits from Buyers, and maintaining the official financial ledger of all RAC System exchanges. Sellers collect the capital cost payment for Compliance Unit Fees directly from Buyers, in coordination with the RAC Administrator.

2.3 Management of RAC Tracking Tools and System Records (Overhead)

The Administrator shall manage and update the RAC Tracking Tool and associated data systems to ensure accurate tracking of compliance units, Buyer obligations, Seller inventory, and supporting documentation. Version control and secure recordkeeping are required.

2.4 Updating Project Costs and Supporting CFD-Based Taxation (Paid for by Buyer)

The Administrator shall work with RAC Technical Consultants to obtain the project-specific Operations and Maintenance (O&M) fee data from Seller during the Compliance Units transaction. The Administrator will coordinate with the CFD Administrator to ensure the correct translation of costs into tax assessments and long-term funding calculations. These are eligible efforts paid from the Compliance Unit Fee deposits paid by Buyers. The process for collecting and managing O&M Fees is the responsibility of the CFD Administrator.

2.5 Reporting and Regulatory Compliance (Overhead)

The Administrator shall compile the Compliance Unit Exchanges report for review by the RAC JPA Board and submit the Final Report to the San Francisco Bay Regional Water Quality Control Board.

The Administrator will maintain audit-ready financial records and provide documentation needed by participating municipalities for their annual stormwater compliance reports.

2.6 Coordination with RAC Consultants (Overhead)

The Administrator shall work with the RAC Technical Consultant and CFD Consultants on scope development, task assignments, and the tracking of deliverables.

3. Deliverables

- Meeting agendas, summaries, and action logs for the Technical Advisory Committee
- Maintenance of the official financial ledger of all RAC System exchanges.
- Updated RAC Tracking Tool datasets and reconciliation reports, as needed.
- Updated O&M costs for CFD-based calculations.
- Draft and final annual report for submission to the San Francisco Bay Regional Water Quality Control Board.

4. Term and Compensation

This SOW supports the RAC JPA Budget allocations for RAC Administration and Technical Services and may be updated annually based on program needs.

Nicholas R. Ghirelli

T 714.990.0901
F 714.990.6230
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

July 13, 2026

Rinta Perkins
Interim Program Manager
Contra Costa Clean Water Program
255 Glacier Drive
Martinez, California 94553

Re: Engagement Agreement: Contra Costa County Regional Alternative Compliance Joint Powers Authority

Dear Ms. Perkins:

Richards, Watson & Gershon (Firm) is pleased to have the opportunity to provide legal services to the Contra Costa County Regional Alternative Compliance Joint Powers Authority (JPA). Our work under this legal services agreement will include general public agency advisory and transactional services and any specific legal services requested by the JPA (except for litigation). This letter sets forth the terms upon which the Firm will provide legal services to the JPA and the basis upon which we will bill for our services and expenses in connection with our representation of the JPA.

I will have primary responsibility for the services. I may use other attorneys, legal assistants, and other Firm personnel as may be helpful in representing the JPA's interests. I will coordinate any assignments for the JPA and keep you informed of all significant developments.

The Firm maintains a conflict of interest database. Based on the membership of the JPA, we have examined this database to determine whether we might have a professional conflict of interest with respect to the parties listed below. Initially, we find no previous or current relationships that would interfere with our ability to represent the JPA. However, please note that one of the JPA's members is Contra Costa County. As you know, the firm represents the Contra Costa County Clean Water Program through an engagement agreement with Contra Costa County. In that capacity, our client is the County and it's department, the Contra Costa County

Flood Control and Conservation District. It is common for the attorney of a joint powers authority to concurrently serve as the attorney for one of its members. However, there is the potential for a conflict of interest among or between the JPA and the County involving contracts or other actions where the JPA and the County are "adverse" to each other. As a result, the Firm will require conflict waivers from both the JPA and the County as a condition to representing the JPA. Those conflict waivers will be provided under separate cover.

The names we have used in determining whether any potential or actual conflicts of interest exist are the following:

Contra Costa County Regional Alternative Compliance Joint Powers Authority
Amanda Booth
City of San Pablo
Contra Costa County Flood Control and Water Conservation District
Contra Costa County
City of Antioch
City of Hercules
City of Martinez
City of Moraga
City of Oakley
City of Orinda
City of Pinole
City of Pittsburg
City of Pleasant Hill
City of Richmond

If there are other parties who would be affected by this matter or who you otherwise feel we should consider, please provide those names to us so we can determine whether there are conflicts as to those parties. We will maintain or add these names, as necessary, to our database for consultation in regard to future matters.

We will bill the JPA for fees and costs incurred on a monthly basis. When a bill is to be sent, we will review it before it is issued to ensure that the amount charged is appropriate and accurately reflects the services rendered. We agree that the JPA will pay our bills within 30 days of receipt of our billing statement. Our work for the JPA will be billed at the same hourly rates applied to Firm attorneys and paralegals that the Firm currently charges the County in connection with the Contra Costa Clean Water Program. For references, those rates are currently as follows:

Fiscal Year (July 1-June 30) 2026-27	**Fiscal Year 2027-2028**	**Fiscal Year 2028-2029**
Shareholder $329	Shareholder $339	Shareholder $349
Senior Attorney $329	Senior Attorney $339	Senior Attorney $349
	Associate $307	Associate $316

Associate $298 Paralegal $197	Paralegal $203	Paralegal $209

To the extent our representation continues after June 30, 2029, then on July 1, 2029 and each July 1 thereafter, our billing rates covered by this letter will increase by **the lesser of** the percentage increase in the Consumer Price Index (CPI-U) for the West Urban Area for the twelve-month period ending on the immediately prior April 30 or three percent (3%). Adjusted rates shall be rounded up to the nearest whole dollar.

In addition to legal fees, we will bill the JPA for costs in connection with our representation. Such costs include copying documents ($.10/page), mileage (based on the federal government's standard mileage rate) if an in-person appearance is requested, court fees, litigation costs, travel costs, messenger and delivery services, and other similar costs. Such costs frequently are billed to the Firm from third-party vendors and therefore there sometimes will be a delay between the time such costs are incurred and the time when they appear on your bill. Please note that we make every effort to be as efficient and cost-effective as possible. For example, we transmit documents by email whenever possible to avoid postage charges.

Naturally, we expect you to ask us about the likely results of our work. We will respond as best we can, but cannot and do not guarantee any particular result. We can make no promises about the outcome of advocacy in administrative proceedings, negotiations, or litigation and any opinions about likely outcomes are not intended to constitute a guarantee.

We rarely have fee disputes with clients. Nevertheless, the JPA should be aware that it is entitled to require that any fee dispute be resolved through the mandatory fee arbitration provisions of the California Business & Professions Code. One such program is operated under the auspices of the Los Angeles County Bar Association. Many other local bar associations have similar programs.

In the event that you choose not to use such mandatory fee arbitration procedures, or that such proceedings fail to resolve all fee disputes, the JPA agrees that, to the extent permitted by law, all fee disputes between us shall be submitted to binding arbitration in Sacramento to be conducted by the American Arbitration Association, in accordance with its commercial arbitration rules.

The JPA has the right to terminate our representation at any time. We have the same right, subject to our obligation to provide the JPA with reasonable notice to arrange alternative representation. In either circumstance, the JPA agrees to secure new counsel as quickly as

possible, if necessary. Upon termination of our representation, we will be paid all fees and costs incurred prior to the termination within 30 days after delivery of a final bill for services.

We are also required to inform you that we currently maintain professional liability insurance.

Our legal relationship and the terms of this agreement will be governed by the substantive laws of the State of California, without regard to conflicts of law authority or principles.

In order for the Firm to move forward with this engagement, please sign and return (by email) a copy of this engagement letter to me.

We are grateful for the opportunity to work with the JPA and we look forward to assisting with its important programs.

Very truly yours,

Nicholas R. Ghirelli

All of the foregoing terms and provisions are hereby agreed to by:

Dated: _____

By: _____
Board Chair
Contra Costa County Regional
Alternative Compliance Joint
Powers Authority

Nicholas R. Ghirelli

T 714.990.0901
F 714.990.6230
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

ATTORNEY WORK PRODUCT
ATTORNEY–CLIENT PRIVILEGE

July 13, 2026

VIA ELECTRONIC MAIL

Rinta Perkins
Interim Program Manager
Contra Costa Clean Water Program
255 Glacier Drive
Martinez, California 94553

Re: **Attorney Conflict Waiver Regarding the Contra Costa Clean Water Program**

Dear Ms. Perkins:

I have been asked to provide legal services to the newly formed Contra Costa County Regional Alternative Compliance Joint Powers Authority, which is a separate legal entity formed to administer the Contra Costa County Regional Alternative Compliance ("RAC") System. As you are aware, I currently represent the Contra Costa Clean Water Program (the "Program"). My representation of the Program is through a legal services agreement with Contra Costa County through its department, the Contra Costa County Flood Control and Water Conservation District. Because the Program is not a legal entity, and our agreement is with the County, we view our client as the County for purposes of our work on behalf of the Program.

In general, we do not believe there is any conflict of interest in RWG providing legal services to both the JPA and the County. It is common for the attorney of a joint powers authority to concurrently serve as the attorney for one of its members. However, it may be possible that future work on behalf of the JPA could involve the interpretation or a potential amendment of the JPA's joint exercise of powers agreement (although no amendment is proposed at this time). The joint exercise of powers agreement sets forth the relationship between the JPA's member agencies, establishes the JPA as a separate legal entity, establishes the JPA's roles and

responsibilities, and sets for the governance structure for the JPA. Some amendments to the joint exercise of powers agreement would be sent to the County for review and approval.

In addition, the JPA and the County occasionally may negotiate and enter into contracts with each other, and RWG may be asked to represent two or more parties in negotiating an agreement. Such circumstances could include an agreement whereby the County participates as either a buyer or seller under the RAC System, in which case both the County and the JPA would be parties to that agreement. In addition, it is possible that the JPA may utilize the employee resources of the County and seek to enter into reimbursement agreements with the County in order to pay for such resources. It is also possible, although unlikely, that the JPA may rent or otherwise occupy space in facilities owned by the County. Therefore, there is the potential for a conflict of interest among or between the two parties involving contracts where the JPA and the County are "adverse" to each other. RWG is providing this conflict waiver letter for consideration by the JPA as well as seeking a waiver from the County.

We are requesting that the JPA waive the potential conflicts of interest so that the firm can represent the JPA on issues related to the drafting, interpretation and implementation of any future amendment to the joint exercise of powers agreement and any future agreement between the JPA and the County involving the RAC System or a facilities lease or resources sharing agreement. We would not represent the County in connection with the joint exercise of powers agreement or an agreement involving implementation of the RAC System, given that County Counsel would be capable of doing so. With respect to any other matter that may result in a potential adversarial relationship between the JPA and the County, we would evaluate whether the firm could represent one or neither of the parties at that time.

As attorneys, we are governed by specific rules relating to our representation of clients when present or potential conflicts of interest exist. The California State Bar Rules of Professional Conduct, Rule 1.7 (effective November 1, 2018), provides in relevant part as follows:

> (a) A lawyer shall not, without informed written consent from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.
>
> ******
>
> (d) Representation is permitted under this rule only if the lawyer complies with paragraphs (a), (b), and (c), and:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law; and

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

Summary of Conflict Issues

RWG's representation of the JPA must comply with paragraph (d). In connection with requesting your informed written consent, we are obligated to inform you of "the relevant circumstances" and of "the material risks, including any actual and reasonably foreseeable adverse consequences" of RWG's representation of (i) the Contra Costa County as special counsel for the Program, and (ii) the representation of the JPA as legal counsel.

The County is a member agency of the JPA, which is a joint powers authority. In itself, representation of a joint powers authority and one of its member agencies does not create a conflict of interest or require a conflict waiver. A conflict waiver is required, however, where a lawyer represents two parties who negotiate and enter into contracts with each other. In such cases, Rule 1.7(a) applies because the interests of the JPA and the County in contracts in which they are both parties are potentially adverse. The JPA and the County would enter into a contract if the County were to participate as a buyer or seller in the RAC System. Given that the County chose to participate in the JPA, it is reasonable to assume that the County has an interest in participating in the RAC System. Any such agreement with the County as a buyer or seller in the RAC System clearly affects the JPA as an entity because the agreement would require certain JPA funding from the County and would impose duties on both the JPA and the County to facilitate the RAC System credit transaction. Therefore, we apply the legal principles above to the agreement as potentially creating an adversarial relationship between the JPA and the County. Accordingly, under Rule 1.7(a), it is necessary for RWG to obtain the informed written consent of the JPA and the County to allow RWG to represent the JPA in a transaction in which the County serves as a buyer or seller under the RAC System. In such a situation we would expect to represent the JPA given that the County would rely on County Counsel to advise the County on the transaction and agreement.

As to any potential lease or agreement for shared resources between the JPA and the County, we have not been informed about any such office space arrangement. However, we have been asked to prepare an agreement between the County and the JPA for the services of County staff

to serve as auditor of the JPA. Additional services may be requested of the County in the future. Similar to the above, we would expect to represent the JPA in this situation given that the County would rely on County Counsel to advise the County on the transaction and agreement.

At first impression, the County and the JPA generally act collaboratively and towards shared goals when engaging in transactions and contracts in which they are both parties, and the relationship between these entities is not what one ordinarily would think of as "adverse." However, for any transaction, the JPA and the County may have different concerns and interests than the other parties.

Our representation of the JPA and the County is not prohibited by law and does not involve the assertion of any claim in litigation or other proceeding before a tribunal. (Rule 1.7(d)(2)&(3)). Further, RWG's representation of the County will not be materially limited by RWG's representation of the JPA. We will represent the JPA zealously. We have absolutely no reason to believe that our objectivity or representation of the JPA will be compromised in any way by RWG's representation of the County.

In evaluating the "material risks and any actual and reasonably foreseeable adverse consequences" to the requested consent, we believe the JPA should consider two issues that concern potential indirect consequences.

First, the JPA should consider the issue of whether our representation of the County could affect our zealous representation of the JPA or cause the JPA to question our loyalty or performance, including our review of any contracts or arrangements between the County and the JPA. When an attorney represents multiple parties, there is the theoretical possibility that the attorney may not vigorously represent each client, or may have his or her independence or judgment compromised in some way. An effective attorney-client relationship requires the client to have confidence in its counsel's loyalty and objectivity. As noted above, we do not see any significant potential for such adverse consequences at this time.

Second, the JPA should consider whether it would be adversely affected by any negative perception as a result of our simultaneous representation of the City. It is fairly common for firms of our size with specialized expertise to represent actually or potentially adverse clients with their mutual consent. In reviewing our request for consent, we suggest the JPA consider whether it concurs with our view regarding the unlikely chance of adverse public perception from our representation of multiple public agency clients.

In the very unlikely event that litigation occurred between the County and the JPA, we would feel obligated to not represent either of the parties in such litigation. The JPA may wish to obtain the advice of an independent attorney when considering whether to waive the potential conflicts of interest set forth above. By executing this letter, the JPA acknowledges that it has been advised in this regard, and that the JPA either has consulted with counsel or has decided not to obtain independent advice of counsel with respect to the waiver of the potential conflicts of interest described above.

Waiver

If, after considering the foregoing, the JPA agrees to waive any conflict of interest arising from: (i) RWG's simultaneous representation of the County, as special counsel advising the Program; and (ii) RWG's representation of the JPA as its legal counsel on the interpretation and implementation or future amendment of the joint exercise of powers agreement, any future agreement between the County and the JPA involving implementation of the RAC System, and any agreement between the JPA and the County involving shares resources or facilities, please sign the attached waiver. We would not represent the County in connection with the joint exercise of powers agreement or an agreement involving implementation the RAC System or shared resources or facilities. With respect to any other matter that may result in a potential adversarial relationship between the County and the JPA, we would evaluate whether the firm could represent one or neither of the parties at that time.

Very truly yours,

Nicholas R. Ghirelli

13074-0002\3276902v1.doc

Nicholas R. Ghirelli

T 714.990.0901
F 714.990.6230
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

AGREEMENT TO TERMS OF LEGAL SERVICES ENGAGEMENT AND CONSENT AND WAIVER

I have read, understand and acknowledge the disclosures and description of potential adverse consequences set forth in the letter of Richards, Watson & Gershon dated July 13, 2026 ("Consent Request Letter"). The Contra Costa County Regional Alternative Compliance Joint Powers Authority (JPA), based upon the Consent Request Letter, consents to, and waives any conflict or potential conflict arising from, the simultaneous representation by Richards, Watson & Gershon ("RWG") of: (i) Contra Costa County, as special counsel for the Contra Costa Clean Water Program, and (ii) the JPA, as its legal counsel on the interpretation and implementation or future amendment of the joint exercise of powers agreement and any future agreement between the County and the JPA involving the RAC System or shared resources or facilities on which RWG would not represent the County. With respect to any other matter that may result in a potential adversarial relationship between the County and the JPA, we would evaluate whether the firm could represent one or neither of the parties at that time.

Contra Costa County Regional Alternative Compliance Joint Powers Authority

Date:_____ By:_____

Title:_____

Nicholas R. Ghirelli

T 714.990.0901
F 714.990.6230
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

ATTORNEY WORK PRODUCT
ATTORNEY–CLIENT PRIVILEGE

July 13, 2026

VIA ELECTRONIC MAIL

Rinta Perkins
Interim Program Manager
Contra Costa Clean Water Program
255 Glacier Drive
Martinez, California 94553

Re: **Attorney Conflict Waiver Regarding Contra Costa County**

Dear Ms. Perkins:

I have been asked to provide legal services to the newly formed Contra Costa County Regional Alternative Compliance Joint Powers Authority, which is a separate legal entity formed to administer the Contra Costa County Regional Alternative Compliance ("RAC") System. As you are aware, I currently represent the Contra Costa Clean Water Program (the "Program"). My representation of the Program is through a legal services agreement with Contra Costa County through its department, the Contra Costa County Flood Control and Water Conservation District. Because the Program is not a legal entity, and our agreement is with the County, we view our client as the County for purposes of our work on behalf of the Program.

In general, we do not believe there is any conflict of interest in RWG providing legal services to both the JPA and the County. It is common for the attorney of a joint powers authority to concurrently serve as the attorney for one of its members. However, it may be possible that future work on behalf of the JPA could involve the interpretation or a potential amendment of the JPA's joint exercise of powers agreement (although no amendment is proposed at this time). The joint exercise of powers agreement sets forth the relationship between the JPA's member agencies, establishes the JPA as a separate legal entity, establishes the JPA's roles and

responsibilities, and sets for the governance structure for the JPA. Some amendments to the joint exercise of powers agreement would be sent to the County for review and approval.

In addition, the JPA and the County occasionally may negotiate and enter into contracts with each other, and RWG may be asked to represent two or more parties in negotiating an agreement. Such circumstances could include an agreement whereby the County participates as either a buyer or seller under the RAC System, in which case both the County and the JPA would be parties to that agreement. In addition, it is possible that the JPA may utilize the employee resources of the County and seek to enter into reimbursement agreements with the County in order to pay for such resources. It is also possible, although unlikely, that the JPA may rent or otherwise occupy space in facilities owned by the County. Therefore, there is the potential for a conflict of interest among or between the two parties involving contracts where the JPA and the County are "adverse" to each other. RWG is providing this conflict waiver letter for consideration by the JPA as well as seeking a waiver from the County.

We are requesting that the County waive the potential conflicts of interest so that the firm can represent the JPA on issues related to the drafting, interpretation and implementation of any future amendment to the joint exercise of powers agreement and any future agreement between the JPA and the County involving the RAC System or a facilities lease or resources sharing agreement. We would not represent the County in connection with the joint exercise of powers agreement or an agreement involving implementation of the RAC System, given that County Counsel would be capable of doing so. With respect to any other matter that may result in a potential adversarial relationship between the JPA and the County, we would evaluate whether the firm could represent one or neither of the parties at that time.

As attorneys, we are governed by specific rules relating to our representation of clients when present or potential conflicts of interest exist. The California State Bar Rules of Professional Conduct, Rule 1.7 (effective November 1, 2018), provides in relevant part as follows:

> (a) A lawyer shall not, without informed written consent from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.
>
> ******
>
> (d) Representation is permitted under this rule only if the lawyer complies with paragraphs (a), (b), and (c), and:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law; and

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

Summary of Conflict Issues

RWG's representation of the JPA must comply with paragraph (d). In connection with requesting your informed written consent, we are obligated to inform you of "the relevant circumstances" and of "the material risks, including any actual and reasonably foreseeable adverse consequences" of RWG's representation of (i) the Contra Costa County as special counsel for the Program, and (ii) the representation of the JPA as legal counsel.

The County is a member agency of the JPA, which is a joint powers authority. In itself, representation of a joint powers authority and one of its member agencies does not create a conflict of interest or require a conflict waiver. A conflict waiver is required, however, where a lawyer represents two parties who negotiate and enter into contracts with each other. In such cases, Rule 1.7(a) applies because the interests of the JPA and the County in contracts in which they are both parties are potentially adverse. The JPA and the County would enter into a contract if the County were to participate as a buyer or seller in the RAC System. Given that the County chose to participate in the JPA, it is reasonable to assume that the County has an interest in participating in the RAC System. Any such agreement with the County as a buyer or seller in the RAC System clearly affects the JPA as an entity because the agreement would require certain JPA funding from the County and would impose duties on both the JPA and the County to facilitate the RAC System credit transaction. Therefore, we apply the legal principles above to the agreement as potentially creating an adversarial relationship between the JPA and the County. Accordingly, under Rule 1.7(a), it is necessary for RWG to obtain the informed written consent of the JPA and the County to allow RWG to represent the JPA in a transaction in which the County serves as a buyer or seller under the RAC System. In such a situation we would expect to represent the JPA given that the County would rely on County Counsel to advise the County on the transaction and agreement.

As to any potential lease or agreement for shared resources between the JPA and the County, we have not been informed about any such office space arrangement. However, we have been asked to prepare an agreement between the County and the JPA for the services of County staff

to serve as auditor of the JPA. Additional services may be requested of the County in the future. Similar to the above, we would expect to represent the JPA in this situation given that the County would rely on County Counsel to advise the County on the transaction and agreement.

At first impression, the County and the JPA generally act collaboratively and towards shared goals when engaging in transactions and contracts in which they are both parties, and the relationship between these entities is not what one ordinarily would think of as "adverse." However, for any transaction, the JPA and the County may have different concerns and interests than the other parties.

Our representation of the JPA and the County is not prohibited by law and does not involve the assertion of any claim in litigation or other proceeding before a tribunal. (Rule 1.7(d)(2)&(3)). Further, RWG's representation of the JPA will not be materially limited by RWG's representation of the County. We will represent the County zealously. We have absolutely no reason to believe that our objectivity or representation of the County will be compromised in any way by RWG's representation of the JPA.

In evaluating the "material risks and any actual and reasonably foreseeable adverse consequences" to the requested consent, we believe the County should consider two issues that concern potential indirect consequences.

First, the County should consider the issue of whether our representation of the JPA could affect our zealous representation of the County or cause the County to question our loyalty or performance, including our review of any contracts or arrangements between the County and the JPA. When an attorney represents multiple parties, there is the theoretical possibility that the attorney may not vigorously represent each client, or may have his or her independence or judgment compromised in some way. An effective attorney-client relationship requires the client to have confidence in its counsel's loyalty and objectivity. As noted above, we do not see any significant potential for such adverse consequences at this time.

Second, the County should consider whether it would be adversely affected by any negative perception as a result of our simultaneous representation of the City. It is fairly common for firms of our size with specialized expertise to represent actually or potentially adverse clients with their mutual consent. In reviewing our request for consent, we suggest the County consider whether it concurs with our view regarding the unlikely chance of adverse public perception from our representation of multiple public agency clients.

In the very unlikely event that litigation occurred between the County and the JPA, we would feel obligated to not represent either of the parties in such litigation. The County may wish to obtain the advice of an independent attorney when considering whether to waive the potential conflicts of interest set forth above. By executing this letter, the County acknowledges that it has been advised in this regard, and that the County either has consulted with counsel or has decided not to obtain independent advice of counsel with respect to the waiver of the potential conflicts of interest described above.

Waiver

If, after considering the foregoing, the County agrees to waive any conflict of interest arising from: (i) RWG's simultaneous representation of the County, as special counsel advising the Program; and (ii) RWG's representation of the JPA as its legal counsel on the interpretation and implementation or future amendment of the joint exercise of powers agreement, any future agreement between the County and the JPA involving implementation of the RAC System, and any agreement between the JPA and the County involving shares resources or facilities, please sign the attached waiver. We would not represent the County in connection with the joint exercise of powers agreement or an agreement involving implementation the RAC System or shared resources or facilities. With respect to any other matter that may result in a potential adversarial relationship between the County and the JPA, we would evaluate whether the firm could represent one or neither of the parties at that time.

Very truly yours,

Nicholas R. Ghirelli

13074-0002\3276904v1.doc

Nicholas R. Ghirelli

T 714.990.0901
F 714.990.6230
E nghirelli@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

AGREEMENT TO TERMS OF LEGAL SERVICES ENGAGEMENT AND CONSENT AND WAIVER

I have read, understand and acknowledge the disclosures and description of potential adverse consequences set forth in the letter of Richards, Watson & Gershon dated July 13, 2026 ("Consent Request Letter"). Contra Costa County, based upon the Consent Request Letter, consents to, and waives any conflict or potential conflict arising from, the simultaneous representation by Richards, Watson & Gershon ("RWG") of: (i) Contra Costa County, as special counsel for the Contra Costa Clean Water Program, and (ii) the Contra Costa County Regional Alternative Compliance Joint Powers Authority (JPA), as its legal counsel on the interpretation and implementation or future amendment of the joint exercise of powers agreement and any future agreement between the County and the JPA involving the RAC System or shared resources or facilities on which RWG would not represent the County. With respect to any other matter that may result in a potential adversarial relationship between the County and the JPA, we would evaluate whether the firm could represent one or neither of the parties at that time.

Contra Costa County

By:_____

Date:_____

Title:_____

Scope of Work for RAC JPA Treasurer

Overview

The Treasurer of the RAC Joint Powers Authority (JPA) is responsible for the stewardship, management, and safeguarding of all financial assets of the Authority. This role ensures compliance with applicable laws, the Joint Exercise of Powers Act, and policies adopted by the JPA Board.

Key Responsibilities

Financial Management & Custodial Duties

Maintain custody of all JPA funds, ensure proper deposits, accounting, disbursements, internal controls, and adherence to state financial requirements.

Budget Administration

Provide financial data, track expenditures, support annual budget preparation, and alert the JPA Manager or Board to discrepancies.

Audits, Reporting & Compliance

Maintain accurate books, coordinate annual audits, file reports with state and county agencies, and ensure compliance with reporting laws.

Investment & Cash Flow Management

Manage JPA funds under the Board-adopted investment policy, maintain liquidity for operational needs, and prepare investment summaries.

Support for Project-Specific Financial Activities

Track and administer project-related funds, retainers, deposits, CFD-related revenues, and coordinate with RAC Administrator and JPA Manager.

Board & Committee Support

Prepare and present financial reports, provide fiscal guidance, and participate in Board meetings as needed.

Deliverables

Financial statements (monthly or quarterly), audit documentation, investment and cash flow summaries, and project-specific transaction records.

Qualifications

Experience in public finance, knowledge of relevant government codes, strong accounting skills, and the ability to maintain transparent financial systems.

Scope of Work for RAC Technical Support

1. Purpose

The purpose of this Scope of Work (SOW) is to define the duties and responsibilities of the Regional Alternative Compliance (RAC) Technical Support contractor in assisting the RAC Administrator with operating the RAC System in Fiscal Year (FY) 2026/27.

2. Roles and Responsibilities

8¡7 Attend.the.RAC.Technical.Advisory.Committee

The RAC Technical Support contractor shall attend meetings of the RAC Technical Advisory Committee. The RAC Technical Support contractor shall support the RAC Administrator with preparing materials for technical agenda items. No more than two, 2-hour meetings will be conducted in FY 2026/27.

8¡8.Facilitation.of.Compliance.Unit.Transactions

The RAC Technical Support contractor will support the RAC Administrator with reviewing the project-specific capital data from Sellers during Compliance Units transactions.

8¡9.Management.of.RAC.Tracking.Tools.and.System.Records

The RAC Technical Support contractor will support the RAC Administrator with updates to the RAC Tracking Tool and associated data systems to track compliance units, Buyer obligations, Seller inventory, and supporting documentation.

8¡0.Updating.Project.Costs.and.Supporting.CFD_Based.Taxation

The RAC Technical Support contractor will support the RAC Administrator with reviewing the project-specific Operations and Maintenance (O&M) fee data from Seller during Compliance Units transactions.

8¡❶Reporting.and.Regulatory.Compliance

The RAC Technical Support contractor will support the RAC Administrator with compiling the Compliance Unit Exchanges report for review by the RAC JPA Board.

3. Term and Compensation

This SOW supports the RAC JPA Budget allocations for RAC Administration and Technical Services and may be updated annually based on program needs. Contractor support will be limited to the available annual budget.

CCC REGIONAL ALTERNATIVE COMPLIANCE (RAC) JOINT POWERS AUTHORITY (JPA) BOARD

Date: July 20, 2026

To: JPA Board of Directors

From: Rinta Perkins, CCCWP Interim Program Manager

Subject: Item No. 5.7 – Staff Report to Approve the Regional Alternative Compliance (RAC) Joint Powers Authority (JPA) Logo

---

Recommendation:

Review the three proposed logo concepts and make a motion to approve one as the official logo for the Contra Costa County Regional Alternative Compliance (RAC) Joint Powers Authority.

Background:

As part of establishing the RAC JPA as a new public agency, staff recommends adopting an official logo to provide a distinct visual identity. A logo will help distinguish the RAC JPA from the Contra Costa Clean Water Program while providing recognition for the JPA in communications, presentations, public outreach materials, correspondence, and other official documents.

Given JPA's limited startup budget, staff developed three simple logo concepts for the Board's consideration. These concepts are intended to provide an initial identity for the agency while minimizing costs during the organization's formation. As the JPA grows and resources become available, the Board may choose to revisit the agency's branding and develop an updated or more comprehensive logo and visual identity.

The Board is asked to review the three logo options included with this staff report and provide feedback. Following the discussion, staff requests that the Board select one of the proposed concepts to serve as the official RAC JPA logo.

Logo 1	Logo 2	Logo 3

Voting Results

Upon approval, staff will begin applying the logo across all RAC JPA materials and platforms, including the website, official correspondence, agendas, staff reports, and program documents.

Fiscal Impact:

None.

Attachments:

None.