SANTA MARIA PUBLIC AIRPORT DISTRICT
BOARD OF DIRECTORS

Thursday
September 10, 2026

Administration Building
Airport Boardroom
6:00 P.M.

REGULAR MEETING
A G E N D A

This agenda is prepared and posted pursuant to the requirements of the California Government Code Section 54954.2. By listing a topic on this agenda, the Santa Maria Public Airport District has expressed its intent to discuss and act on each item. The Santa Maria Public Airport District welcomes orderly participation at its meetings from all members of the public. This includes assistance under the Americans with Disabilities Act to provide an equally effective opportunity for individuals with a disability to participate in and benefit from District activities. To request assistance with disability accommodation, please call (805) 922-1726. Notification at least 48 hours prior to the meeting would enable the Santa Maria Public Airport District to make reasonable arrangements to ensure accessibility to this meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Brown, Guy, Clayton, Ramirez

1. MINUTES OF THE REGULAR MEETING HELD AUGUST 27, 2026

2. COMMITTEE REPORT(S):

a) EXECUTIVE
b) ADMINISTRATION & FINANCIAL
c) SAFETY & SECURITY
d) REAL ESTATE
e) AIRPORT PLANNING & CAPITAL IMPROVEMENT
f) GOVERNMENT AFFAIRS
g) MARKETING & PROMOTIONS
h) GENERAL AVIATION

3. GENERAL MANAGER'S REPORT

4. MANAGER OF FINANCE & ADMINISTRATION REPORT

a) Demand Register

5. **PUBLIC SESSION: Statements from the floor will be heard during public session. Request to Speak forms are provided for those wishing to address the board. After completing the form, please give it to the Clerk. Requests requiring board action will be referred to staff and brought on the next appropriate agenda. Members of the public are cordially invited to speak on agenda items as they occur. Staff reports covering agenda items are available for review in the offices of the General Manager on the Tuesday prior to each meeting. The Board will establish a time limit for receipt of testimony. The board reserves the right to establish further time limits for receipt of testimony.**

6. **PRESENTATION BY JANE HINTON OF PLANES OF FAME REGARDING THE 2026 AIRFEST**

7. **APPOINTMENT TO FILL DISTRICT 2 VACANCY ON THE BOARD.**

8. **DISCUSSION REGARDING U.S. CUSTOMS AND BORDER PROTECTION SERVICE AT THE SANTA MARIA PUBLIC AIRPORT, INCLUDING THE STATUS OF THE FACILITY, THE COMMENCEMENT OF SERVICE, AND EFFORTS TO PROMOTE UTILIZATION.**

9. **RESOLUTION 978. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT EXPRESSING APPRECIATION TO CHUCK ADAMS FOR SERVICE ON THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT.**

10. **RESOLUTION 979. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT AMENDING THE DISTRICT'S CONFLICT OF INTEREST CODE.**

11. **CLOSED SESSION: The Board will hold a Closed Session to discuss the following item(s):**

    a) **Conference with Real Property Negotiators: A.P.N. #611-230-088. Agency negotiators: General Manager and District Counsel. Negotiating parties: Jose Esparza. Under Negotiation: Request to replace mobile home under terms of lease (Gov. Code Section 54956.8).**

    b) **Public employee performance evaluation General Manager (Gov. Code Section 54957)**

12. **DIRECTORS' COMMENTS.**

13. **ADJOURNMENT.**

MINUTES OF THE REGULAR BOARD
MEETING OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT
DISTRICT HELD AUGUST 27, 2026

The Board of Directors of the Santa Maria Public Airport District held a Regular Meeting at the regular meeting place at 6:00 p.m. Present were Directors Brown, Guy, Clayton and Ramirez. General Manager, Pehl, Manager of Finance & Administration, Flores, and District Counsel Steele.

1. MINUTES OF THE REGULAR MEETING HELD August 13, 2026. Director Clayton made a Motion to approve the minutes of the regular meeting held August 13, 2026. Director Guy Seconded, and it was carried by a 4-0 vote.

2. COMMITTEE REPORT(S):

   a) EXECUTIVE – The committee met to set the agenda.

   b) ADMINISTRATION & FINANCIAL – No meeting scheduled.

   c) SAFETY & SECURITY – No meeting scheduled.

   d) REAL ESTATE – No meeting scheduled.

   e) AIRPORT PLANNING & CAPITAL IMPROVEMENT– No meeting scheduled.

   f) GOVERNMENT AFFAIRS – No meeting scheduled.

   g) MARKETING & PROMOTIONS – No meeting scheduled.

   h) GENERAL AVIATION – No meeting scheduled.

3. GENERAL MANAGER’S REPORT: Mr. Pehl reported that he attended a Planes of Fame event in Santa Barbara on Friday. He stated that his understanding is that similar events will be held in Santa Maria and in San Luis Obispo County, though no dates have been set, and he recommended that Board members attend if invited.

4. The Manager of Finance & Administration presented the Demand Register to the Board for review and approval.

   a) Demand Register. The Demand Register, covering warrants 9924648473 through 9924727984 in the amount of $197,245.93 was recommended for approval as presented. Director Guy made a Motion to accept the Demand Register as presented. Director Ramirez Seconded, and it was carried by a 4-0 vote.

   b) Financial Statements. Received and filed.

5. PUBLIC SESSION: Statements from the floor will be heard during public session. Request to Speak forms are provided for those wishing to address the board. After completing the form, please give it to the Clerk. Requests requiring board action will be referred to staff and brought on the next appropriate agenda. Members of the public are cordially invited to speak on agenda items as they occur. Staff reports covering agenda items are available for review in the offices of the General Manager on the Tuesday prior to each meeting. The Board has established a three-minute time limit for receipt of testimony. The board reserves the right to establish further time limits for receipt of testimony.

No one requested to speak

6. Presentation on the terminal parking lot Solar Project and consideration of a proposed consent to the assignment of the Energy Services Agreement for that project from FFP BTM Solar, LLC to Greenskies Clean Energy LLC or its affiliate.

   No representatives from the solar company were present. This item was tabled until a future meeting so a representative can be present to explain the proposal.

7. Consideration for filling the Director Area 2 vacancy on the board by appointment or by calling an election (Government Code Section 1780).

   Staff reported that no applications had been received to fill the seat and requested the Board's direction, and that the candidate who has filed for the seat at the November election was not prepared to accept an early appointment. Director Brown said he would reach out to the candidate to verify that he could not accept an early appointment.

8. CONSENT CALENDAR: The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member or member of the public requests that an item be removed for separate consideration and action.

   a) Consideration of Resolution No. 975 Accepting the Federal Aviation Administration Fiscal Year 2026 Airport Infrastructure Grant for the Taxilane Pavement Rehabilitation Project, Project No. 3-06-0237-046-2026, in a maximum federal obligation of $1,751,855, with a District share of $92,203.

   b) Consideration of Resolution No. 976 Accepting the Federal Aviation Administration Fiscal Year 2026 Airport Improvement Program Grant for the Rehabilitate Taxiways A, S, T and U Project, Phase 1, Project No. 3-06-0237-045-2026, in a maximum federal obligation of $5,683,042, with a District share of $827,016.

   c) Consideration of Resolution No. 977 Establishing Standing Authority for Designated District Officers to execute federal and state grant applications, agreements, amendments and related documents.

   d) Authorization for the President and Secretary to execute an easement between the District and City of Santa Maria for the 10-foot-wide waterline and Well Site 6.

   e) Authorization for the General Manager and the Manager of Finance and Administration to attend The Association of California Airports Annual Conference to be held September 28 through October 1, 2026, in South Lake Tahoe, CA.

   f) Authorization for the Business Development Manager to attend the 2026 Marketing and Communications Conference to be held October 19-21, 2026, in Seattle, WA.

   g) Authorization for the Business Development Manager to attend the Takeoff North America Conference to be held December 8-10, 2026, in Rogers, AR.

   Director Clayton made a Motion to approve. Director Brown Seconded, and it was carried by the following roll call vote. Directors Brown, Guy, Clayton, and Ramirez voted "Yes".

9. Directors' Comments. Director Guy thanked Mr. Flores for his attentiveness to the details of the District's finances and for the summaries provided to the Board, stating that they are invaluable. He thanked General Manager Pehl for his work, particularly on FAA grants, and stated that he appreciated seeing the infrastructure and the growth at the airport. He thanked Director Ramirez for joining the Board.

Director Clayton stated that the two grants are a significant benefit to the airport. He commended Mr. Flores and thanked him for making himself available, welcomed Director Ramirez, and stated that the airport is heading in the right direction.

Director Ramirez thanked the Board and staff for being welcoming. He stated that there is a great deal of information to absorb, that the material provided has been detailed and has helped him catch up.

President Brown stated that the airport is heading in a good direction and that the distractions which had kept the District from getting things done are in the past. He stated that staff are doing good work and making the directors' role easier and noted that a great deal of work goes on behind the scenes that the public does not see.

10. Adjournment: President Brown asked for a Motion to adjourn to a Regular Meeting to be held on September 10, 2026, at the regular meeting place. Director Ramirez made that Motion, Director Guy Seconded, and it was carried by a 4-0 vote.

ORDER OF ADJOURNMENT

This Regular Meeting of the Board of Directors of the Santa Maria Public Airport District is hereby adjourned at 6:25 p.m. on August 27, 2026.

____
Steve Brown, President

____
Michael B. Clayton, Secretary

2026-2027

DEMAND REGISTER
SANTA MARIA PUBLIC AIRPORT DISTRICT

Full consideration has been received by the Santa Maria Public Airport District for each demand, numbers 9925041615 to 9925136571 and electronic payments on Columbia Bank and in the total amount of $174,352.39.

____________________________________ ____________________

MARTIN PEHL DATE
GENERAL MANAGER

The undersigned certifies that the attached register of audited demands of the Santa Maria Public Airport District for each demand, numbers 9925041615 to 9925136571 and electronic payments on Columbia Bank in the total amount of $174,352.39 has been approved as being in conformity with the budget approved by the Santa Maria Public Airport District and funds are available for their payment.

____________________________________ ____________________

MICHEAL FLORES DATE
MANAGER OF FINANCE AND ADMINISTRATION

THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT APPROVED PAYMENT OF THE ATTACHED WARRANTS AT THE MEETING OF SEPTEMBER 10, 2026.

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MICHAEL B. CLAYTON
SECRETARY

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
9925081859	9/3/2026	AMERICAN INDUSTRIAL PIPE & SUPPLY	$135.77	Shop Supplies
9925067207	9/3/2026	Armstrong's Lock And Key	$1,817.10	Terminal Maintenance
9925103124	9/3/2026	Aviation Management Consulting Group	$1,688.75	SMX Airport Fee Study
9925064156	9/3/2026	Bomar Security & Investigation	$6,432.00	Security Service
9925041865	9/3/2026	Cal-Coast Machinery, Inc	$139.73	Shop Supplies
9925070261	9/3/2026	Consolidated Electrical Distributors, Inc.	$49.60	Shop Supplies
9925067003	9/3/2026	David Wolff Environmental, LLC	$1,650.00	Environmental Consulting
9925136571	9/3/2026	Deep Blue Integration, Inc.	$195.00	Fire Alarm - Customs
9925067872	9/3/2026	Government Finance Officers Assoc.	$380.00	Budget Award Application Review Fee
9925071551	9/3/2026	Grainger	$98.97	Shop Supplies
9925043679	9/3/2026	Independent Fee Estimates	$2,390.00	Taxilane Pavement Rehab
9925095906	9/3/2026	Iscold, Paulo	$294.00	Tenant Refund
9925057324	9/3/2026	J B Dewar, Inc	$802.27	Unleaded/Diesel Fuel
9925050481	9/3/2026	Letters, Inc.	$72.00	Car Wash
9925049316	9/3/2026	LSC Communications	$49.67	FAA Publications
9925041615	9/3/2026	Napa Auto Parts	$74.42	Vehicle Maintenance
9925129885	9/3/2026	Pathways Investment Group LLC	$6,000.00	MHP - Mobile Home Removal
9925074196	9/3/2026	RRM Design Group	$22,518.00	SMX Business Park Specific Plan Amendment
9925058673	9/3/2026	S Lombardi & Assoc., Inc.	$100.00	Airport Advertising
9925069890	9/3/2026	State Water Resources Control Board	$4,565.43	SCP Program
9925050509	9/3/2026	Transportation Security Clearinghouse	$12,000.00	Airbadge - Annual Subscription
9925080006	9/3/2026	Verizon Wireless	$870.88	Mobile Devices/Equipment Charges
			$62,323.59	
ACH	8/26/2026	Columbia Bank	$11,280.05	Customs, Office Equipment, Education
ACH	8/26/2026	CalPers	$495.03	Employee Retirement
ACH	8/27/2026	Paychex	$31,928.00	Payroll
ACH	8/27/2026	Paychex	$9,646.45	Payroll Taxes
ACH	8/27/2026	Home Depot	$1,181.72	Shop Supplies
ACH	8/27/2026	Clark Pest Control	$3,240.75	Weed/Wildlife Abatement
ACH	8/28/2026	Paychex	$208.52	Paychex Invoice
ACH	8/28/2026	Aflac	$204.24	Employee Voluntary Insurance
ACH	8/28/2026	Frontier	$439.90	Telephone Service
ACH	8/28/2026	Amazon Capital Services	$1,316.03	Office Supplies/Shop Supplies
ACH	8/31/2026	Flex TG	$30.64	Equipment Lease - Usage Charge
ACH	8/31/2026	Empower	$5,710.14	Employee Paid Retirement
ACH	8/31/2026	Primo Brands	$210.92	Water Delivery
ACH	9/1/2026	Principal	$2,901.34	Employee Dental/Life/Disability Insurance
ACH	9/2/2026	CalPers	$7,530.95	Employee Retirement
ACH	9/3/2026	Mead & Hunt, Inc.	$7,000.00	Airport Consulting Service
ACH	9/3/2026	Oberon3, Inc	$50.00	Terminal Maintenance

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
ACH	9/3/2026	Planes of Fame Air Museum	$25,000.00	Airfest Sponsorship
ACH	9/3/2026	AT&T	$215.22	Telephone Service
ACH	9/3/2026	Comcast Business	$572.03	Internet - Customs
ACH	9/3/2026	Ferguson US Holdings, Inc.	$184.58	Shop Supplies
ACH	9/3/2026	HERC RENTALS	$500.44	Pavement Maintenance
ACH	9/3/2026	McMaster-Carr	$97.01	Shop Supplies
ACH	9/3/2026	Mission Linen Service	$189.12	Uniform Service
ACH	9/3/2026	O'Reilly Automotive, Inc.	$200.72	Vehicle Maintenance
ACH	9/3/2026	San Luis Powerhouse	$1,035.00	Quarterly Emergency Generator Testing
ACH	9/3/2026	SM Valley Chamber of Commerce	$660.00	Business Membership
		Subtotal	$112,028.80	
		Total	$174,352.39	

SANTA MARIA AIRPORT
SMX

TO: President and
Members of the Board of Directors
Santa Maria Public Airport District
3217 Terminal Drive
Santa Maria, CA 93455

FROM: Mike Flores
Manager of Finance and Administration

MEETING: September 10, 2026

ITEM

Presentation by Jane Hinton of Planes of Fame regarding the 2026 AirFest

BACKGROUND

Planes of Fame Air Museum leases land at the Santa Maria Public Airport under a Ground Lease dated January 1, 2022 (the Master Lease). On November 22, 2022 the Board authorized the President and Secretary to execute a Special Event License with the museum by a 5-0 vote, and the License is dated November 22, 2022. Recital A of the License states that permitted uses under the Master Lease include an annual airshow, and Recital C provides that the museum has "the right but not the obligation to hold an annual one, two, or three day airshow." Under Section 3.A the License remains valid as long as the museum's Master Lease is in effect.

The License requires the museum to submit a Special Event Plan to the District each year setting out the event name, event dates, use areas, operational plan and District obligations (Section 1). Section 4.A provides that "The District shall have no obligation to provide cash sponsorship to Licensee in support of the event, however the District may provide sponsorship at its sole discretion." Section 4.C requires the District, prior to the event, to communicate with airport tenants on matters related to the event or to provide the museum a list of current airport tenants and their mailing addresses. Section 6.B requires the museum to pay a $2,500.00 damage deposit, and Section 13.D requires the museum to furnish certificates of insurance to the District prior to the commencement of the use period.

The event is identified in the 2026 Special Event Plan as the Planes of Fame AirFest. The District's accounts payable records for the 2023, 2024 and 2025 sponsorships and the January 25, 2024 posted agenda refer to it as the Central Coast AirFest. The District provided a $75,000.00 cash sponsorship for each of the 2023, 2024 and 2025 events, billed on one invoice and paid in full in each year. Ms. Hinton presented to the Board regarding the 2023 and 2024 Central Coast AirFest on January 25, 2024.

DISCUSSION

The museum submitted the 2026 Special Event Plan to the District on July 20, 2026. The Plan sets the event dates as September 12 and 13, 2026, with facility use dates of September 8 through September 15,

2026. Gates open 9 AM to 5 PM, general admission is $40, and children 11 and under are admitted free. The Plan identifies Ms. Hinton as the museum's AirFest Director and as the event coordinator.

The Plan lists three District obligations: (A) a $75,000 cash sponsorship; (B) parking area preparation as an in-kind donation, general staff coordination, and additional security and support outside the event area; and (C) notification to tenants about the dates of the event, waiver dates and times, restricted areas and altered ingress and egress.

The museum's 2026 sponsorship summary identifies the $75,000 level as the title sponsorship and lists the marketing, venue and hospitality benefits that accompany it, including general admission tickets, VIP tent tickets, Friday sponsor reception seating and a reserved table, and VIP parking passes.

The 2026 sponsorship is being paid in six installments of $12,500.00 rather than on the single invoice used in prior years. The museum proposed the installment schedule on July 18, 2026 and staff accepted it on July 22, 2026. Installments 1 and 2 were invoiced on August 5, 2026 and paid on September 3, 2026, $25,000.00 in total. Installment 3 was invoiced on September 1, 2026, received September 4, 2026, and is due October 1, 2026; it is unpaid. Installments 4 through 6, $37,500.00, had not been invoiced as of September 4, 2026.

<u>FINANCIAL IMPACT</u>

No action is requested with this item, and no new appropriation is required. The 2026 sponsorship is within the $75,000.00 appropriated for Airfest Sponsorship in the adopted FY 2026-27 budget (Resolution No. 968, adopted June 25, 2026).

FY 2026-27 adopted budget, Airfest Sponsorship: $75,000.00

Paid to date, installments 1 and 2 of 6 (September 3, 2026): $25,000.00

Unpaid balance, installments 3 through 6: $50,000.00 (installment 3 invoiced, due October 1, 2026)

Prior years, per the District's accounts payable records: $75,000.00 for each of the 2023, 2024 and 2025 events

The in-kind support listed in the Plan (parking area preparation, staff coordination, and security and support outside the event area) is not separately budgeted and is not quantified in this report. The cash sponsorship is reported as a non-operating expense in the District's audited financial statements.

<u>ANALYSIS</u>

This is a presentation item. No action is requested and none is recommended. A request arising from the presentation may be referred to staff or placed on a future agenda.

The District's cash sponsorship is discretionary under Section 4.A of the License. It is documented by the License, the annual Special Event Plan and the appropriation in the adopted FY 2026-27 budget. Ms. Hinton has offered to provide a more formal sponsorship proposal for a future year.

<u>RECOMMENDATION</u>

It is recommended that the Board of Directors receive the presentation.

SANTA MARIA AIRPORT
SMX

ATTACHMENTS

None.

SANTA MARIA AIRPORT
SMX

TO: President and
Members of the Board of Directors
Santa Maria Public Airport District
3217 Terminal Drive
Santa Maria, CA 93455

FROM: Mike Flores
Manager of Finance and Administration

MEETING: September 10, 2026

ITEM

Consideration of filling the Director Area 2 vacancy on the Board by appointment or by calling an election (Government Code section 1780).

BACKGROUND

The Director Area 2 seat on the Board of Directors became vacant upon the resignation of Director Marvin Rodriguez. The Board was notified of the vacancy, notice was given to the Santa Barbara County Clerk-Recorder and Elections Division, and a Notice of Vacancy was posted in July and published on the District's website with a period for letters of interest. The Notice recites that it was posted in three or more conspicuous places in the District at least 15 days before an appointment, as Government Code section 1780 requires.

The Board considered this item at its last regular meeting. No application had been received at that time, and the Board took no action. One application has since been received, from Patrick Youngern, on the District's application form. It is the only application received for this seat. It arrived after the application period stated in the Notice had closed.

DISCUSSION

The Notice of Vacancy stated an earlier deadline for the Board to act. District Counsel has since advised that the last day for the Board to fill the vacancy by appointment is September 28, 2026. The Notice reserved the Board's right to appoint any eligible registered voter residing in Director Area 2, whether or not they applied within the application period.

The applicant certified on the form that he is a resident of Director Area 2, a registered voter of the District, and able to attend regular Board meetings. Staff compared the residence stated on the application against the District's director area map and confirmed that it is within Director Area 2. The section of the form for a statement of interest, experience or qualifications was left blank, and nothing else was submitted with it. Confirmation of the applicant's voter registration should be stated on the record at the time of appointment.

The seat is on the ballot at the November 3, 2026 general district election, already called, for a full four-year term. An appointee serves only until those results are certified and the elected director takes office. The motion should say so.

FINANCIAL IMPACT

An appointee receives the same per-meeting compensation as any other director under Administrative Code Article I, Section 15, not to exceed one hundred dollars ($100) for each meeting attended, for the interim period only. There is no other cost to the District from an appointment.

ANALYSIS

Government Code section 1780 gives the Board three courses: appoint; decline to appoint and allow the seat to be filled at the November election; or call a separate election. A separate election is not practical: Government Code section 1780 requires at least 130 days between the call and the election, so it could not be held before the November election fills the seat.

Staff recommends appointment. Director Area 2 has had no representative since the vacancy arose and would have none until the elected director is seated after the November election. The Board is seated at four of five. One application has been received, from a resident of Director Area 2.

Staff has verified eligibility, not qualifications. The District holds no statement of the applicant's interest or experience, because that section of the application was left blank. The assessment of the applicant is the Board's to make.

RECOMMENDATION

It is recommended that the Board of Directors appoint Patrick Youngern to fill the vacancy in the Director Area 2 seat on the Board of Directors, to serve until the results of the November 3, 2026 general district election are certified and the director elected to that seat takes office. It is recommended that the motion (i) name the appointee, (ii) state that limited term, (iii) confirm on the record, before the vote, that the appointee is a registered voter of the District and that staff has verified his residence within Director Area 2, and (iv) direct staff to administer the oath of office and provide the appointee a copy of the Ralph M. Brown Act (Government Code section 54952.7).

The Board may instead decline to fill the vacancy by appointment and allow the seat to be filled at the November 3, 2026 election. If it does, the motion should say so, so the record shows a deliberate choice rather than an absence of action.

ATTACHMENTS

1. Notice of Vacancy, Director Area 2
2. Letter to the Santa Barbara County Clerk-Recorder and Elections Division, transmitted July 30, 2026 (Government Code section 1780(b))
3. Application for appointment, received September 3, 2026 (contact information redacted)
4. Oath of Office
5. Ralph M. Brown Act manual (Government Code section 54952.7)

SANTA MARIA AIRPORT

SMX

NOTICE OF VACANCY ON THE SANTA MARIA PUBLIC AIRPORT DISTRICT BOARD OF DIRECTORS – DIRECTOR AREA 2

Posted: July 31, 2026

A vacancy on the Santa Maria Public Airport District ("District") Board of Directors, Director Area 2, has occurred due to the resignation of Director Marvin Rodriguez, effective July 10, 2026. The Board of Directors was formally notified of the vacancy at its meeting of July 29, 2026.

The Board of Directors intends to fill the vacancy by appointment. Pursuant to Government Code Section 1780, the Board must fill this vacancy — either by appointment or by calling an election — no later than September 8, 2026 (60 days after the July 10, 2026 effective date of the resignation). The Board intends to consider filling the vacancy by appointment at its regular Board meeting on Thursday, August 27, 2026, at 6:00 p.m., in the District Board Room.

The Director Area 2 seat is also scheduled to be filled for a full four-year term at the District's next general election on November 3, 2026. Accordingly, the person appointed will serve only until the results of that November 3, 2026 general District election are certified and the newly elected Director takes office.

A person seeking appointment to this position must, at a minimum, be a resident of Director Area 2 and a registered voter of the District, and be able to attend regular Board meetings held on the 2nd and 4th Thursday of each month at 6:00 p.m.

Eligible persons interested in being appointed to fill this vacancy may apply by submitting a brief letter of interest — including a statement of eligibility based on the criteria listed above and any relevant experience or qualifications for the Board's consideration — by email to mflores@santamariaairport.com or in person during regular business hours at the District office at: 3217 Terminal Drive, Santa Maria, CA 93455 no later than 5:00 p.m. on Monday, August 24, 2026.

The Board reserves the right to appoint any eligible registered voter who is a resident of Director Area 2, or to leave the appointment to the November 3, 2026 general District election.

This notice has been posted at least 15 days before any appointment may be made, in three or more conspicuous places in the District, as required by Government Code Section 1780.

M Flores

Micheal Flores
Manager of Finance and Administration
Santa Maria Public Airport District

SANTA MARIA AIRPORT
SMX

VIA EMAIL

Joseph E. Holland, County Clerk-Recorder
Office of the County Clerk-Recorder
1100 Anacapa St
Hall of Records
Santa Barbara, CA 93101

Re: Notice of Vacancy on the Santa Maria Public Airport District Board of Directors

Dear Mr. Holland:

A vacancy on the Santa Maria Public Airport District Board of Directors has occurred due to the resignation of Director Marvin Rodriguez from Director Area 2, effective July 10, 2026.

The Board of Directors was formally notified of the vacancy at its meeting on July 29, 2026. This letter serves as notice of the vacancy pursuant to Government Code Section 1780(b). Director Rodriguez's term is set to expire in December 2026, and the Director Area 2 seat is already scheduled to be filled for a full four-year term at the District's next general election on November 3, 2026.

The Board of Directors will act to fill the vacancy by appointment or call a special election within 60 days of being notified of the vacancy pursuant to Government Code Section 1780. Because the vacancy occurs in the final months of Director Rodriguez's term and fewer than 130 days before the November 3, 2026 general District election, any person appointed by the Board will serve only until the results of the November 3, 2026 general District election are certified and the newly elected Director takes office. The Director Area 2 seat will be filled for the ensuing four-year term by that November 3, 2026 election.

Please contact me if you have any questions regarding this matter.

M Flores

Micheal Flores
(805) 956-2609
Manager of Finance and Administration
Santa Maria Public Airport District

SANTA MARIA PUBLIC AIRPORT DISTRICT
APPLICATION FOR APPOINTMENT TO FILL BOARD VACANCY

FOR DISTRICT STAFF — COMPLETE BEFORE POSTING / DISTRIBUTING

Director Area No.: 2 Notice Posted: July 31, 2026

Vacating Director / Reason: Resignation of Director Marvin Rodriguez, effective July 10, 2026

Application Deadline: 5:00 p.m., Monday, August 24, 2026 Board Meeting Date: Thursday, August 27, 2026, 6:00 p.m.

Statutory Deadline (60 days, Gov. Code §1780): September 8, 2026

Staff Contact: Micheal Flores Phone/Email: (805) 956-2609 / mflores@santamariaairport.com

Submission Address: 3217 Terminal Drive, Santa Maria, CA 93455

A vacancy exists on the District's Board of Directors for the Director Area shown above. Pursuant to Government Code Section 1780, the Board of Directors must fill the vacancy — either by appointment or by calling a special election — within 60 days of being notified of the vacancy (see Statutory Deadline above). Eligible District residents may apply for appointment as described below. If the Board appoints a replacement, the appointee will serve only until the results of the District's next general election are certified; an election for the remainder of the term will be conducted at that general District election.

Applications must be received by the Application Deadline shown above, by email or in person, to the Staff Contact and Submission Address listed above.

ELIGIBILITY CERTIFICATION

(Government Code Section 1780 minimum eligibility requirements — check all that apply)

[X] I am a resident of the Director Area shown above, within the Santa Maria Public Airport District.

[X] I am a registered voter of the Santa Maria Public Airport District.

[X] I am able to attend regular Board meetings held the 2nd and 4th Thursday of each month at 6:00 p.m.

APPLICANT INFORMATION

Full Name: Patrick Youngern

Residential Address: REDACTED

City / State / ZIP: REDACTED Phone: REDACTED

Email: REDACTED

STATEMENT OF INTEREST / RELEVANT EXPERIENCE OR QUALIFICATIONS

(attach additional pages if needed)

CERTIFICATION

I certify that the information provided in this application is true and accurate to the best of my knowledge, and that I meet the eligibility requirements checked above.

Signature (type full name): PY Date: 9-3-2026

Questions about this application? Contact the Staff Contact listed above.

Certificate of Appointment

STATE OF CALIFORNIA, } *SS.*

County of Santa Barbara

THIS CERTIFIES that the undersigned, being the remaining members of the board of directors for the____District of Santa Barbara County, California, have appointed_______________________________________ whose residence address is;

____

to the office of District Director of the above named district to hold the office for the completion of the term expiring _________________________, ___________.

Dated __________________________________, ____________.

____________________ Board Director	____________________ Board Director
____________________ Board Director	____________________ Board Director
____________________ Board Director	____________________ Board Director

---

Oath of Office

STATE OF CALIFORNIA } *SS.*

County of Santa Barbara

I, ____do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

____
(Appointee Signature)

Subscribed and sworn to (or affirmed) before me, this_________ day of__________________,_________

____
(Signature Of Person Administering Oath)

____
(Title)

Before taking office, each member must take and subscribe this Oath of Office before a district director, other district officer, state or county officer, judicial officer or notary public, to be filed with the County Clerk.

California Special Districts Association

CSDA

Districts Stronger Together

Brown Act Compliance Manual

for Special Districts

(Revised January 2026)

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A GUIDE TO UNDERSTANDING CALIFORNIA'S OPEN MEETING LAWS

Introduction

The Ralph M. Brown Act ("Brown Act")[1] was enacted in 1953 in response to a series of articles in the San Francisco Chronicle detailing the way local agencies at the time conducted secret meetings or caucuses even though state law had long required that local agencies conduct business publicly. The purpose behind the Brown Act, as originally adopted and as it remains today, is to ensure that actions of local public agencies—including their deliberations, are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate.

This manual provides special districts[2] with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act. Districts are permitted to and should consider adopting local policies that exceed the minimum requirements of the Brown Act in terms of providing greater public access and openness to district business.

"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." [3]

Printing made possible by the California Special Districts Alliance, a partnership between the California Special Districts Association (CSDA), the CSDA Finance Corporation (CSDAFC), and the Special District Risk Management Authority (SDRMA).

Table of Contents

I. Overview of the Brown Act

Note: A local agency must 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.

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This manual provides special districts with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act.

The purpose behind the Brown Act is to ensure that actions of local public agencies – including their deliberations - are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate. Courts construe the Brown Act liberally, in favor of openness and narrowly construe its limited exemptions.

The Brown Act and incorporated provisions of the Americans with Disabilities Act not only guarantee the public's right to attend and participate in open and public meetings but ensure that the meetings will actually be accessible to all members of the public. Violations of the Brown Act can result in the action taken being invalidated and the award of attorney's fees and costs if there is a successful legal action against a public agency. Certain intentional violations can result in criminal prosecution. And regardless of the nature of the violation, the mere fact that the public perceives that an agency is improperly conducting business behind closed doors can indelibly damage the public's trust in local government.

This manual provides special districts with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act. The manual also includes guidance on how members of a legislative body may engage with the public on social media platforms and details on how to permit remote participation in a Brown Act compliant teleconference meeting.

This manual is not intended to provide legal advice on any specific issue.

This manual is not intended to provide legal advice on any specific issue. Because the statutory and case law summarized in this manual is subject to change, district staff and officials should always seek the advice of agency legal counsel as to the application of the Brown Act in a particular situation and to ascertain whether there have been recent changes to the Brown Act or its interpretation by the courts.

Purpose and Basic Rule

The purpose of the Brown Act is elegantly stated in the opening declaration:

> *“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.[3]

The Brown Act’s basic and unchanged rule provides:

> *“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.”*[4]

As summarized by one court: “It is clearly the policy of this state that the proceedings of public agencies, and the conduct of the people’s business, [must] take place at open meetings, and that the deliberative process by which decisions related to the public’s business are made [must] be conducted in full view of the public.” Thus, except for certain closed session items, all aspects of the decision-making process by legislative bodies—including the acquisition of information, discussion and debate—must be conducted in public.

II. District Legislative Bodies and Other Groups Covered and Not Covered

The Brown Act only applies to a district "legislative body" as defined in Section 54952. Therefore, understanding the scope of that term is the critical first step in determining whether the Brown Act applies to a particular district body or group.

What bodies are considered a "legislative body" subject to the Brown Act?

1. **The Governing Body** of a district (i.e., the board of directors) is considered a "legislative body" subject to the Brown Act.[6]

> ***Note:*** The Brown Act also applies to persons elected to serve on a legislative body covered by the Brown Act but who have not yet assumed the duties of office.[7]

2. **Standing committees** of a legislative body, regardless of their composition (i.e., including less than a quorum of the legislative body), that have either (a) continuing subject matter jurisdiction or (b) a meeting schedule fixed by formal action of a legislative body are subject to the Brown Act.[8]
3. **Appointed bodies**, whether permanent or temporary, decision-making or advisory, created by a formal act of the governing body are subject to the Brown Act.[9] The "formal act" required to create a Brown Act legislative body includes any official action and is not necessarily limited to formation by a formal vote or adoption of a resolution.[10]
4. **Joint Powers Authority** legislative bodies of a legally separate entity established by districts under the Joint Exercise of Powers Act must comply with the Brown Act.[11]
5. **Private organizations and other separate entities.** The board or other governing body of a private organization, such as a nonprofit corporation, is subject to the Brown Act, if: (a) a district legislative body created or was involved in bringing the organization into existence to exercise lawfully delegated authority, or (b) if both of the following requirements are met: (i) the organization receives funds from the

district and (ii) a member has been appointed as a full voting member of such board by the district's legislative body.[12, 13]

What district bodies or groups are not considered a "legislative body" subject to the Brown Act?

1. **A temporary advisory committee** (often referred to as an **ad hoc committee**) composed solely of less than a quorum of the legislative body that is created for a single or limited purpose (e.g., a recruitment committee for a vacant position or a committee to investigate a particular incident or issue) that will dissolve once its task is completed is not subject to the Brown Act.
2. **Groups advisory to a single member of a legislative body** created by the informal action of the particular member to advise the member are not covered by the Brown Act.[14]
3. **A group appointed by district staff** (e.g., a committee to assist with a district social or community event) is not subject to the Brown Act.

Compliance Tip

Forming a true ad hoc advisory committee that is composed solely of less than a quorum of the legislative body and that is not subject to the Brown Act requires careful consideration of these restrictions.

III. Meetings Covered and Exempted

The Brown Act only applies to "meetings" of district legislative bodies. Thus, it is critical to understand what meetings are covered and what gatherings are not considered a meeting.

Definition of Meeting

The Brown Act defines a **"meeting" as any congregation of a majority of the members of a legislative body at the same time and location, including a teleconference location, to hear, discuss, deliberate, or take action on any item that is within the legislative body's subject matter jurisdiction.**[15] As defined, the term "meeting" is not limited to gatherings at which action is taken but applies equally to situations where a quorum of the legislative body merely hears, discusses, or deliberates on district business. These terms have their ordinary meaning, but there is a specific definition for "action taken," which includes:

1. a collective decision by a majority of the members of a legislative body;
2. a collective commitment, or promise by a majority of the members to make a positive or negative decision; or
3. an actual vote by a majority of the members of the legislative body sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.[16]

Prohibition Against Serial Meetings

Outside of a properly noticed and conducted Brown Act meeting, a majority of the members of a legislative body may not use a series of communication of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the body's subject matter jurisdiction.[17]

This type of prohibited "serial meeting" can occur in two ways:

1. Chain: If member A contacts member B, and B contacts member C, and C contacts member D, and so on, until a quorum of the legislative body has been involved.
2. Hub-and-spoke: An intermediary, such as the general manager, contacts at least a quorum of the members of the legislative body to develop a collective concurrence (or communicate each member's respective positions) on an action to be taken by the legislative body.

Compliance Tip

The use of e-mail can easily result in a serial meeting along with a paper trail establishing a potential violation of the Brown Act.[18] District legislative body members must be extremely careful with the use of e-mail, except to pass along general information. For example, members should refrain in e-mails from stating or taking a position on matters that may come before the district. Members should also refrain from giving instructions or directions to staff members unless they have clear authority to do so. One never knows where, or in how many inboxes an e-mail may end up. This tip is equally applicable to members posting comments on social media and other technological platforms.

Teleconferencing Meetings

Standard Teleconferencing

Meetings may be conducted by teleconferencing (i.e., any electronic audio or video connection) under the following conditions:[19]

1. agendas are posted at teleconferencing locations specifying all teleconference locations;
2. public access is provided at each teleconference location;
3. public opportunity to speak is provided at each teleconference location; and
4. all votes are taken by roll call.

At least a quorum of the members of the legislative body must participate in the teleconference within the boundaries of the district.

Alternative Teleconferencing

A legislative body of a local agency may utilize teleconferencing without complying with the aforementioned requirements for 'standard teleconferencing' in any of the circumstances described in Government Code sections 54953.8.1 to 54953.8.7. However, the local agency must comply with each of the following mandatory procedures:

1. The legislative body must provide either a 1) two-way audiovisual platform or 2) a two-way telephonic service and live webcasting of the meeting.
2. Each agenda and notice for the meeting must include information 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 broadcasting the meeting or the receipt of public comments, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting 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.)
4. The public must have an opportunity to address the legislative body and offer comments in real time. In addition, the public cannot be required to submit comments in advance of the meeting.
5. The minutes of the meeting must identify any member of the legislative body who participated from a remote location as well as the specific provision of law that permitted their remote participation. Every member participating from a remote location 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.
6. The legislative body must adopt and implement a procedure for resolving requests for reasonable accommodation consistent with the federal Americans with Disabilities Act.
7. A local agency must identify a list of one or more meeting locations that may be available for use by the legislative bodies to conduct their meetings.

Compliance Tip

Districts should consider adopting a policy on the use of teleconferencing that addresses the circumstances under which it may be appropriate to use this technology, how much advance notice must be given, and the procedures the agency must follow.

Alternative Teleconferencing - Categories

In addition to the circumstances described below in further detail, alternative teleconferencing is permitted for use by the following, with each category having its own requirements for compliance:

- A health authority.[128]
- An eligible neighborhood council.[129]
- An eligible community college student organization.[130]
- An eligible multijurisdictional body.[131]
  - "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. "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, or (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.

Compliance Tip

A legislative body seeking to use alternative teleconferencing pursuant to one of these bulleted options should refer to the statute authorizing the respective provision in order to understand the specific requirements for that type of alternative teleconferencing, which may vary depending on the category of alternative teleconferencing used. See the Appendix for a full copy of the Brown Act and more information on the aforementioned alternative teleconferencing categories.

Emergency Teleconferencing

In response to the need for greater flexibility in teleconferencing meetings in the wake of the COVID-19 pandemic, the Brown Act was amended to allow legislative bodies to meet remotely during proclaimed emergencies under modified teleconferencing procedures that do not require compliance with the "standard" procedures noted above, provided that the special emergency procedures are followed.[22]

Summary of circumstances and process authorizing emergency teleconferencing procedures:

1. An emergency situation arises that poses an imminent risk to public health and safety.
2. A local emergency or state of emergency is declared.
3. A district wishes to meet remotely via teleconferencing as a result of the emergency. The meeting agenda includes an item for consideration of a resolution to authorize the use of teleconferencing for meetings consistent with Section 54953.8.2.
4. A resolution is passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees. The resolution is valid for up to 45 days.

5. If the state of emergency remains, the district must renew its emergency teleconferencing resolution at least every 45 days, which includes findings that the legislative body has both (1) reconsidered the circumstances of the state of emergency, and (2) the state of emergency continues to directly impact the ability of the members to meet safely in person.

Compliance Tip

The emergency teleconferencing procedures can only be used in the event that a gubernatorial state of emergency (1) has been issued AND (2) remains active, or a local emergency is declared with extreme peril to persons or property 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 refers only to local emergencies in the boundaries of the territory over which the local agency exercises jurisdiction.

Teleconferencing for "Just Cause" Circumstances

Expanded teleconferencing procedures were added to the Brown Act in recent years to permit a member of a legislative body to attend a meeting by teleconferencing via a two-way audiovisual platform or "webcast" on a limited basis.[121] The member may only request to participate from a remote location under these guidelines if one of the following circumstances applies:

1. The member must participate remotely for "just cause," defined as:
   a. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
   b. A contagious illness that prevents a member from attending in person.
   c. A need related to a physical or mental disability, as defined.
   d. Travel while on official business of the legislative body or another state or local agency.
   e. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.
   f. A physical or family medical emergency that prevents a member from attending in person.
   g. 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.
2. In order for a member of the legislative body to participate remotely under these provisions, they must comply with the alternative teleconferencing provisions discussed previously, including:
   a. At least a quorum of the members of the Legislative Body participate in-person from a single physical location accessible to the public, which is within the boundaries of the agency and clearly identified in the posted agenda.
   b. The public is permitted to attend the meeting either by teleconference or videoconference in a manner such that the public can remotely attend and offer real-time comment during the meeting.
   c. Notice of the means by which the public can remotely attend the meeting via teleconference or videoconference and offer comment during the meeting is included within the posted agenda.

d. The member has done the following:

   i. For a "just cause" circumstance, notify the legislative body at the earliest opportunity, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstance relating to their need to appear remotely at the given meeting.

   ii. The member shall participate through both audio and visual technology.

e. The member 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 nature of the member's relationship with such individuals.

A member of a legislative body may not participate in meetings of the legislative body solely by teleconference from a remote location under these provisions for more than the following number of meetings, as applicable:

1. Two meetings per year, if the legislative body regularly meets once per month or less.
2. Five meetings per year, if the legislative body regularly meets twice per month.
3. Seven meetings per year, if the legislative body regularly meets three or more times per month.

Any meetings that begin on the same calendar day shall be considered a single occurrence for the purpose of counting meetings.

Teleconferencing under the Americans with Disabilities Act (ADA)

The Brown Act requires an agency's legislative body to allow remote participation in a meeting as a reasonable accommodation for a member with a qualifying disability that precludes in-person attendance at meetings of the legislative body by the member.[124] The member's remote participation must be conducted in a manner that simulates in-person attendance at meetings held in person at a location open to the public. To do this, a member that participates remotely in a meeting as an accommodation under ADA must do the following:

1. Use two-way video and audio streaming in real time, except that any member may use audio only if a physical condition related to their disability results in a need to participate off camera.
2. Disclose the identity of any adults who are present with the member at the remote location, and the general nature of the member's relationship with any of the individuals.

Local agencies should consult with counsel when receiving a request for accommodation under ADA to participate in a meeting remotely.

Teleconferencing by an Eligible Subsidiary Body

An eligible subsidiary body may conduct a teleconference meeting by complying with the alternative teleconferencing requirements, and:

1. Designating 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 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 that results in a need to participate off camera.
3. 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.

4. 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.
5. 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.
6. Before an eligible subsidiary body uses teleconferencing for the first time, the legislative body that established the eligible subsidiary body must adopt certain findings by a majority vote, and every six months thereafter.[127]

"Eligible subsidiary body" means a legislative body that meets all of the following:

1. Is described in subdivision (b) of Section 54952.
2. Serves exclusively in an advisory capacity.
3. Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds.
4. 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 proposals.

What is not a meeting?

The Brown Act lists seven circumstances that are not considered a regulated "meeting."

1. **Individual Contacts.** Individual district legislative body members may engage in separate conversations or communications with staff, the public, and even another member of a legislative body, provided that the official or the person they contact "does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."[26] In other words, the Brown Act does not restrain a member of a legislative body's individual actions, but such contacts cannot lead to the type of prohibited serial meeting described above.

Recent Brown Act amendments clarified that a member of a legislative body may engage in conversations of communications on an internet-based social media platform (e.g., Facebook or Twitter) 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. In addition, a member of the legislative body may 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.[27]

Quorum Exceptions

Attendance by a quorum of members of a legislative body is permitted in the following circumstances, provided that a majority of the members do not discuss district business amongst themselves (other than as part of the scheduled meeting, occasion or program):[23]

2. **Standing Committee Meetings.** Members may attend an open and noticed meeting of a standing committee of the legislative body (provided that the members of the body who are not members of the committee attend only as observers).
3. **Meetings of a different body of the local agency** that are open and publicized.
4. **Meetings of a legislative body of another local agency** that are open and publicized (e.g., county board of supervisors, city council, or the board of directors of another district).
5. **Community meetings** organized to address topics of local community concern by a person or organization other than the district, provided the meeting is open and publicized. However, agencies should be mindful that the Attorney General has opined that a "State of the City" or "State of [Special District]" event is a meeting for the purposes of the Brown Act.[123]
6. **Conferences or similar gatherings** that are open to the public and are for purposes of discussing issues of general interest to the public or to public agencies such as the district.

> ***Note:*** The Brown Act does not define what "publicized" means for the purposes of the community meeting exemption, but notice in a newspaper, a mass mailing, physical posting in multiple locations around a community, or posting internet websites should be sufficient to satisfy the Brown Act's openness requirements.

7. **Social or ceremonial events** such as parties, weddings, funerals, retirement celebrations or charitable fundraisers.

Compliance Tip

"Liking" or "upvoting" (or other similar actions) can be construed as a legislative body discussion. The Brown Act defines "discuss among themselves" as: "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." [28]

Practice Tip: Public officials do not have to stop engaging with the public because of the Brown Act. But they should take some simple precautions to avoid unintentional violations of the law. This includes warning members of the public when engaging with them outside of a Brown Act open meeting that you cannot discuss the views of other officials and stopping any such discussion by a member of the public as soon as possible.

IV. Categories of Meetings, and Applicable Notice, Location, Agenda and Procedural Requirements

Categories of meetings subject to the Brown Act

1. **Regular meetings** are meetings held at the dates, times and location set by ordinance, resolution, bylaws or other formal action of a legislative body.[30]
2. **Special meetings** are meetings called by the presiding officer or a majority of the legislative body and may be held at any time subject to a 24-hour notice requirement. Such written notice must be delivered to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and to each radio and television station that has requested such notice in writing. Only the business set forth in the notice may be considered at the meeting.[25]
3. **Adjourned meetings** are regular or special meetings that have been adjourned to a time and place specified in the order of adjournment.[32]
4. **Emergency meetings** are meetings that may occur where the legislative body determines there is an emergency situation that severely impairs public health or safety or there is an existing or threatened situation that poses immediate and significant peril. The special meeting provisions apply to emergency meetings, except the 24-hour notice is not required. News media must be notified by telephone at least one hour in advance of an emergency meeting (except for "dire" emergencies), and all telephone numbers provided must be tried. If telephones are not working, the notice requirements are deemed waived, but the news media must be notified as soon as possible of the meeting and any action taken. Closed sessions are permitted during an emergency meeting under Section 54957 if agreed to by 2/3 vote of the members present (or all of the members if less than 2/3 present). The minutes of the meeting, a list of the persons notified or attempted to be notified, a copy of any roll call vote, and any action taken at the meeting must be posted in a public place for a minimum of ten days as soon after the emergency meeting as possible.[33]

Permitted Locations for Meetings

1. **Regular and special meetings** must be held within the boundaries of the agency's jurisdiction except when:
   a. meeting by remote teleconferencing during a proclaimed state of emergency;[34]
   b. complying with federal or state law or court order;
   c. inspecting real property or personal property that cannot be conveniently brought to the agency;
   d. participating in multi-agency meetings (provided the meeting takes place in a member agency's jurisdiction and is properly noticed);
   e. meeting in the closest meeting facility if the district has no meeting facility within its boundaries;
   f. meeting with elected or appointed federal or state officials when a local meeting would be impractical (solely to discuss local issues over which such officials have jurisdiction);
   g. meeting in or nearby a facility owned by the agency (provided the meeting is limited to items directly related to the facility); and
   h. visiting the office of its legal counsel for a closed session on pending litigation when to do so would reduce legal costs.[35]

> ***Note:*** Retreats and workshops for agencies other than statewide JPAs must be held within the territory of the agency.

2. **Joint powers agencies** may meet within the territory of any member, or if members are located throughout the state, then they can meet anywhere in the state, provided such facility is open to all members of the public.[36]
3. **Emergency meetings** are subject to the same locational rules as regular and special meetings except that the presiding officer may move them to another location if it is unsafe to meet in the regular designated meeting location, or, if the meeting is being conducted during a proclaimed state of emergency by remote teleconferencing pursuant to the provisions of Section 54953.8.2.[37]

Agenda Requirements

General Rules

- A written agenda must be prepared for each regular or adjourned regular meeting of the legislative body.
- The agenda must be posted at least 72 hours in advance of the regular meeting to which it relates.
- Each item of business to be transacted or discussed, including items to be discussed in closed session, must be the subject of a brief general description, which generally need not exceed 20 words.[36]
- If the agency has an internet website, agendas must be posted at least 72 hours before a regular meeting and at least 24 hours before a special meeting on the agency's website. The special meeting Internet posting requirement only applies to an agenda of either (a) the governing body, or (b) the participating members are compensated, and one or more members attending are also members of the governing body.[39]

Compliance Tip

Drafting an agenda description that is brief but discloses enough information for the public to understand a proposed action is not an easy task. Including information such as the location of a project, the purpose of a project (as opposed to just an agency or applicant given name), the parties involved, and the costs associated with the action will help deflect claims of lack of proper notice.

Note: Agendas at physical locations must be posted in areas that are freely accessible to the public at all times. Posting on a bulletin board inside the district's office that is locked after business hours is not in compliance. With limited exceptions, independent special districts must establish and maintain an Internet website that must have contact information for the district listed in addition to the agenda and any meeting materials. The internet website posting requirement may be excused if there are technical difficulties, provided that the district continues to comply with all other notice requirements. Internet website posting requires the agenda to be posted as a direct link on homepage of the agency's website and in an open format that permits the public to retrieve, download, index, and search for the agenda through the internet, in a manner that is "platform independent and machine readable".[42]

Non-Agenda Items

Action or discussion on any item not appearing on the posted agenda is generally prohibited except that members of the legislative body may:[43]

- briefly respond to statements made or questions posed by the public;
- ask a question for clarification;
- make a brief announcement;
- make a brief report on activities;
- provide a reference to staff or other sources for factual information;
- request staff to report back to the legislative body at a subsequent meeting; or
- direct staff to place a matter of business on a future agenda.[44]

Statutory exceptions to action on non-agenda items

A legislative body may take action on items of business not appearing on the agenda under the following conditions:

- **Emergency:** When a majority decides that an emergency situation exists (i.e., work stoppage, crippling disaster, etc.).
- **Subsequent need urgency item:** When 2/3 present (or all members if less than 2/3 are present) determine there is a need to take immediate action and that the need for action came to the attention of the district subsequent to the agenda being posted.
- **Hold over item:** When the item appeared on the agenda of, and was continued from, a regular meeting held not more than five days earlier.[45]

Special agenda disclosure for concurrent meetings

A legislative body that convenes a meeting and whose membership constitutes a quorum of another legislative body may convene a meeting of the other legislative body, either simultaneously or in serial order, only if a clerk or member of the body verbally announces, prior to convening any simultaneous or serial meeting, the amount of "compensation" or "stipend" that each member will receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body. No agenda announcement is required if:

1. The amount of compensation is prescribed by statute; and
2. No additional compensation for the simultaneous or subsequent meeting has been authorized by the district.

The terms "compensation" and "stipend" do not include reimbursement for actual and necessary expenses incurred by a member in the performance of official duties, including travel, meals, and lodging.[46]

Compliance Tip

The agenda must designate the address where documents may be inspected by the public.[52]

Documents and other writings related to a meeting must be made available to the public at the time of distribution to a majority of the legislative body meeting if prepared by the district or a member of a legislative body, or after the meeting if prepared by some other person.[62] If a district is distributing agenda-related materials to the majority of a legislative body less than 72 hours before a meeting, it must ensure immediate public access to those materials in one of two ways:

1) by making the material immediately available for public inspection at a public office or location designated for that purpose and listing the address of the designated place on all agendas, or

2) by making an initial report (i.e., a document containing a summary and staff recommendation) of the material available for public inspection at a designated location at least 72 hours before the meeting, posting the material on the local agency's internet website in a position and manner that makes it clear that the material relates to an agenda item for an upcoming meeting, listing the web address where the material can be found on all agendas, and making physical copies available for public inspection beginning the next regular business hours for the agency, though this last requirement can only be fulfilled if the next regular business hours of the local agency commence at least 24 hours before that meeting; otherwise the legislative body cannot fulfill all of the requirements of these provisions and may be forced to delay the agenda item the materials relate to.[119]

If requested in writing in advance, a member of the public may be mailed copies of the agenda or agenda packet at the time it is distributed to a majority of the legislative body. Such a request is valid for the calendar year filed. A public agency may establish a mailing fee not to exceed the cost of providing this service.[63,64]

Any audio or video tape record of a public meeting made by or at the direction of the district is subject to inspection under the Public Records Act and such inspection must be provided without charge on equipment made available by the district. If copies of the audio or video tape are desired, the agency may impose its ordinary charge for copies. Audio and video tapes may, however, be erased or destroyed 30 days after the taping or recording.[65]

Meetings of an "Eligible Legislative Body"

Beginning July 1, 2026, all meetings of an "eligible legislative body" are subject to enhanced mandates under the Brown Act to provide increased public access as well as possible translation of agendas and meetings into additional languages.[132]

These additional requirements only apply to an "eligible legislative body" and not to a "legislative body" as traditionally defined in the Brown Act.

For a special district, eligible legislative body means:

1. The board of directors of a special district that <u>has an internet website</u> and meets any one of the following conditions –
   a. 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; or
   b. The special district has over 1,000 full-time equivalent employees; or
   c. 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.

2. An eligible legislative body also includes a city council of a city with a population of 30,000 or more; a county board of supervisors of a county, or city and county, with a population of 30,000 or more; and a city council of a city located in a county with a population of 600,000 or more.

Two-Way Audiovisual or Telephonic Access

Every meeting of an eligible legislative body must 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.

"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. "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.

> ***Note:*** 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.

Compliance Tip

By July 1, 2026, an eligible legislative body must adopt a policy in open session related to disruption of service during meetings that includes procedures for recessing and reconvening a meeting in the event of disruption and describes the efforts that the eligible legislative body shall make to attempt to restore the service. If a disruption of service that prevents members of the public from attending or observing the meeting 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 service is restored, whichever is earlier. If service is not restored upon reconvening the session, the eligible legislative body shall adopt a finding by rollcall vote that good faith efforts to restore the service have been made in accordance with the policy by the agency, and that the public interest in continuing the meeting outweighs the public interest in remote public access.

When an eligible legislative body elects to provide two-way audiovisual access (rather than telephonic access), 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. The public must be provided with an opportunity to provide comments as they would with any other open and public meeting, with the same time allotment as a person attending in person.

Meeting Translation

Although an eligible legislative body is not required to provide interpretation of any meeting, it may elect to provide interpretation, and must 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. Examples of assistance may include allowing extra time or allowing participants to use personal equipment to assist them.

An eligible legislative body must also take affirmative actions to encourage underrepresented and non-English speaking communities to participate in meetings, including: having 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; maintaining an accessible internet webpage translated in all "applicable languages" (discussed below) dedicated to public meetings; making reasonable efforts, as determined by the legislative body, to invite groups that do not traditionally participate in public meetings to attend those meetings.

Compliance Tip

Every eligible legislative body should have a webpage dedicated to public meetings that includes: a general explanation of the public meeting process, 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, a calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting, the most recent agenda, and a link from the homepage of the agency to the required webpage.

Agenda Translation

The agenda for each meeting of an eligible legislative body must be translated into all "applicable languages," with each translated agenda posted in accordance with agenda posting requirements. This applies only to the agenda, and not the entire agenda packet. 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.

"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." "Applicable population" is determined as follows:

1. 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:

IV. Meeting Categories & Requirements (continued)

   a. The population of the county with the greatest population within the boundaries of the special district.

   b. The population of the service area of the special district, if the special district has the data to determine what languages are spoken by the population within its service area.

2. 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.

If more than three languages meet the criteria set forth for "applicable languages," the agency shall translate for the three languages that are spoken by the largest percentage of the population. Translation may be done using a digital translation service, and the eligible legislative body must also accept additional translations of the agenda from the public to post in physical locations where agendas are posted.

V. Rights of the Public at Meetings

Public Attendance

The Brown Act's mandate that all persons must be "permitted to attend any meeting of a legislative body"[47] is implemented in a variety of ways:

- Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attending. If an attendance list, register, questionnaire or similar document is circulated to persons present during the meeting, it must state that the signing, registering or completion of the document is voluntary.[48]
- No meeting or any other function can be held in a facility that prohibits attendance based on race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to the disabled.[49]
- No meeting may be held where the public must pay or make a purchase to attend (this includes remote locations where teleconferencing is used).[50]
- And if teleconferencing is used, members of the public must be given notice of the teleconference location and be able to address the legislative body from such location.[51]

Public Accommodation (Americans With Disabilities Act)

All open meetings under the Brown Act must also comply with Section 202 of the Americans with Disabilities Act ("ADA") and its implementing rules and regulations. The ADA prohibits a governmental entity from discriminating against individuals with disabilities in the programs, services, and activities it offers. Programs and activities are required to be readily accessible to and usable by disabled individuals.[54] Therefore, public entities must make accommodations for disabled individuals to participate in the meetings unless doing so would be an undue burden or cause a fundamental alteration in the program or activity. [55] This is accomplished in the following two ways:

1. **Physical facilities:** In addition to the meeting room being accessible, the telephones and bathrooms must also be made accessible if phones and bathrooms are provided for non-disabled individuals.[56] Meeting rooms must also have wheelchair seating and assistive listening systems.[57]
2. **Agenda and written materials:** Agendas must include information regarding how, to whom and when a request for disability-related modification or accommodation may be made in order for a person with a disability to participate in the meeting. When requested by a person with a disability, the agenda and documents in the agenda packet must be made available in "appropriate alternative formats," and writings distributed at a public meeting must also be made available in "appropriate alternative formats," even when the materials are handed out by members of the public.[58]

PC: Ability Ministry on Disability Is Beautiful (disabilityisbeautiful.com)

Public Access to Meeting Records

The public has the right to review agendas and documents and other writings distributed to a majority of the legislative body (except for privileged documents). A fee or deposit may be charged for a copy of these public records.[59] *See Compliance Tip on Page 18 for more information.*

Compliance Tip

With the advent of digital files, most agencies maintain copies of meeting recordings on their website, either permanently or for an extended period of time, to ensure continued public access and as an aid for reminding officials and staff precisely what transpired in such meetings.

Public Participation

A regular meeting agenda must allow an opportunity for members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body.[66]

The public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.[67] However, an 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 where members of the public were given the opportunity to address the committee on the item, before or during the committee's consideration of the item. This shall not apply in some circumstances, such as when the item has been substantially changed since the committee heard the item, or if the committee members did not participate from a singular location when considering the item. 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.[125]

Public Conduct

Disturbances. The legislative body may remove any person from a meeting who willfully interrupts the proceedings. Removal is only justified, however, when an audience member actually disrupts the meeting.[71] If order still cannot be restored, the meeting room may be cleared.[72] Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may also re-admit individuals not responsible for the disturbance.[73] The authority of a legislative body to remove a person who disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting shall apply to members of the public participating in a meeting via two-way telephonic service or two-way audiovisual platform.[126]

Removal of disruptive individuals. 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 if, prior to removing the individual, the presiding member or their designee warns 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.

"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:

1. A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.
2. Engaging in behavior that constitutes use of force or a true threat of force.

No warning is required if the individual is engaging in behavior that constitutes use of force or a true threat of force. "True threat of force" is defined to mean 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.[120]

Non-disruptive criticism. The legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself.[74] Expressions of opposition to actions of the district (provided they are not overly disruptive) constitute protected speech.[75]

Compliance Tip

If a closed session is held before the start of the regular open session agenda, the public must be provided an opportunity to address the legislative body on any closed session item before the legislative body adjourns to closed session.

The legislative body may adopt reasonable regulations, including time limits, on public comments (e.g., 3-5 minutes/speaker).[68] However, when a legislative body limits time for public comment, the legislative 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 legislative body.[69]

The public is allowed to use audio or video tape recorders or still or motion picture cameras at an open meeting, absent a reasonable finding by the legislative body that such recording, if continued, would persistently disrupt the proceedings due to noise, illumination, or obstruction of view.[70]

VI. Closed Sessions

The Brown Act recognizes that not all local agency business should be conducted in the open and provides limited exceptions termed “closed sessions” for sensitive matters such as litigation, security threats and certain personnel matters. If a matter is not listed in the Brown Act as an appropriate subject for a closed session, the matter must be discussed in public even if the subject is sensitive, embarrassing or controversial. In addition to listing the permissible subjects for closed sessions, the Brown Act outlines how such matters should be agendized,[76] and when and how the matters must be disclosed in an open meeting or otherwise made public.

Matters appropriate for closed session and applicable agenda description[77]

1. **Public employment.** A closed session may be held to appoint, employ, evaluate the performance of, discipline, or dismiss a public employee.[78] A closed session may also be used to hear specific complaints or charges brought against a public employee unless the employee requests a public session upon 24 hours’ advance written notice.[79] The applicable safe harbor agenda descriptions for these matters are:
   a. PUBLIC EMPLOYMENT
   Government Code section 54957
   Title: (Specify description of position to be filled)

   b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Government Code section 54957
   Title: (Specify position title of employee being reviewed)

   c. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
   Government Code section 54957
   (No description is required.)

Note: The public employment exception only applies to “public employees.” This includes independent contractors that function as an officer or employee such as a contract general counsel or human resources officer. Discussions or action taken on persons other than employees (e.g., elected officials, appointed members of a committee, and independent contractors that do not function as an officer or employee) must be taken in open session unless there is another applicable exception such as potential litigation.[70]

Compliance Tip

Interviews for appointments to district legislative or advisory bodies must be conducted in open session. While candidates for such positions cannot be compelled to stay outside the room where the interview is held while other candidates are being interviewed, most will comply with a request to do so.

The Brown Act recognizes that not all local agency business should be conducted in the open and provides limited exceptions termed "closed sessions" for certain sensitive matters.

> ***Note:*** The personnel exception does not authorize action on proposed compensation in closed session, except for a reduction in pay as a result of proposed disciplinary action. Reviewing an employee's job performance and making threshold decisions about whether any salary increase should be granted is permissible for closed session, but any action concerning the amount of any salary increase must be held in an open session.[81] As noted below, a legislative body may address compensation of an unrepresented employee, such as a general manager, under the labor negotiation exception.

2. **Labor negotiations.** A closed session is appropriate to discuss, with the agency's bargaining representative, salaries, salary schedules, fringe benefits, funding priorities and other matters within the statutory scope of employee representation for both represented (e.g., union or other recognized employee organization) and unrepresented employees (e.g., management). Final action must be taken in open session.[82] The applicable safe harbor agenda description is:

   CONFERENCE WITH LABOR NEGOTIATORS
   Government Code section 54957.6
   Agency designated representatives: (Specify names of designated representatives attending 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)

> ***Note:*** The Brown Act requires an oral report in open session at the meeting where final action is to be taken that summarizes the recommendation for final action on the salary, salary schedule, or compensation paid in the form of fringe benefits of a "local agency executive" as that term is defined in Government Code section 3511.1, or a department head or other similar administrative officer of the local agency.[83] The intent appears to be to preclude placing such items on a consent calendar or similar action item that may involve no discussion of the matter.

3. **Litigation.** A closed session is appropriate to discuss (1) threatened litigation against the district; (2) potential exposure to litigation; (3) potential initiation of litigation; and (4) existing litigation.

   Potential litigation against or to be initiated by the district. A closed session may be held in situations where there is anticipated litigation against the district or when the district is contemplating bringing a legal action. Where the agency seeks to discuss with its legal counsel threatened or anticipated litigation, there must be "existing facts and circumstances" to support the closed session. Existing facts and circumstances include:

   a. facts and circumstances that the agency believes are not known to a potential plaintiff;

   b. the receipt by the agency of a claim pursuant to the Government Claims Act or some other written communication threatening litigation;

   c. a statement made by a person in a public meeting threatening litigation on a specific matter within the responsibility of the legislative body; or

   d. a statement made outside a public meeting so long as the official or employee of the agency receiving knowledge of the threat makes a record of the statement prior to the meeting, and the statement is available for public inspection.[84]

A legislative body may also meet in closed session to decide if the above facts and circumstances are present and thus whether the closed session is authorized.[85] The applicable safe harbor agenda descriptions are:

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) or (3) [as applicable]: (Specify number of potential cases)[86]

or

Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (Specify number of potential cases)

Existing litigation. Where a legal action has already been initiated by or against the district, a closed session may be held to provide updates to the board and discuss strategy. The applicable safe harbor agenda description is:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Government Code section 54956.9(d)(1)

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)

> ***Notes:*** The ability to meet in closed session for existing litigation only applies to litigation to which the district is a party. It is generally understood, consistent with the safe harbor description, that the agency's attorney must be a participant in all litigation-related closed sessions.[76]

4. **Real estate negotiations.** A closed session is permitted for the legislative body to discuss with its real property negotiator the purchase, sale, exchange or lease of real property by or for the district. As part

of the discussion, the legislative body may discuss the price and terms of the transaction. According to the Attorney General, this includes only the following:

a. The amount of consideration that the district is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction;

b. The form, manner, and timing of how that consideration will be paid; and

c. Items that are essential to arriving at the authorized price and payment terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.[88]

The real estate exemption is very limited. Discussions regarding related policy matters such as design work for the project, traffic, and EIR considerations, etc., are beyond the scope of the exemption.[89] The applicable safe harbor agenda description is:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Government Code section 54956.8
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)

5. **License applications.** A closed session is appropriate if the legislative body finds it necessary to discuss the license application of an applicant with a criminal record, and whether that applicant is sufficiently rehabilitated to obtain the license.[90] The applicable safe harbor description is:

   LICENSE/PERMIT DETERMINATION
   Government Code section 54956.7
   Applicant(s): (Specify number of applicants)

6. **Security of public facilities and services or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity.** A closed session is appropriate for the legislative body to discuss matters posing a threat to the security of public buildings and facilities as well as essential public services, or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity, and threats

to the public's right of access to public services or facilities.[91] The applicable safe harbor description is:

THREAT TO PUBLIC SERVICES OR FACILITIES
Government Code section 54957
Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

Procedure for Adjourning to Closed Session

Prior to holding any closed session, the legislative body must disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may simply refer to the items as they are listed on the closed session agenda. This announcement 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 announcement.[92]

Who may be present at the closed session?

Closed sessions should only include those members of the legislative body and support staff necessary to conduct business regarding the specific item (e.g., legal counsel, consultants, real estate or labor negotiators, etc.).[93]

Reporting After Closed Sessions

The legislative body must reconvene in open session to report any "action taken" in closed session. In general, only final action on a matter need be reported (e.g., an agreement to buy property, settlement of a lawsuit where the other party has signed the agreement, acceptance of a resignation, etc.). Thus, for example, the dismissal or nonrenewal of an employment contract is not reported until the first public meeting following exhaustion of administrative remedies, if any. Once final approval occurs, the agency must disclose the action taken "upon inquiry by any person."[94] Copies of contracts, settlement agreements, or other documents finalized in closed session must be made available within 24 hours of the action, or, in the case of substantial amendments or retyping, when complete.[95, 96]

Compliance Tip

For convenience, many districts schedule closed sessions prior to commencement of the regular agenda and often hold such closed sessions in separate locations. Under § 54957, the public has the right to be present at such location and has the right to address the legislative body regarding any agendized closed session items under § 54954.3 prior to the legislative body adjourning into closed session.

Improper Disclosure of Closed Session Information

The disclosure of confidential information acquired in a closed session is prohibited unless the legislative body authorizes the disclosure of the information. "Confidential information" means communication made in closed session that is specifically related to the basis for the closed session meeting. Violations of this disclosure prohibition may be addressed by any legal remedy, including: injunctive relief to prevent future disclosures; disciplinary action (against employees); or referral to a grand jury (for violations by members of the legislative body).[97]

Compliance Tip

Although § 54957.1(a)(1) indicates that real estate agreements may be approved in closed session, as a practical and political matter, it is prudent to take final action on such agreements in open session so that the public may more fully participate in the deliberations.

> ***Note:*** A joint powers agency may authorize in its agreement or bylaws the disclosure of confidential information by members of the agency's legislative body to their district legislative body in a closed session as well as to legal counsel of a member district.[98]

VII. Adjournments and Continuances

Adjournments

The legislative body 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 adjourn such meetings and if all members are absent, the clerk or secretary of the legislative body may declare the meeting adjourned. Written notice of the adjournment must be provided in the same manner as notice for special meetings. A copy of the order or notice of adjournment must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours of adjournment. When a regular or adjourned regular meeting is adjourned, the resulting adjourned meeting is a regular meeting for all purposes. If the order of adjournment fails to state a specific hour for the next meeting, the meeting must be held at the hour designated for regular meetings.[99]

Continuances

A duly noticed hearing may also be continued in the same manner as adjourned meetings. However, if the hearing is continued to a meeting that will occur in less than 24 hours, a copy of a notice of continuance must be posted immediately following the meeting at which the continuance was adopted.[100]

VIII. Remedies and Penalties for Violations

Note: If the challenged meeting involves only deliberation and no action is taken, there can be no misdemeanor penalty. Moreover, as with most criminal statutes, it is often difficult to prove criminal intent. As a result, criminal enforcement of the Brown Act is rare.

Criminal Penalties

A member of a legislative body may be charged with a misdemeanor where (a) the member attends a meeting where an action is taken in violation of the Brown Act, and (b) the member intends to deprive the public of information to which the public is entitled under the Brown Act.[101]

Civil Action to Prevent Future Violations

The district attorney or any interested person may file a civil action to:

- Stop or prevent a threatened violation of the Brown Act.[102]
- Determine the applicability of the Brown Act to ongoing actions or threatened future action of the legislative body.[103]
- 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 under state or federal law.[104]
- Compel the legislative body to tape record its closed sessions.[105]
- Determine that an action of a legislative body violated the Brown Act and the action is null and void.[106]

Opportunity for the legislative body to cure and correct alleged violations [107]

Before filing a legal action alleging that a legislative body violated the Brown Act, the complaining party must send a written "cure or correct" demand to the legislative body. The demand must clearly describe the challenged action, the nature of the alleged violation, and the "cure" sought, and must be sent within 90 days of the alleged violation (or 30 days if the action was taken in open session but in violation of § 54952.2, which defines "meetings"). The legislative body has up to 30 days to cure and correct its action. If it does not act, any lawsuit must commence within 15 days after (a) receipt of written notice from the legislative body of such non-action, or (b) the expiration of the 30-day cure period if the legislative body does not respond to the cure request.

Opportunity for the legislative body to commit to cease & desist alleged past actions or practices [108]

Prior to commencing an action to determine if past actions of a legislative body are a violation of the Brown Act under § 54960, the complaining party must send a "cease and desist letter." The cease-and-desist letter must be sent within nine months of the alleged violation. The legislative body may respond to the cease-and-desist letter within 30 days by making an unconditional commitment to cease and desist from the past action in open session at a regular or special meeting as a separate item of business, and not on its consent agenda, and providing such commitment to the complaining party. The commitment must state that:

- The legislative body has received the cease-and-desist letter; and
- The legislative body unconditionally commits to cease and desist from the challenged action; and

If the legislative body chooses to send an unconditional commitment agreeing to cease-and-desist from the challenged conduct within 30 days of receipt of the cease and desist letter, then no legal action can be commenced. Any party sending a cease-and-desist letter can commence a legal action challenging past conduct of a legislative body on whichever is earlier: (a) 60 days of receiving a response other than an unconditional commitment to cease-and-desist; or (b) within 60 days of the expiration of the legislative body's 30-day time period to respond to the cease-and-desist letter.

Compliance Tip

The cure & correct and cease & desist options allow a legislative body to avoid litigation over alleged Brown Act violations unless it is abundantly clear that no violation occurred, and a district wants to defend what it believes to be a correct policy or procedure. And even if a legislative body waits to cure or correct an alleged violation until after a lawsuit is commenced, an action seeking invalidation must be dismissed. Because a subsequent cure or correction cannot be introduced as evidence of a violation of the Brown Act, there is rarely a legitimate reason for a legislative body not to take any post-lawsuit steps to cure or correct an alleged violation if there is any question as to Brown Act compliance. [109]

If a court finds that a legislative body violated the Brown Act, the plaintiff may be awarded costs and attorney fees.

Invalidation of Certain Types of Actions

Only actions taken in violation of the Brown Act under the following circumstances may be invalidated:[110]

- the basic open meeting provision;[111]
- notice and agenda requirements for regular meetings and closed sessions;[112]
- tax hearings;[113]
- special meetings;[114] and
- emergency situations.[115]

Certain actions taken in violation of the Brown Action will not be invalidated if they involve:[116]

- substantial compliance;
- sale or issuance of notes, bonds or other indebtedness, or related contracts or agreements;
- a contractual obligation upon which a party has in good faith relied to its detriment;
- the collection of any tax; or
- the complaining party had actual notice at least 72 hours prior to the meeting at which the action is taken.

Award of Costs and Attorney Fees

If a court finds that a legislative body violated the Brown Act, the plaintiff may be awarded costs and attorney fees.[117] The costs and fees are the liability of the district and not its officers or employees. A district may only recover its costs and attorney fees if it wins, and the court determines that the lawsuit was "clearly frivolous and totally lacking in merit."[118]

Acknowledgment and Endnotes

Special thanks to our contributing editors Donald M. Davis of Burke Williams & Sorensen, LLP, Kane Thuyen, and CSDA Chief Counsel Mustafa Hessabi.

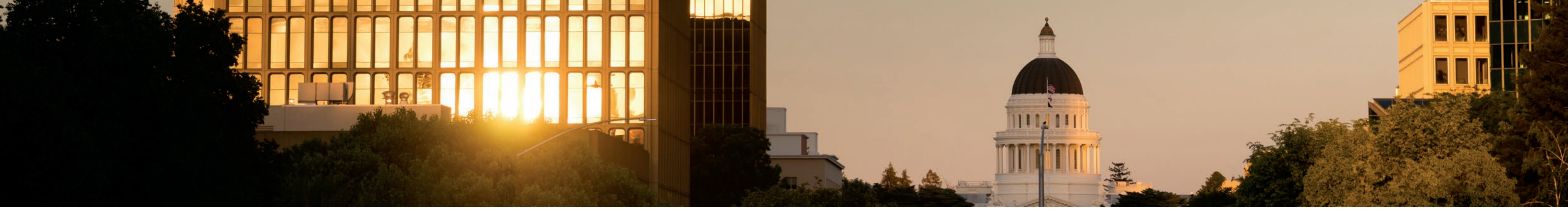
Endnotes

1. The Brown Act is codified in the Government Code starting at Section 54950. Unless otherwise indicated, all statutory references are to the California Government Code.
2. Please note that school districts and community college districts have a number of unique Brown Act provisions applicable only to such special districts that are outside the scope of this manual.
3. § 54950.
4. § 54953(a).
5. Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist. (2001) 87 Cal.App.4th 862, 867.
6. § 54952(a).
7. § 54952.1.
8. § 54952(b).
9. § 54952(b).
10. See *Joiner v. City of Sebastopol (1981) 125 Cal.App.3d 799, 805; Frazer v. Dixon Unified School District (1993)* 18 Cal.App.4th 781, 792-793.
11. See *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (2005)* 134 Cal.App.4th 354.
12. § 54952(c).
13. See also 107 Ops.Cal.Atty.Gen. 1; 85 Ops.Cal.Atty.Gen. 55; and *International Longshoreman's & Warehouseman's Union v. L.A. Export Terminal, Inc. (1999)* 69 Cal.App.4th 287.
14. See 56 Ops. Cal Atty Gen 14 (1973).
15. § 54952.2(a).
16. § 54952.6.
17. § 54952.2(b)(1).
18. See Op.Cal.Atty.Gen. No. 00-906 (2001), available at https://oag.ca.gov/system/files/opinions/pdfs/00-906.pdf.
19. § 54953(b).
20. § 54953(b)(3).
21. § 54953(b)(4).
22. § 54953.8.2
23. § 8625.
24. Visit www.csda.net to find a copy of the CSDA Emergency Teleconferencing ("AB 361") Implementation Guide and Sample Resolutions to assist with transitioning to remote emergency teleconferencing meetings.
25. § 54953(e).
26. §§ 54952.2(b)(2), 54952.2(c)(1).
27. § 54952.2(b)(3). These changes are in effect only until January 1, 2026, unless extended or made permanent by the Legislature and Governor.
28. § 54952.2(b)(3)(B)(i).

29. § 54952.2(c)(2)-(6).
30. § 54954(a).
31. § 54956.
32. § 54955.
33. § 54956.5.
34. § 54953(e).
35. § 54954(b).
36. § 54954(d).
37. § 54954(e).
38. § 54954.2; See also San Joaquin Raptor Rescue v. County of Merced (2013) 216 Cal.App.4th 1167 [Brown Act violated where agenda description for project approval did not include proposed approval of CEQA action (mitigated negative declaration)].
39. §§ 54954.2 and 54956.
40. § 53087.8(a)(3).
41. See Op.Cal.Atty.Gen. No. 14-1203 (2016), available at https://oag.ca.gov/system/files/opinions/pdfs/14-1203.pdf.
42. §§ 54954.2.
43. § 54954.2(a).
44. See Cruz v. City of Culver City (2016) 2 Cal.App.5th 239, 250.
45. § 54954.2(b).
46. § 54952.3.
47. § 54953.
48. § 54953.3.
49. § 54961(a).
50. § 54961(a).
51. § 54953(b)(3).
52. § 54953.2.
53. 42 U.S.C. § 12101 et seq.
54. 42 U.S.C. § 12132; 28 C.F.R. § 35.149.
55. 28 C.F.R. §§ 35.149, 35.150.
56. Department of Justice Technical Assistance Manual (Title II), Section II-5.1000. The Manual is available at: https://www.ada.gov/taman2.html.
57. 28 C.F.R. §§ 35.150, 35.151.
58. §§ 54954.2(a), 54954.1, 54957.5(b).
59. § 54957.5.
60. § 54957.5(b)(2).
61. § 54957.5(c).
62. Sierra Watch v. Placer County (2021) 69 Cal.App.5th 1.
63. § 54954.1.
64. § 54957.5 (c).
65. § 54953.5(b); see also § 6253(b).
66. § 54954.3.
67. § 54954.3(a).
68. § 54954.3; See Chaffee v. San Francisco Public Library Commission (2005) 134 Cal.App.4th 109.
69. § 54954.3(b)(2). Exception may apply if simultaneous translation equipment is provided.
70. §§ 54957.5 and 54953.5.
71. Acosta v. City of Costa Mesa (9th Cir. 2013) 718 F.3d 800 ["insolent" remarks did not constitute actual disruption]; Norse v. City of Santa Cruz ((9th Cir. 2010) 629 F.3d 966 [silent Nazi salute directed at mayor is not a disruption].
72. § 54957.9.
73. § 54957.9.
74. § 54954.3(c).
75. White v. City of Norwalk (9th Cir. 1990) 900 F.2d 1421.
76. The Brown Act provides a format for describing closed sessions, which if substantially followed, create a "safe harbor" from any alleged notice violations of the Brown Act. See § 54954.5. This manual provides adapted versions of such safe harbor descriptions.
77. For a complete list of all permissible closed session matters see § 54954.5.
78. § 54957(b)(1).
79. § 54957(b)(2); see also Fischer v. Los Angeles Unified School District (1999) 70 Cal.App.4th 87 [decision by school board not to reemploy probationary employees based on the evaluation of performance, but not specific complaints or charges, does not require 24 hours' advance written notice]; and San Diego Civil Service Com. v. Bollinger (1999) 71 Cal.App.4th 568 [if charges have already been heard and sustained at a public evidentiary hearing, employee notice of closed session is not required].
80. § 54957(b)(4).
81. San Diego Union v. City Council (1983) 146 Cal.App.3d 947 [two-step process contemplated: (1) closed session for evaluation of performance or appointment; (2) open session for setting employee's salary].
82. § 54957.6.
83. § 54953(d).
84. See Fowler v. City of Lafayette (2020) 45 Cal.App.5th 68.
85. § 54956.9.
86. In addition, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Section 54956.9(e)(2) to (5).
87. See for example, "The Brown Act," California Attorney General (2003), p.40.
88. See Op.Cal.Atty.Gen. No. 10-206 (2011), available at https://oag.ca.gov/system/files/opinions/pdfs/10-206.pdf.
89. See Shapiro v. San Diego City Council (2002) 96 Cal.App. 4th 904.
90. § 54956.7.
91. § 54957(a).
92. § 54957.7.
93. See Op.Cal.Atty.Gen. No. 03-604 (2003), available at https://oag.ca.gov/system/files/opinions/pdfs/03-604.pdf.
94. See §§ 54957.1 and 54957.7.
95. § 54957.1.
96. See §§ 54957.1 and 54957.7.
97. § 54963.
98. § 54956.96.
99. § 54955.
100. § 54955.1.
101. § 54959.
102. § 54960(a).
103. § 54960 (a).
104. § 54960 (a).
105. § 54960 (b).

106. § 54960.1(a).
107. § 54960.1.
108. § 54960.2.
109. § 54960.1(e) and (f).
110. § 54960.1(a).
111. § 54953.
112. §§ 54954.2 and 54954.5.
113. § 54954.6.
114. § 54956.
115. § 54956.5; see also § 54960.1.
116. § 54960.1(d).
117. See Los Angeles Times Communications v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313 ["fees are 'presumptively appropriate' and a successful plaintiff 'should ordinarily recover attorney's fees unless special circumstances would render such an award unjust'"].
118. § 54960.5.
119. § 54957.5.
120. § 54957.95.
121. Section 54953.8.3.
122. 107 Ops.Cal.Atty.Gen. 107.
123. 107 Cal.Ops.Atty.Gen. 47.
124. § 54953(c).
125. § 54954.3(a)(2).
126. § 54957.96.
127. § 54953.8.6.
128. § 54953.8.1.
129. § 54953.8.4.
130. § 54953.8.5.
131. § 54953.8.7.
132. § 54953.4.

Notes:



Appendix – Copy of Ralph M. Brown Act*

GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57607]

(Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]

(Division 2 added by Stats. 1949, Ch. 81.)

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

CHAPTER 9. Meetings [54950 - 54963]

(Chapter 9 added by Stats. 1953, Ch. 1588.)

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

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

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

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

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

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

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

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

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety

Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Amended (as amended by Stats. 2020, Ch. 89, Sec. 1) by Stats. 2025, Ch. 327, Sec. 1. (SB 707) Effective January 1, 2026.)

54952.3. (a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

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

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

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

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

54952.7. A 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.

(Amended by Stats. 2025, Ch. 327, Sec. 3. (SB 707) Effective January 1, 2026.)

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

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all 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 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.

(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.

(Amended (as amended by Stats. 2023, Ch. 534, Sec. 2) by Stats. 2025, Ch. 327, Sec. 4. (SB 707) Effective January 1, 2026.)

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

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

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

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

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

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

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

54953.4. (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.

(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.

(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.

(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.

(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.

(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.

(Added by Stats. 2025, Ch. 327, Sec. 5. (SB 707) Effective January 1, 2026. Operative July 1, 2026, by its own provisions. Repealed as of January 1, 2030, by its own provisions.)

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings 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.

(Amended by Stats. 2025, Ch. 327, Sec. 6. (SB 707) Effective January 1, 2026.)

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

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

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

(Amended by Stats. 2025, Ch. 327, Sec. 7. (SB 707) Effective January 1, 2026.)

54953.8. (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.

(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.

(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.

(Added by Stats. 2025, Ch. 327, Sec. 8. (SB 707) Effective January 1, 2026.)

54953.8.1. (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 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.

(Added by Stats. 2025, Ch. 327, Sec. 9. (SB 707) Effective January 1, 2026.)

54953.8.2. (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:

(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).

(Added by Stats. 2025, Ch. 327, Sec. 10. (SB 707) Effective January 1, 2026.)

54953.8.3. (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.

(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.

(Added by Stats. 2025, Ch. 327, Sec. 11. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.4. (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.

(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.

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

(Added by Stats. 2025, Ch. 327, Sec. 12. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.5. (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:

(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.

(Added by Stats. 2025, Ch. 327, Sec. 13. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.6. (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 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.

(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.

(Added by Stats. 2025, Ch. 327, Sec. 14. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.7. (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.

(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.

(Added by Stats. 2025, Ch. 327, Sec. 15. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

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

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

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

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

limited to items directly related to the real or personal property.

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

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

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

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

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

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

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

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

(3) Interview a potential employee from another district.

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

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

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

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If 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.

(Amended by Stats. 2021, Ch. 763, Sec. 1. (SB 274) Effective January 1, 2022.)

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda 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.

(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.

(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.

(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.

(Amended (as amended by Stats. 2023, Ch. 131, Sec. 92) by Stats. 2025, Ch. 327, Sec. 16. (SB 707) Effective January 1, 2026.)

54954.3. (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:

(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.

(Amended by Stats. 2025, Ch. 327, Sec. 17. (SB 707) Effective January 1, 2026.)

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

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

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

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

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

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

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

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

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

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

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

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

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

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

or

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

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

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

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

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

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

LIABILITY CLAIMS

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

Agency claimed against: (Specify name)

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

THREAT TO PUBLIC SERVICES OR FACILITIES

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

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

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

CONFERENCE WITH LABOR NEGOTIATORS

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

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

or

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

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

CASE REVIEW/PLANNING

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

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

REPORT INVOLVING TRADE SECRET

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

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

HEARINGS

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

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

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

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

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

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

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

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

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

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

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

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

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

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

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

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

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

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

(E) Standby or immediate availability charges.

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

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

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

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

(B) The activity to be taxed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The property owners subject to the assessment.

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

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

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

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

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

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

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

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or 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 be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

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

54956. (a) (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.

(Amended by Stats. 2025, Ch. 327, Sec. 18. (SB 707) Effective January 1, 2026.)

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

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

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

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

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting.

(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.

(Amended by Stats. 2025, Ch. 327, Sec. 19. (SB 707) Effective January 1, 2026.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54956.86. Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

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

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

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

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

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

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

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

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

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (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.

(Amended by Stats. 2021, Ch. 615, Sec. 206. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) If the Clean Power Alliance of Southern California, or its successor

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

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

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

(Amended (as amended by Stats. 2019, Ch. 248, Sec. 1) by Stats. 2024, Ch. 24, Sec. 1. (AB 1852) Effective January 1, 2025. Repealed as of January 1, 2030, by its own provisions. See later operative version, as amended by Sec. 2 of Stats. 2024, Ch. 24.)

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

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

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

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

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

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

(c) This section shall become operative on January 1, 2030.

(Amended (as added by Stats. 2019, Ch. 248, Sec. 2) by Stats. 2024, Ch. 24, Sec. 2. (AB 1852) Effective January 1, 2025. Section operative January 1, 2030, by its own provisions.)

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

(a) A loan or investment decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

54957. (a) (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 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.

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

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

(Amended by Stats. 2024, Ch. 243, Sec. 1. (AB 2715) Effective January 1, 2025.)

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

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

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

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

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

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

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

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

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

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed

session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

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

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

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

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

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

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

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

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

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (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).

(Amended by Stats. 2021, Ch. 615, Sec. 207. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54957.5. (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 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 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.

(Amended (as amended by Stats. 2021, Ch. 615, Sec. 208) by Stats. 2022, Ch. 971, Sec. 1. (AB 2647) Effective January 1, 2023.)

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation, 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 include any elected official, member of a legislative body, or other independent contractors.

(Amended by Stats. 2025, Ch. 327, Sec. 20. (SB 707) Effective January 1, 2026.)

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

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

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

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

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

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

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

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of 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 a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(Amended by Stats. 2025, Ch. 327, Sec. 21. (SB 707) Effective January 1, 2026.)

54957.95. (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.

(Amended by Stats. 2025, Ch. 327, Sec. 22. (SB 707) Effective January 1, 2026.)

54957.96. (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:

(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.

(Added by Stats. 2025, Ch. 327, Sec. 23. (SB 707) Effective January 1, 2026.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Within 60 days of receipt of the legislative body's response to the

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

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

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

To ________________________:

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

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

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

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

Very truly yours,

____

[Chairperson or acting chairperson of the legislative body]

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

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

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

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3217 Terminal Drive
Santa Maria, CA 93455

FROM: Mike Flores
Manager of Finance and Administration

MEETING: September 10, 2026

ITEM

Discussion regarding U.S. Customs and Border Protection service at the Santa Maria Public Airport, including the status of the facility, the commencement of service, and efforts to promote utilization.

BACKGROUND

The District has pursued U.S. Customs and Border Protection (CBP) service at Santa Maria Public Airport under CBP's User Fee Facility program, under which the District reimburses CBP for the cost of the inspection service. The governing instrument is the U.S. Customs and Border Protection Memorandum of Agreement, User Fee Facility Program (the MOA, Attachment 1), signed by General Manager Martin Pehl on June 5, 2024 and by CBP Executive Assistant Commissioner Diane J. Sabatino on July 5, 2024. The MOA recites that "a determination has been made that the volume of business anticipated at the facility, and defined adjoining facilities, is insufficient to justify the availability of unreimbursable inspectional services," gives the location as 3335 Corsair Circle, describes the service as "Services within the Airport Operations Area (AOA) perimeter fence," and provides for one full-time CBP officer, Monday through Friday, 0800 to 1700.

The MOA terminates all prior agreements between the parties concerning the User Fee Facility program, "including the Agreement between the parties effective 10/16/2006." The District's fixed asset register carries a 2006 remodel of the general aviation terminal building for Customs at a cost of $160,748.20 (asset FAM000334, 120-month life, fully depreciated).

A companion Memorandum of Agreement to Reimburse CBP (Attachment 2) obligates the District to reimburse CBP for the communications and information technology equipment, circuits and services CBP requires for its operations at the Airport. That agreement states that "Current estimated equipment, circuit and service costs total $74,473.80" and that "The estimated annual recurring costs are $11,574.60," and refers to a CBP Office of Information Technology cost estimate titled STM008A-OFO-23120C. CBP's Los Angeles Field Office furnished the District copies of both agreements on July 28, 2026.

The facility is the remodeled former Line Service Building at 3335 Corsair Circle. Ravatt Albrecht & Associates, Inc. was retained as architect under a service agreement dated December 28, 2022, and Tartaglia Engineering as engineer and construction manager under an agreement dated April 11, 2024. On March 14, 2024 the Board awarded the U.S. Customs Upgrades: Building & Site Civil contract to Newton

Construction & Management, Inc. on its low bid of $694,000.00, and the Roof Repair: 3335 Corsair Circle contract to James A. Quaglino, Inc. dba Quaglino Roof on its low bid of $89,887.00. CBP's security requirements, which are access control, intrusion detection and video surveillance, were not in the original scope. A separate U.S. Customs Upgrades: Security contract was bid on January 7, 2025 and awarded to Controlled Key Systems, Inc. at a contract amount of $185,264.00, and on July 10, 2025 the Board approved a third amendment adding the security design and construction services to the Tartaglia agreement, bringing that agreement to $208,150.00.

Newton's contract reached a net contract sum of $819,765.72, the figure stated on Change Order No. 4. Change Order No. 3, approved June 26, 2025, added $64,011.05 and 66 days for extended overhead from delays, ballistic mesh in the sally port required by CBP, a building fire alarm required by CBP and the Fire Marshal, and smaller items. Change Order No. 4, approved September 11, 2025, added $3,457.65 to replace the Search Room and Hold Room door to CBP's standard. Controlled Key's contract grew by one change order of $7,502.76 to $192,766.76 for exit-door hardware, a processing-room microphone and door lock cylinders keyed to the Los Angeles World Airports keyway.

Construction in progress for the project was relieved on June 30, 2026 in the amount of $1,290,351.69 and the cost transferred to buildings. The fixed asset register carries the facility as asset FAM000095, Customs Facilities, placed in service July 1, 2026 with a 300-month life. That in-service date is the District's fixed asset convention and is not a CBP service date.

DISCUSSION

This is a discussion item. It reports where the Customs program stands on the three subjects in the agenda title: the status of the facility, what must happen before CBP begins service, and what has been done to build demand for the service. No action is requested. Any decision that follows from the discussion, such as a customs user fee, a change in appropriation, or an agreement with a service provider, would return to the Board as a separately noticed item.

FACILITY STATUS

Construction is substantially complete. The project consultant's update of September 8, 2025 reported that work on the station was wrapping up, that the security contractor had passed a preliminary final inspection on August 28, 2025 and was substantially complete, and that the remaining items were the Search Room and Hold Room door, a modified cage in the Secured Storage Room, camera home positions, the video workstation, an alarm test with the monitoring center, security systems training, as-built plans, permit sign-offs, certified payrolls, badge returns, and a preliminary final and final inspection with CBP.

A site inspection was held on January 9, 2026, and the punch list was updated on January 12, 2026 and again on March 19, 2026, when the consultant reported that very few tasks remained. Items still open on the January 12 list included telephones, the television service package, frames for CBP's statutory signs, the alarm test, systems training for the CBP station officer once appointed, the Agriculture Compliance Agreement, and, added by CBP on March 10, 2026, a fiber hand-off for CBP's data systems. Airport staff reported on June 4, 2026 that the internet installation was complete and the security vendor still needed to connect the server, and on June 22, 2026 that the CBP signs had been redone as requested, the server connection was still pending, and defective window shades were being replaced under warranty. CBP advised on July 6 that its officers would inventory the CBP office on July 7, 2026.

No facility status report after June 22, 2026 and no written acceptance letter from CBP were found in the Manager of Finance and Administration's mailbox or in the District's Customs contract files; the consultant's January 12, 2026 list records the final CBP inspection and the handover of operational control to CBP as complete. The facility records after June 22 are the July 6 inventory notice, a fire alarm agreement for the facility signed on July 17, 2026, and the CBP contact of July 27 and 28, 2026 described below. The facility carries its own internet account at $572.03 per month, its own electric line item and its own fire alarm monitoring, all paid from the Customs operating account.

COMMENCEMENT OF SERVICE

No start date has been set. The MOA provides that "Service will begin on a date determined by U.S. Customs and Border Protection. Billing will coincide with the actual start of service." On June 25, 2026 CBP's Los Angeles Field Office wrote to the District: "Once you receive the first quarter service bill from CBP and payment has been received, an officer is hired, the Agriculture Compliance Agreement is signed, and all facility standards have been met, service can start at SMX. It may take up to 30 days to receive a bill."

Where each of those four conditions stands:

First quarter service bill. No invoice from CBP has been recorded. The Customs expense account carries nine ledger lines in fiscal year 2026-27 through September 4, 2026 and thirty-six in fiscal year 2025-26, counting vendor bills and journal entries alike, none of them from CBP, and the District's vendor records contain no CBP account. Under the MOA the annual fee is billed in quarterly installments, "The initial payment is due 15 days prior to the service date of this agreement," and if amounts due are not paid within 90 days of billing "the agreement will be automatically terminated."

Officer hired. CBP advised the District on March 10, 2026 that the SMX officer job announcement had closed on February 27, 2026 and that steps remained before a hire. On July 27, 2026 the CBP Assistant Port Director who will have oversight of SMX once it is operational contacted District staff, and a call was set for July 28, 2026. As of September 4, 2026 no written notice from CBP of a hire or of a report date was found in the Manager of Finance and Administration's mailbox or in the District's Customs contract files.

Agriculture Compliance Agreement. The MOA provides that "If applicable, an Agriculture Compliance Agreement must also be maintained." The January 12, 2026 punch list carried it as in process. On March 20, 2026 the consultant described the program still to be settled: a local service provider to collect regulated material from arriving aircraft and place it in disposal vessels, and a disposal contractor for twice weekly pickup and delivery to a disposal facility. CBP asked for the agreement's status on April 28, 2026. No executed Agriculture Compliance Agreement for the current facility was found in the District's Customs contract files.

Facility standards. See Facility Status above.

The District's FY2024-25 Annual Comprehensive Financial Report, transmitted to the Board on May 14, 2026, states that "A user fee Customs Facility will become operational in 2026." The General Manager reported on Customs at the Board meetings of December 11, 2025 and January 8, January 22, February 12, March 12 and June 25, 2026.

EFFORTS TO PROMOTE UTILIZATION

Marketing began with the conference program the General Manager outlined on December 11, 2025, when he told the Board that Customs marketing would include attendance at NBAA conferences in the first quarter of 2026. On January 8, 2026 the Board authorized attendance at the NBAA International Operators Conference, held March 1 to 3, 2026 in San Diego, and the NBAA Schedulers and Dispatchers Conference, held March 24 to 26, 2026 in Cleveland. Staff attended both. The minutes of March 12, 2026 record that the General Manager and the Manager of Finance and Administration attended the International Operators Conference and focused on customs marketing there; registration for the Schedulers and Dispatchers Conference was confirmed on March 24, 2026, and vendors met at that conference wrote to the District the following week. Director Clayton "was pleased to hear marketing efforts for Customs are beginning and encouraged staff to attend future conferences that support customer growth."

On April 23, 2026 the Board authorized two staff members to visit San Bernardino International Airport, which operates a CBP facility, and ProDIGIQ headquarters on April 30 and May 1, 2026, to observe CBP facility layout, processing flow, staffing, and coordination among the airport, CBP, airlines and other stakeholders. The Manager of Finance and Administration reported on the visit at the May 14, 2026 meeting.

Tenants have raised the subject at Board meetings. On April 9, 2026 a representative of Central Coast Jet Center told the Board that "the new Customs facility is expected to bring in larger aircraft that will likely require ARFF support as well." At the April 23, 2026 meeting the President of Central Coast Jet Center "inquired about potential U.S. Customs fees, noting that none were included in the proposed fee schedule," and asked whether such fees are being considered, how they would generate revenue, and what the fee structure might be. The Schedule of Rates and Charges for Fiscal Year 2026-27 adopted by Resolution No. 962 on April 23, 2026, including its Rates Annex, contains no customs fee. The MOA permits the District to recover its costs from users, providing that if it does so "the facility agrees to set and periodically review its rates to ensure that they are in accord with the U.S. Customs and Border Protection services provided."

FINANCIAL IMPACT

None from this item; no appropriation is requested. The figures below describe the program's cost to date and the obligations that begin when service starts.

Capital cost: $1,290,351.69, transferred from construction in progress to buildings on June 30, 2026 and carried as asset FAM000095 with a 300-month life. No grant revenue is recorded against the project. Every cost in the Customs Facilities construction in progress account from July 1, 2024 through that transfer originated as a District accounts payable charge.

Operating budget, account 54400 Customs: FY2024-25 budget $125,000.00, no charges recorded; FY2025-26 budget $125,000.00, actual $51,502.13; FY2026-27 adopted budget $250,000.00, actual through September 4, 2026 $7,503.81. The FY2026-27 charges are internet service $1,144.06, electricity $717.85, fire alarm monitoring $195.00, a purchasing card statement line coded to Customs of $4,801.81, supplies $6.46, and $638.63 of July activity carried through the ledger conversion entry.

SANTA MARIA AIRPORT SMX

The adopted budget carries Customs as a single line. The budget narrative does not itemize the $250,000.00.

Officer reimbursement under the MOA: once service begins the District reimburses CBP “for the full-year cost of each officer,” including “all salary and benefit costs, and all administrative overhead costs,” and the MOA adds that “This amount is subject to change.” The fee is billed in quarterly installments with the initial payment due 15 days before the service date. No document in the District’s records states the annual amount. Service outside the scheduled hours is billed as overtime or premium pay “at the rates prescribed by Section 267 of Title 19, United States Code, as amended,” and the District also bears travel, transportation, relocation and per diem costs for replacement officers.

Equipment and connectivity under the reimbursable agreement: estimated at $74,473.80 one time and $11,574.60 per year, billed at actual cost, with upgrades approximately every three to five years at District expense on a minimum of 180 days advance notice. No charge matching that estimate appears in the Customs expense account or in the project’s construction in progress account.

Revenue: none. No customs fee has been adopted, and the chart of accounts carries no customs revenue account.

Termination: the MOA provides that it “may be terminated by either party upon 120 days written notice for any reason.” It also provides that “In the event of termination, all costs incurred by U.S. Customs and Border Protection, which have not been reimbursed, will become immediately due and payable,” and that “If authorized by law, relocation costs may be incurred by the facility authority upon termination of the MOA by either party.”

ANALYSIS

Staff brings this forward because the capital phase is finished and the operating phase has not begun, and the two are on different footings. The building has been carried as a completed asset since July 1, 2026 and is drawing utility and monitoring costs. Service waits on the four conditions CBP set out on June 25, 2026, two of which, CBP’s hire of the officer and the Agriculture Compliance Agreement, are not within the District’s sole control.

The financial exposure changes character when service starts. Today the Customs line is running at utilities and monitoring. Once CBP sets a service date the District reimburses the full-year cost of the officer whether or not any aircraft clears at SMX, an amount the MOA says is subject to change and that CBP has not stated in any document in the District’s records. The MOA also allows CBP to assign the officer other duties at another location when there is no inspection work, and provides that permission to land may be denied if sufficient personnel are not available. The FY2026-27 appropriation of $250,000.00 was adopted without a quoted officer cost, and no fee mechanism exists to recover any of it from users. A customs user fee would amend the District’s Schedule of Rates and Charges and would return to the Board as a separate item; the adoption procedure for such a fee would be settled with District Counsel.

Demand building so far consists of two industry conferences, a peer airport visit and individual contacts. Staff will return to the Board with any matter that requires action, and would expect to have the officer cost and an estimate of demand in hand before proposing a rate.

This report quotes the two attached agreements. Attachment 1 is fully executed, signed for the District on June 5, 2024 and for CBP on July 5, 2024. The copy of Attachment 2 furnished by CBP on July 28, 2026 bears the District's signature dated May 12, 2023 and a CBP signature applied electronically the same day. This report does not characterize federal law. Questions about CBP's regulations are for District Counsel and CBP. Any fee, agreement or appropriation arising from this discussion would go to District Counsel before it returns to the Board.

RECOMMENDATION

It is recommended that the Board of Directors receive and file this report.

ATTACHMENTS

1. U.S. Customs and Border Protection Memorandum of Agreement, User Fee Facility Program, signed June 5, 2024 (District) and July 5, 2024 (CBP), with the airport property map attached as the plat
2. Memorandum of Agreement to Reimburse CBP for communications and information technology equipment, copy furnished by CBP on July 28, 2026, bearing the District's signature dated May 12, 2023 and a CBP signature applied electronically the same day; the CBP Office of Information Technology cost estimate STM008A-OFO-23120C that the agreement refers to as attached is held separately and is not included

U.S. CUSTOMS AND BORDER PROTECTION
MEMORANDUM OF AGREEMENT

USER FEE FACILITY PROGRAM

Under the provisions of Section 236 of the Trade and Tariff Act of 1984 (P.L. 98-573), as amended (19 U.S.C. 58b), the Commissioner of U.S. Customs and Border Protection is authorized to make inspectional services available at airports, seaports, and other facilities and to charge a fee for such services. The purpose of this agreement is to designate the following location and its defined adjoining facilities as eligible for such services under the conditions set forth herein.

Facility Name: Santa Maria Public Airport District

Location: 3335 Corsair Circle, Santa Maria, CA 93455

The above-named facility shall be considered to be the "person" using U.S. Customs and Border Protection services, as the term is applied in Section 236 of P.L. 98-573. In accordance with the requirements of Section 236(c) of the law, a determination has been made that the volume of business anticipated at the facility, and defined adjoining facilities, is insufficient to justify the availability of unreimbursable inspectional services.

U.S. CUSTOMS AND BORDER PROTECTION OFFICE LOCATION DEFINED

For purposes of determining reimbursable travel costs, identify the physical address of the proposed U.S. Customs and Border Protection office, if different from the location named above.

N/A

U.S. CUSTOMS AND BORDER PROTECTION LOCATIONS DEFINED

Specify below any other locations (other than the facility itself) at which U.S. Customs and Border Protection services would be expected: (i.e., define all adjoining or adjacent facilities, such as Foreign Trade Zones).

N/A

GEOGRAPHIC BOUNDARIES OF SERVICE DEFINED

Service may only be provided at the mutually agreed upon location listed below. A plat highlighting the service boundaries may also be attached.

Services within the Airport Operations Area (AOA) perimeter fence of the Santa Maria Public Airport District.

Please see attached plat.

FACILITY STANDARDS

Entities requesting U.S. Customs and Border Protection services must meet and maintain U.S. Customs and Border Protection facility standards. Facilities that fail to maintain Customs and Border Protection facility standards will be subject to a 120-day notice terminating this agreement. If applicable, an Agriculture Compliance Agreement must also be maintained.

U.S. CUSTOMS AND BORDER PROTECTION RESPONSIBILITIES

U.S. Customs and Border Protection has determined that at the time of the signing of this agreement 1 full-time officer(s) will be required at this facility. U.S. Customs and Border Protection services will be provided as specified below. Any service provided outside these hours may be subject to overtime and/or premium pay. The full cost of overtime service and/or premium pay will be paid by the facility and at the rates prescribed by Section 267 of Title 19, United States Code, as amended. In the event U.S. Customs and Border Protection has to provide a Customs and Border Protection Officer(s) to replace the regularly assigned officer(s) during the established shift by a temporary replacement due to sick leave, annual leave, transfer, travel, and/or training, then the facility agrees to bear any and all costs and expenses associated with such replacement including but not limited to transportation, relocation and/or per diem costs for personnel brought from other locations. The work schedule that has been agreed to is as follows:

Weekly Work Schedule: Monday - Friday

Hours of Service: 0800-1700

In the absence of required inspectional services, U.S. Customs and Border Protection may assign other duties to the officer at another location.

ADJUSTMENT TO LEVEL OF SERVICE

During circumstances that may arise, U.S. Customs and Border Protection reserves the right to adjust the level of service provided to address high alert security situations, special events or other circumstances as needed. Permission to land may be denied if sufficient personnel are not available. Billing adjustments will be made to reflect adjustments to the level of service.

FACILITY RESPONSIBILITIES

Base Fee

The facility agrees to reimburse U.S. Customs and Border Protection for the full-year cost of each officer. All base salary changes will reflect the costs of services being provided which includes all salary and benefit costs, and all administrative overhead costs. This amount is subject to change.

The facility agrees to pay all cost-of-living allowances, if applicable. Fees will be increased for all adjustments and changes in the rate of pay and allowances mandated by legislative and regulatory requirements.

Additional Fees

The facility agrees to reimburse all travel, transportation, relocation, and per diem costs incurred by U.S. Customs and Border Protection in performing regular inspectional duties or for personnel to be brought to the facility from other locations for internal control verifications, special enforcement activities, training, etc., as may be necessary. If authorized by law, relocation costs may be incurred by the facility authority upon termination of the MOA by either party.

The facility agrees to reimburse all Automated Data Processing (ADP) costs, including equipment purchase, installation, connectivity, maintenance and the cost of upgrading and replacing equipment on a schedule determined by U.S. Customs and Border Protection.

Payment of Fees

All of the above-mentioned expenses will be determined in accordance with generally accepted accounting principles and standards. The annual fee will be billed in quarterly installments. The initial payment is due 15 days prior to the service date of this agreement. Any cost-of-living allowance, travel, per diem, transportation, relocation, and any other variable expense will be billed after it is incurred, and will be invoiced as an adjustment to the next quarterly installment.

If any amounts due U.S. Customs and Border Protection under the terms of this agreement are not paid within 90 days of billing, the agreement will be automatically terminated. In the event of termination, all costs incurred by U.S. Customs and Border Protection, which have not been reimbursed, will become immediately due and payable. Interest on unpaid debts will be assessed pursuant to 19 C.F.R. 24.3a(c)(1). The percentage rate of interest to be charged on such bills will be based upon the quarterly rate(s) established under sections 6621 and 6622 of the Internal Revenue Code of 1954 (26 U.S.C. 6621, 6622). The facility authority may file a protest under 19 U.S.C. § 1514 for any charges it believes to be excessive or incorrectly included in the bill provided by U.S. Customs and Border Protection. Any protest must be filed within 180 days of the date of the bill sent by U.S. Customs and Border Protection. If a protest is filed, the procedures set forth in 19 C.F.R. Part 174 must be followed.

Facilities

The facility authority requesting services must satisfy U.S. Customs and Border Protection facility standards before submission of this agreement. The standards are specified in the Airport Technical Design Standards for Passenger Processing, the Cruise Terminal Design Standards, the Physical Security policy of U.S. Customs and Border Protection and any applicable combination or revision. Prior to submission of this agreement, the U.S. Customs and Border Protection Field Office that oversees the facility will inspect the facility and verify whether the standards are met. Facilities that do not meet facility standards after initial approval will be subject to a 120-day termination notice. U.S. Customs and Border Protection reserve the right to update the facilities standards as necessary.

Secure space must be provided for the U.S. Customs and Border Protection officer to inspect baggage and store seized items. The space provided to and occupied by U.S. Customs and Border Protection personnel must remain under the control of the facility that is entering into this agreement.

ADP Equipment

U.S. Customs and Border Protection has specific requirements for software, computers, printers, file servers, data cabling, and connectivity to the U.S. Customs and Border Protection National Data Center. The Office of Information and Technology will be responsible for ordering and installing a frame relay data connection from your facility to the U.S. Customs and Border Protection National Data Center. The Office of Information and Technology will develop the automated equipment configuration, determine the cost for this ADP equipment, and procure and install the ADP equipment based on the number of officers at this facility. The facility will be responsible for the procurement and installation of all data cabling components required for connectivity of the ADP equipment according to the Office of Information Technology provided specifications.

The facility will be billed for the purchase of the ADP equipment, the one-time charges for the network installation, and the annual recurring costs for equipment maintenance and network connectivity. This ADP equipment and network will be covered under U.S. Customs and Border Protection maintenance agreements. Equipment problems and network outages must be reported to the U.S. Customs and Border Protection Help Desk by the Port Director. Upgrades to the ADP equipment will be required on a schedule determined by U.S. Customs and Border Protection (currently, every 3 years). The facility will retain ownership of this equipment.

Third Party Charges

If the facility seeks reimbursement by the individual users of the U.S. Customs and Border Protection services provided, for example air carriers, the facility agrees to set and periodically review its rates to ensure that they are in accord with the U.S. Customs and Border Protection services provided.

SERVICE DATE

Service will begin on a date determined by U.S. Customs and Border Protection. Billing will coincide with the actual start of service.

ANNUAL REVIEW OF AGREEMENT (MOA)

This agreement is subject to annual review. U.S. Customs and Border Protection will conduct an annual review of this agreement to ensure that the requirements are being met. U.S. Customs and Border Protection will issue a termination notice if the annual review indicates that the terms and requirements of this agreement are not being met.

In addition to annual review of this agreement, U.S. Customs and Border Protection will also conduct a review of the agreement before any activation or expansion of the service area of the Foreign Trade Zone, in order to ensure compliance with CBP's responsibilities pursuant to 19 CFR part 146. Such review will include CBP's evaluation of the number of CBP personnel necessary to maintain supervision over the User Fee Airport, any Foreign Trade Zone site located at or in the vicinity of such Airport, and any other locations covered by this agreement.

TERMINATION OF AGREEMENT

This agreement may be terminated by either party upon 120 days written notice for any reason. If any amounts due U.S. Customs and Border Protection under the terms of this agreement are not paid within 90 days of billing, the agreement will be automatically terminated. If national security, defense, safety or other interests are at risk, as determined by the Port Director, the agreement may be terminated immediately without prejudice to the filing of a new application. Notice of termination will be provided in writing setting forth the reasons for such action. Any immediate termination may be appealed in writing within 30 days to the Director, Field Operations where the facility is located.

In the event this MOA is terminated for any reason, it may result in the revocation of any Foreign Trade Zone grant that is premised or contingent on the continued operation of this user fee facility or contingent on this MOA remaining in effect.

REVOCATION OF PRIOR AGREEMENTS

All previous Memoranda of Agreement or other written agreements or instruments between the parties concerning the CBP User Fee Facility program at the Facility, including the Agreement between the parties effective 10/16/2006 are hereby terminated.

AUTHORIZATION

Agreement to these terms is attested by the signatures below.

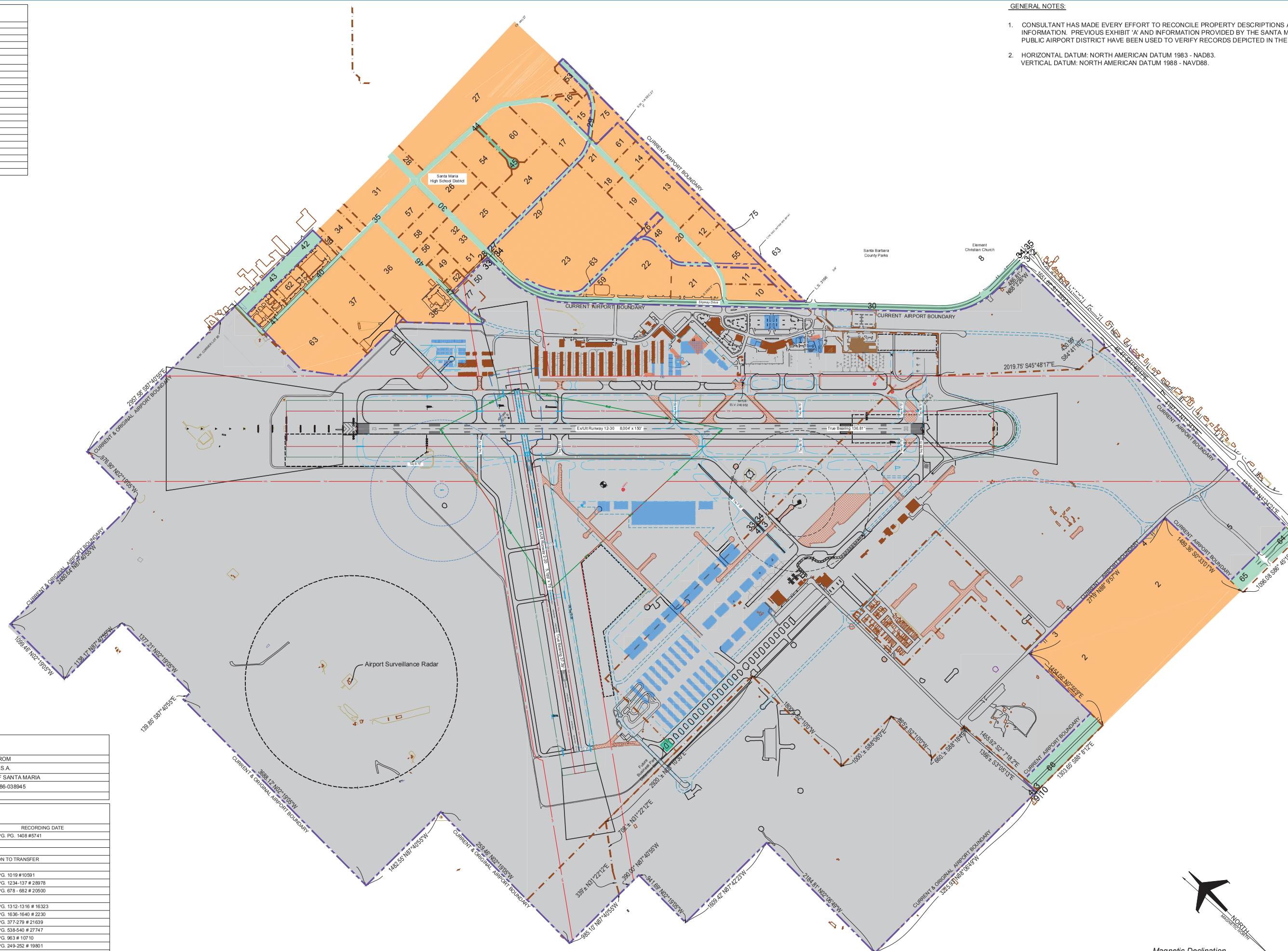
Martin Pehl General Manager Santa Maria Public Airport District	Martin Pehl Digitally signed by Martin Pehl Date: 2024.06.05 20:53:22 -07'00' Signature	6/5/24 Date
Diane J. Sabatino (A) Executive Assistant Commissioner U.S. Customs and Border Protection	DIANE J. SABATINO Digitally signed by DIANE J. SABATINO Date: 2024.07.05 15:21:57 -04'00' Signature	07/05/2024 Date

SANTA MARIA PUBLIC AIRPORT DISPOSAL BY EASEMENT

MAP #	ACRES	TRACT	NAME	DATE FAA RELEASE	LOT#	DISPOSAL DATE	RECORDED DATA
1	1.99	R.S.	CITY OF SANTA MARIA BLOSSER RD.	3/5/1984		4/2/1984	#84-16945
5	2.25	R.S.	CITY OF SANTA MARIA FOXENWOOD LANE			9/13/1982	#82-38185
6	8.44	R.S.	CITY OF SANTA MARIA FOSTER RD.	4/9/1980		1/29/1982	#82-3957
29	2.38	5011	SANTA MARIA VALLEY RAILROAD EASEMENT	11/15/1966	6 & 22	7/22/1973	BK. 2417 PG. 721-742 #27385
30	25.75	5011	CITY OF SANTA MARIA SKYWAY DR.	11/15/1966		6/3/1968	BK. 2234 PG. 226-229 #17459
35	2.06	65-9	CITY OF SANTA MARIA FAIRWAY DR.	7/30/1964		4/30/1965	BK. 2103 PG. 206 #15277
40	1.0403	5281	CITY OF SANTA MARIA FARIWAY DR.	8/14/1979		1/29/1982	82-9355
41	1.57	R.S.	CITY OF SANTA AMARIA FARIWAY DR.	EXCHANGE		1/17/1985	#1985-002753
42	4.99	R.S.	COUNTY OF SANTA BARBARA	EXCHANGE		10/24/1972	BK. 2427 PG. 469 #41816
43	1.634	R.S.	COUNTY OF SANTA BARBARA	EXCHANGE		9/30/1981	#81-13639
44	8.99	5011	CITY OF SANTA MARIA INDUSTRAL PARKWAY	11/15/1968		4/26/1968	BK. 76 PG. 86
45	1.81	5380	CITY OF SANTA MARIA AVIATION WAY	11/15/1966		10/20/1980	BK. 25 PG. 86
46	1.24	5267	CITY OF SANTA MARIA AIRPARK DR.	11/15/1966		7/7/1979	BK. 22 PG. 30
47	0.6293	5281	CITY OF SANTA MARIA AIRPARK DR.	7/25/1966		1/29/1982	82-3955
63	4.04	5011	COUNTY OF SANTA BARBARA	11/15/1966	13 & 17	7/19/1968	BK. 76 PG. 35 - 42
64	2.604	R.S.	CITY OF SANTA MARIA UNION VALLEY PARKWAY	LETTER 2/2/2009		1/25/2009	2009-0052155
65	2.384	R.S.	CITY OF SANTA MARIA UNION VALLEY PARKWAY	LETTER 2/2/2009		1/25/2009	2009-0052155
66	7.435	R.S.	CITY OF SANTA MARIA UNION VALLEY PARKWAY	LETTER 2/2/2009		1/25/2009	2009-0052155

GENERAL NOTES:

1. CONSULTANT HAS MADE EVERY EFFORT TO RECONCILE PROPERTY DESCRIPTIONS AND INFORMATION. PREVIOUS EXHIBIT 'A' AND INFORMATION PROVIDED BY THE SANTA MARIA PUBLIC AIRPORT DISTRICT HAVE BEEN USED TO VERIFY RECORDS DEPICTED IN THE EXHIBIT.
2. HORIZONTAL DATUM: NORTH AMERICAN DATUM 1983 - NAD83.
VERTICAL DATUM: NORTH AMERICAN DATUM 1988 - NAVD88.



Magnetic Declination
12° 37' East
Annual Rate of Change
0° 5' West
(Source: NOAA, NCEI, August 2017)

NORTH

0 800 1600
SCALE IN FEET

SANTA MARIA PUBLIC AIRPORT PROPERTY

DATE ACQUIRED	ACRES	ACQUIRED BY	MEANS	FROM
6/9/1949	3,069.183	COUNTY OF SANTA BARBARA/CITY IF SANTA MARIA	SURPLUS PROPERTY	U.S.A.
3/6/1964	3,069.183	SANTA MARIA PUBLIC AIRPORT	QUITCLAIM DEED	COUNTY OF SANTA BARBARA/CITY OF SANTA MARIA
6/30/1986	38.85	SANTA MARIA PUBLIC AIRPORT	LOCALLY FUNDED BY AIRPORT	CITY OF SANTA MARIA RECORDED 1986-038945

SANTA MARIA PUBLIC AIRPORT LAND DISPOSAL

MAP #	ACRES	TRACT	NAME	LOT#	FAA RELEASE DATE	DISPOSAL DATE	RECORDING DATE
2	81.76	50.57	COUNTY OF SANTA BARBARA		12/8/1967	2/13/1968	BK. 2221 PG. PG. 1408 #5741
3	4.25	R.S.	COUNTY OF SANTA BARBARA	2	9/4/1980	4/30/1981	#17445
4	5.18	R.S.	COUNTY OF SANTA BARBARA	1	9/4/1980	4/30/1981	#17445
7	26.70	R.S.	STATE OF CALIFORNIA HWY 135		3/9/1964		EXCEPTION TO TRANSFER
8	14.32	53.43	RENFROW		11/15/1966	1/9/1980	#80-50869
9	78.80	R.S.	COUNTY OF SANTA BARBARA		11/15/1966	3/9/1964	BK. 2571 PG. 1019 #10591
10	4.07	5113	SANTA MARIA TIMES	1	11/15/1966	8/7/1974	BK. 2528 PG. 1234-137 # 28978
11	3.36	5113	S.C. GAS CO.	2	11/15/1966	4/18/1975	BK. 2571 PG. 678 - 682 # 20500
12	3.46	5011	MICROWAVE APPLICATIONS (BOYD)	11	11/15/1966	4/19/1994	#84-20552
13	9.89	5011	SEMCO (STRAFORD)	10	11/15/1966	2/22/1968	BK. 3232 PG. 1312-1316 # 16323
14	3.10	5011	EAST JORDAN PLASTICS	8	11/15/1966	1/20/1976	BK. 2599 PG. 1636-1640 # 2230
15	5.54	5011	PG&E COMPANY	7	11/15/1966	7/11/1968	BK. 2238 PG. 377-279 # 21639
16	1.44	5011	MODERN INDUSTY (TAYLOR)	4	11/15/1966	9/5/1968	BK. 2224 PG. 538-540 # 27747
17	10.00	5011	ITE INPERAL (OLTMANS)	3	11/15/1966	3/29/1972	BK. 2392 PG. 963 # 10710
18	4.36	5011	COLUMBIA (OLTMANS)	21	11/15/1966	6/28/1971	BK. 2353 PG. 249-252 # 19801
19	5.04	5011	RADFORD	20	11/15/1966	7/20/1976	BK. 2620 PG. 1750-1784 # 30273
20	4.28	5011	MAFY-TRENCH (EVENS)	18	11/15/1966	4/24/1980	#80-16964
21	7.44	5011	MAYER INVESTMENT	15	11/15/1966	4/19/1978	#17355
22	15.36	5011	MAYER INVESTMENT	16	11/15/1966	12/5/1980	#80-50425
23	50.00	5003	OKONITE	23	11/15/1966	12/13/1966	BK. 2201 PG. 1389-1391 # 23512
24	12.00	5308	ARROW AUTO	3	11/15/1966	12/21/1980	# 80-24801
25	9.869	5003	ABEX (AMERICAN BRAKE)	1	11/15/1966	10/8/1964	BK. 2073 PG. 402-405 # 42927
26	8.72	5011	AEROCEANIC (OLTMANS)	2	11/15/1966	11/29/1968	BK. 2253 PG. 1219-1221 # 37182
27	37.52	R.S.	SANTA MARIA COUNTRY CLUB		12/22/1972	1/22/1973	BK. 2443 PG. 812-1818 # 2547
28	1.43	5011	SANTA MARIA COUNTRY CLUB		12/22/1972	1/22/1973	BK. 2443 PG. 812-1818 # 2547
31	10.00	65-9	GENERAL THEEPHONE CO.		7/30/1964	10/24/1965	BK. 2103 PG. 217-218 # 15280
31	10.00	65-9	GENERAL THEEPHONE CO.		7/30/1964	10/24/1965	BK. 2427 PG. 472-475 # 41818
32	2.39	5280	DEN MAT	5	11/15/1966	2/28/1966	# 1986-01706
33	2.39	5280	DEN MAT	5	11/15/1966	2/28/1966	# 1986-01706
34	5.56	R.S.	CITY OF SANTA MARIA		7/30/1964	4/30/1965	BK. 2103 PG. 209-211 # 15287
36	20.48	5267	PIPPER AIRCRAFT		11/15/1966	4/6/1979	# 79-14922
37	20.00	5281	PIPPER AIRCRAFT	A	7/20/1979	1/23/1980	# 80-2953
38	7.64	5281	SANTA MARIA DEVELOPMENT	B	7/21/1979	8/13/1985	# 1985-042114
39	1.028	5281	CITY OF SANTA MARIA		1/31/1972	10/25/1972	BK. 2427 PG. 482 # 41820
48	1.13	5011	MAFI-TRENCH (EVENS)	19	11/15/1966	4/30/1991	# 91-024729
49	2.386	5280	AIRPARK MIN. STORAGE (SEBETS)		11/15/1966	3/8/1996	# 96-14506
50	0.995	5280	AIRPARK MIN. STORAGE (SEBETS)		3/1/1996	3/8/1996	# 96-14506
51	1.58	5280	DEN MAT		11/15/1966	5/4/1995	# 95-017541
52	1.2418	5280	AIRPARK MIN. STORAGE (SEBETS)		4/7/1997	5/9/1979	# 97-025980
53	1.98	5280	HEBARD	5	11/15/1966	13/30/1996	# 96-077352
54	8.84	5308	BCI COCA-COLA	1	11/15/1966	8/15/1997	# 97-047599
55	5.80	5011	CHURCHMAN LIMITED	12	11/15/1966	10/9/1998	# 98-078212
56	2.39	5280	MELSHEIMER	3	11/15/1966	9/29/1998	# 98-075129
57	4.04	5280	FAIRSKY DEVELOPMENT CO.	2 & 7	11/15/1966	1/15/1999	# 99-000747
58	5.98	5280	FAIRSKY DEVELOPMENT CO.	1 & 8	11/15/1966	4/28/1999	# 99-034510
59	0.06	5011	MAYER ASSETMENT MANGEMENT	17	11/15/1966	6/23/1999	# 99-051816
60	9.12	5280	JORDANO'S	2	11/15/1966	12/7/1999	# 2000-0015074
61	3.53	5171	PARKWAY ENTERPRISES	1	11/15/1966	8/27/2003	# 2003-0116543
62	13.39	5484	SANTA MARIA PLAZA, LLC.	1,2 & 3	11/17/2005	12/6/2005	# 2005-0116280
63	21.09±	-	FED EX	15	11/6/2018	-	#2018-0047616
75	10.90	-	-	-	-	-	BK 111 PG 231

PROPERTY LEGEND

- Existing Airport Property
- Parcel Boundary
- Existing Airport Easement
- Existing Lot Line
- Released Property
- 22 Map Number

FOR APPROVAL BY
SANTA MARIA PUBLIC AIRPORT DISTRICT

DATE:

No.	REVISIONS	DATE	BY	APP'D.
-	-	-	-	-

"THE PREPARATION OF THESE DOCUMENTS WAS FINANCED IN PART THROUGH A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION AS PROVIDED UNDER SECTION 505 OF THE AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982, AS AMENDED. THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THESE DOCUMENTS BY THE FAA DOES NOT IN ANY WAY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED HEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS."

SANTA MARIA PUBLIC AIRPORT

EXHIBIT 'A'
AIRPORT PROPERTY MAP

SANTA MARIA, CALIFORNIA

PLANNED BY: Eric S. Pfeifer
DETAILED BY: Diana L. Przybycien
APPROVED BY: James M. Harris

June 2019 SHEET 17 OF 18

Coffman Associates
Airport Consultants
www.coffmanassociates.com

11099 S. La Cienega Blvd
Los Angeles, CA 90045

U.S. Customs and Border Protection

U. S. CUSTOMS AND BORDER PROTECTION (CBP)
MEMORANDUM OF AGREEMENT TO REIMBURSE CBP

This Memorandum of Agreement ("MOA") outlines the agreement between the below named User Fee Airport Owner/Operator (Sponsor) and CBP regarding the Sponsor's responsibility to reimburse CBP for costs related to providing communications and information technology (IT) equipment and services at the below named User Fee Airport location. The legal authority for CBP to enter into and require such an agreement is found at 6 U.S.C. § 231; 8 U.S.C. §§ 1223-1224, 1356(a); 19 U.S.C. §§ 58(b), 1459, 1461, 1499, 1524, 1644a; 8 C.F.R. Part 234; 19 C.F.R. Part 122.

Airport Owner/Operator: Santa Maria Public Airport District **(Sponsor)**
Location: 3217 Terminal Drive
Santa Maria, CA 93455

SANTA MARIA PUBLIC AIRPORT DISTRICT RESPONSIBILITIES

Data and Cabling
Santa Maria Public Airport District is responsible for the procurement and installation of all data cabling and electrical components required for connectivity of systems and equipment, according to CBP Office of Information Technology (OIT) provided specifications. Santa Maria Public Airport District is required to provide a two week advanced notice of all cable pulls to allow CBP to observe installation.

Reimbursement of Equipment and Recurring Costs
Santa Maria Public Airport District agrees to reimburse CBP for all equipment and connectivity costs, including installation, maintenance, and recurring costs, at the Santa Maria Public Airport District, 3217 Terminal Drive, Santa Maria, CA. Current estimated equipment, circuit and service costs total $74,473.80. The estimated annual recurring costs are $11,574.60. CBP OIT's Cost Estimate titled "STM008A-OFO-23120C" is attached.

Santa Maria Public Airport District will be billed the actual costs for the equipment identified in CBP OIT's Cost Estimate STM008A-OFO-23120C, along with any outstanding reimbursements due from any previously executed agreement(s). Recurring out-year network circuit charges, and the cost of any necessary replacement equipment not covered under warranty, will also be billed to Santa Maria Public Airport District.

Equipment Upgrades
Upgrades to CBP required equipment and connectivity may be required on a schedule determined by CBP (approximately every 3-5 years, as needed). Santa Maria Public Airport District is responsible for the cost of required upgrades. CBP will provide Santa Maria Public Airport District a minimum of 180 days advance notice of any required upgrades.

Payment Process
A copy of this signed agreement will be forwarded to the CBP National Finance Center (NFC). Upon receipt and installation of all equipment, the NFC will issue Santa Maria Public Airport District a bill for the actual equipment costs not to exceed $74,473.80, as detailed in CBP OIT Cost Estimate STM008A-OFO-23120C. The CBP NFC will bill Santa Maria Public Airport District 90-days prior to the due date for recurring out-year network and connectivity charges owed, along with any sums owed for replacement equipment not covered by manufacturer warranties.

Pursuant to 19 C.F.R. § 24.3a, any amounts due CBP under the terms of this agreement that are more than 30 days past-due will begin accruing interest charges based on U.S. Treasury borrowing rates and may ultimately be referred for collection.

Santa Maria Public Airport District Accounts Payable Information
Tax Identification Number: 95-2283152
Bill To Representative: Martin Pehl
Phone Number: 805-922-1726
Email Address: mpehl@santamariaairport.com
Address: 3217 Terminal Drive, Santa Maria, CA 93455

Equipment Ownership
CBP will retain possessory ownership of all equipment used in CBP operations until CBP vacates the premises. CBP will transfer the equipment reimbursed by Santa Maria Public Airport District when CBP vacates the premises. Within two months (60-days) of installation and reimbursement, CBP OIT will deliver a list of serial numbers and/or other identification and warranty information for Santa Maria Public Airport District reimbursed equipment to the point of contact listed below.

Santa Maria Public Airport District Equipment Administrator: Ric Tokoph
Email Address: rtokoph@santamariaairport.com
Phone Number: 805-922-1726
Ship to Address: 3217 Terminal Drive, Santa Maria, CA 93455

U.S. CUSTOMS AND BORDER PROTECTION (CBP) RESPONSIBILITIES

Equipment Connectivity and Maintenance
CBP OIT will be responsible for ordering and installing required circuit, data equipment, and connection(s) from Santa Maria Public Airport District to the CBP National Data Center. CBP is also responsible for imaging, maintaining, and controlling all equipment listed in the attached CBP OIT Cost Estimate STM008A-OFO-23120C. Santa Maria Public Airport District will incur no CBP OIT charged service fees for any equipment maintenance/repair/replacement covered by CBP procured equipment warranties.

Data Ownership

All data entered and/or stored in any manner on the equipment covered by this MOA shall belong to the United States and is confidential and protected information. It is CBP's responsibility to properly remove data before possession of any equipment is transferred to Santa Maria Public Airport District. In the event data inadvertently remains on any equipment after transfer, Santa Maria Public Airport District shall keep the information confidential and immediately notify CBP so that CBP can remove the data.

AUTHORIZATION

Authorized Representative

The signatory to this MOA represents and warrants that he or she is a duly authorized representative of Santa Maria Public Airport District, with full power and authority to enter into this MOA and to bind Santa Maria Public Airport District with regard to all matters relating to this agreement.

Agreement to these terms is attested by the signatures below.

M Pehl mpehl@santamariaairport.com 5/12/23

Martin Pehl
General Manager
Santa Maria Public Airport District

Date

Cheryl M. Davies cheryl.m.davies@cbp.dhs.gov 5/12/23

Cheryl M. Davies
Area Port Director
Los Angeles International Airport
U.S. Customs and Border Protection

Date

TO: President and
Members of the Board of Directors
Santa Maria Public Airport District
3217 Terminal Drive
Santa Maria, CA 93455

FROM: Mike Flores
Manager of Finance and Administration

MEETING: September 10, 2026

ITEM

Resolution No. 978, a resolution of the Board of Directors of the Santa Maria Public Airport District expressing appreciation to Chuck Adams for service on the Board of Directors of the Santa Maria Public Airport District.

BACKGROUND

Charles “Chuck” Adams was seated as a Director at the Board’s regular meeting of December 11, 2008. He resigned from the Board effective May 28, 2026, and President Brown announced the resignation at the special meeting held that day. The Director Area 1 seat became vacant upon his resignation.

Mr. Adams served more than seventeen years on the Board. He served as President in 2014, 2015 and 2020, as Vice-President in nine separate years, as Secretary in 2017 and as Vice-Secretary in 2016, 2021 and 2022. He presided as Vice-President over the Board’s regular meeting of April 23, 2026.

The Board’s practice is to recognize a departing Director by resolution. Recent examples are Resolution No. 918 (Carl Engel Jr.) and Resolution No. 919 (Hugh Rafferty), both adopted December 8, 2022, and Resolution No. 953 (Ignacio “Nash” Moreno), adopted February 12, 2026.

DISCUSSION

Resolution No. 978 expresses the Board’s appreciation to Mr. Adams and records his service. Each recital is drawn from the District’s own records: the minutes of the Board’s meetings, the annual committee and liaison appointment lists, and the resolution docket.

Projects completed and actions taken during his tenure are described as accomplishments of the District during his service, not as his individual actions.

When Resolutions No. 918 and 919 were adopted on December 8, 2022, a Director moved in each case to read the item in its entirety before the roll call vote. The Board may wish to follow that practice.

FINANCIAL IMPACT

None to the District. The resolution is ceremonial and commits no District funds.

ANALYSIS

Adopting Resolution No. 978 is consistent with the Board's practice of recognizing departing Directors by resolution and records Mr. Adams' service in the District's permanent resolution docket.

Action on a resolution is by roll call vote under Article I, Section 8 of the District's Official Administrative Code. Resolutions No. 918, 919 and 953 were each adopted by roll call.

The text of Resolution No. 978 is subject to review and approval as to form by District Counsel.

RECOMMENDATION

It is recommended that the Board of Directors adopt Resolution No. 978, a resolution of the Board of Directors of the Santa Maria Public Airport District expressing appreciation to Chuck Adams for service on the Board of Directors of the Santa Maria Public Airport District, by roll call vote.

ATTACHMENTS

Resolution No. 978

RESOLUTION NO. 978
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT
EXPRESSING APPRECIATION TO CHUCK ADAMS
FOR SERVICE ON THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT

WHEREAS, the members of the Board of Directors of the Santa Maria Public Airport District take this opportunity to express their genuine and sincere appreciation to Charles "Chuck" Adams for his valued long-standing contribution and outstanding service performed as President, Vice-President, Secretary, Vice-Secretary and Director of the Board of Directors of the Santa Maria Public Airport District; and

WHEREAS, beginning December 11, 2008, Mr. Adams served more than seventeen years on the Board of Directors, through May 28, 2026, and throughout that service committed himself to the needs of airport tenants, the aviation community and the Santa Maria Valley community at large, and contributed greatly to the growth and development of the Santa Maria Public Airport; and

WHEREAS, Mr. Adams served as President of the Board in 2014, 2015 and 2020, served as Vice-President of the Board in nine separate years, including in his final year of service, and also served as Secretary and as Vice-Secretary, and on April 23, 2026 presided as Vice-President over a regular meeting of the Board; and

WHEREAS, Mr. Adams' dedication and guidance while serving on the Executive, Administration and Financial, Aviation Support and Planning, Business Park, Safety and Security, Real Estate, Government Affairs, Airport Planning and Capital Improvement, and Marketing and Promotions Committees has greatly enhanced the public perception, appearance and fiscal well-being of the airport; and

WHEREAS, Mr. Adams served as one of the Board's liaisons to State and Federal government and to City and County government, and in February 2010 was designated by the Board to act as its voting representative at the independent special districts selection committee meeting, contributing substantially to positive intergovernmental communication, understanding and cooperation; and

WHEREAS, Mr. Adams personally represented the District in the development of commercial air service, traveling with the then General Manager to meet with United Airlines representatives in Chicago in November 2013 and September 2014 and with SkyWest Airlines representatives at their headquarters in St. George, Utah in 2015, and attending an air service development conference on the District's behalf; and

WHEREAS, during Mr. Adams' service the District certified the Final Environmental Impact Report for, and approved, the Runway 12 and Taxiway A Extension Project by Resolution No. 798, adopted September 23, 2010; enacted an ordinance establishing a by-district election process by Resolution No. 871, adopted February 14, 2019; and added solar infrastructure, completed taxiway improvements, undertook the rehabilitation of Runway 12-30, made improvements to the fire station, and secured twice-daily air service to a major hub; and

WHEREAS, the directors of the Santa Maria Public Airport District commend Mr. Adams for his demonstrated leadership, thoughtful scrutiny and steadfast professionalism, which have set a high standard of governmental excellence during his service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Maria Public Airport District as follows:

1. Commendation. The Board of Directors of the Santa Maria Public Airport District hereby commends and sincerely thanks Charles "Chuck" Adams for his leadership, exemplary professionalism, dedication and service to the Santa Maria Public Airport District.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors of the Santa Maria Public Airport District held this 10th day of September, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

____

Steve Brown, President

ATTEST:

____

Michael B. Clayton, Secretary

APPROVED AS TO FORM:

____

District Counsel

SANTA MARIA AIRPORT
SMX

TO: President and
Members of the Board of Directors
Santa Maria Public Airport District
3217 Terminal Drive
Santa Maria, CA 93455

FROM: Mike Flores
Manager of Finance and Administration

MEETING: September 10, 2026

ITEM

Consideration of Resolution No. 979 amending the District's Conflict of Interest Code.

BACKGROUND

The Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The District's Conflict of Interest Code incorporates by reference the terms of Title 2, California Code of Regulations, section 18730, the Fair Political Practices Commission's standard conflict of interest code, together with Appendix "A" (Designated Positions) and Appendix "B" (Disclosure Categories). Under the Code, the Santa Barbara County Board of Supervisors is the code reviewing body for the District, and the Santa Barbara County Clerk, Recorder and Assessor is the filing officer.

The Board last amended the Code by Resolution No. 938 on July 25, 2024, which amended Appendix "A" to clarify that the members of the Board of Directors and the General Manager are statutory filers and to further define the term "consultant", and by Resolution No. 942 on February 27, 2025, which adopted Appendix "B" and restated the Code as revised February 27, 2025. The letter of July 15, 2026 from the Clerk of the Board of Supervisors records the District's Code as last adopted June 24, 2025, under County of Santa Barbara File No. 25-00523.

The Commission's 2026 biennial notice instructions state that "The Political Reform Act requires every local government agency to review its conflict of interest code biennially." On July 15, 2026 the Clerk of the Board of Supervisors sent the District its biennial reminder, pursuant to Government Code Section 87306.5, to review the Code, enclosing the Commission's 2026 Local Agency Biennial Notice form and instructions. The County's letter asks that the Notice be returned by October 2, 2026, whether or not amendments are needed; the Commission's form itself says no later than October 1, 2026, and staff is working to the earlier date. If a change is necessary, the agency must also submit the amended Code, agency minutes or a resolution approving the amendment, and a strikethrough/underscore version showing all changes.

Since the Board adopted Resolution No. 942, one classification has been added. Resolution No. 963, adopted May 14, 2026, amended the Job Specifications Manual to add the position of Business Development Manager, and Resolution No. 964, adopted the same day, placed the position on the Fiscal Year 2026-2027 Salary Schedule effective July 1, 2026. The position has since been filled. Under the

Code's provision for a new position added without a code revision, an employee appointed to such a position files a Form 700 assuming office statement and thereafter annual statements using the broadest disclosure category until the Code is amended to designate the position, and the General Manager may instead designate narrower disclosure obligations for the position using FPPC Form 804 or Form 805.

DISCUSSION

Resolution No. 979 makes one substantive change to the Code. It adds the Business Development Manager to Appendix "A" as a designated position with a disclosure requirement of "All categories", the same requirement the Code assigns to the District Counsel, the Manager of Finance & Administration and the Manager of Operations and Maintenance. The revision date on the face of the Code changes from February 27, 2025 to September 10, 2026, and one typographical error in the existing text ("fliers" for "filers") is corrected. A word-by-word comparison of the restated Code against the Code adopted by Resolution No. 942 found those three differences in the text of the Code and no others. The incorporation of section 18730, the filing provisions, the consultant provisions, the statutory filer paragraph and all four disclosure categories in Appendix "B" are carried forward as adopted in 2025.

The Business Development Manager is proposed for designation because the adopted job specification places the position in the District's contracting and property decisions. Under general supervision of the General Manager, the position "manages commercial agreements and development activities; supervises and coordinates consultants and contractors" and, under Commercial Property and Agreements, "Negotiates airport leases, licenses, permits, and agreements; evaluates the suitability of businesses for location on airport property; prepares recommendations related to commercial agreements and development proposals; monitors compliance with lease and agreement terms". Each of the four disclosure categories in Appendix "B" bears on those duties: District contractors (Category 1); tenants, licensees, permittees and concessionaires (Category 2); positions held in those entities (Category 3); and interests in real property in the District's Airport Protective Zone (Category 4). The Code assigns a new position "the broadest disclosure category" by default until the Code is amended to designate it.

Staff compared the fifteen classifications on the Fiscal Year 2026-2027 Salary Schedule adopted by Resolution No. 964 against the four rows of Appendix "A", and reviewed the Clerk's Resolution Docket for every resolution adopted after Resolution No. 942. The comparison covered fifteen of fifteen classifications, four of four Appendix "A" rows, and thirty-five of thirty-five docketed resolutions from No. 943 through No. 977. The Business Development Manager is the only classification the Board has added since the Code was last restated, and none of the positions designated in Appendix "A" has been eliminated. That comparison is the basis for the one change proposed.

The resolution also approves the 2026 Local Agency Biennial Notice, marked to report that an amendment is required to add a new position that must be designated, and directs that the Notice, the resolution, the amended Code and the strikethrough/underscore version be transmitted to the Clerk of the Board of Supervisors no later than October 1, 2026. The Commission's instructions state that "An agency's amended code is not effective until it has been approved by the code reviewing body." The County's records show the Code as last adopted June 24, 2025, about four months after the Board adopted Resolution No. 942. Until the code reviewing body approves the amended Code, the Code adopted by Resolution No. 942 remains in effect and the Code's new-position provision continues to govern disclosure for the position.

FINANCIAL IMPACT

None to the District. The amendment adds one position to Appendix “A”. Neither the County’s July 15, 2026 letter nor the Commission’s 2026 Local Agency Biennial Notice form states a fee, and the staff time to complete the Notice and transmit the package is absorbed within existing staffing.

ANALYSIS

The biennial review is required whether or not the Code changes. The Commission’s form states that “All agencies must complete and return this notice regardless of how recently your code was approved or amended”, and the County’s letter asks that the Notice be returned whether or not amendments are needed. The record supports one change. The adopted job specification places the Business Development Manager in the District’s contracting and property decisions, and staff recommends designating the position rather than continuing to rely on the Code’s default provision for new positions.

Adopting the amendment at this meeting leaves time to obtain signatures and transmit the package before October 1. Under Article I, Section 2 of the Official Administrative Code, regular meetings of the Board are held on the second and fourth Thursdays of each month, so the only other regular meeting before that date is September 24, 2026.

The County’s letter asks agencies to work with their legal counsel to determine whether updates to the Code are required. Resolution No. 979, the amended Code and the strikethrough/underscore version are subject to review and approval as to form by District Counsel.

RECOMMENDATION

It is recommended that the Board of Directors adopt Resolution No. 979, amending the District’s Conflict of Interest Code to add the position of Business Development Manager to Appendix “A” (Designated Positions), adopting the amended and restated Code attached to the resolution as Exhibit “B”, approving the 2026 Local Agency Biennial Notice, and directing transmittal of the Notice, the resolution, the strikethrough/underscore version and the amended Code to the Clerk of the Board of Supervisors of the County of Santa Barbara, as code reviewing body, no later than October 1, 2026.

ATTACHMENTS

1. Resolution No. 979
2. Exhibit “A” to Resolution No. 979: Strikethrough/underscore version of the Conflict of Interest Code showing all changes
3. Exhibit “B” to Resolution No. 979: Conflict of Interest Code of the Santa Maria Public Airport District (Revised September 10, 2026), with Appendix “A” (Designated Positions) and Appendix “B” (Disclosure Categories)
4. 2026 Local Agency Biennial Notice (Fair Political Practices Commission form), to be completed and signed following adoption
5. Letter from the Clerk of the Board of Supervisors, County of Santa Barbara, dated July 15, 2026, with the Fair Political Practices Commission’s 2026 Conflict of Interest Code Biennial Notice Instructions for Local Agencies

6. Resolution No. 942 (February 27, 2025), the Code currently in effect, for reference

RESOLUTION NO. 979
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT
AMENDING THE DISTRICT'S CONFLICT OF INTEREST CODE

WHEREAS, the Santa Maria Public Airport District ("District") is a public agency and special district organized and existing under the laws of the State of California, and the Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the District's Conflict of Interest Code incorporates by reference the terms of Title 2, California Code of Regulations, section 18730, together with any amendments to it duly adopted by the Fair Political Practices Commission, and the District's own Appendix "A" designating positions and Appendix "B" designating disclosure categories, and provides that the Santa Barbara County Board of Supervisors is the code reviewing body for the District; and

WHEREAS, the Board of Directors last amended the Code by Resolution No. 938, adopted July 25, 2024, and by Resolution No. 942, adopted February 27, 2025, which adopted Appendix "B" and restated the Code as revised February 27, 2025, and the Clerk of the Board of Supervisors of the County of Santa Barbara has advised the District that its Code was last adopted June 24, 2025, under County of Santa Barbara File No. 25-00523; and

WHEREAS, the Fair Political Practices Commission's 2026 Conflict of Interest Code Biennial Notice Instructions for Local Agencies state that "The Political Reform Act requires every local government agency to review its conflict of interest code biennially" and that "By October 1, 2026: The biennial notice must be filed with the agency's code reviewing body"; and

WHEREAS, by letter dated July 15, 2026, the Clerk of the Board of Supervisors of the County of Santa Barbara advised the District that the letter is the District's biennial reminder, pursuant to Government Code Section 87306.5, to review its Conflict of Interest Code, asked that the 2026 Local Agency Biennial Notice be returned by October 2, 2026, whether or not amendments are needed, and stated that if a change is necessary the District must also submit the amended Conflict of Interest Code, agency minutes or a resolution approving the amendment, and a strikethrough/underscore version showing all changes, while the Commission's Notice form states that the notice is to be returned no later than October 1, 2026; and

WHEREAS, by Resolution No. 963, adopted May 14, 2026, the Board of Directors amended the Job Specifications Manual to add the position of Business Development Manager, which under the job specification adopted with that resolution reports to the General Manager, negotiates airport leases, licenses, permits and agreements, and supervises and coordinates consultants and contractors, and by Resolution No. 964, adopted May 14, 2026, placed the position on the Fiscal Year 2026-2027 Salary Schedule effective July 1, 2026; and

WHEREAS, the position of Business Development Manager is not listed in Appendix "A" of the Code, and the Code's provision governing a new position added without a code revision requires an employee appointed to such a position to file a Form 700 assuming office statement and thereafter annual statements using the broadest disclosure category until the District amends the Code to designate the position, unless the General Manager designates narrower disclosure obligations for the position using FPPC Form 804 or Form 805; and

WHEREAS, the District has compared the classifications on the Fiscal Year 2026-2027 Salary Schedule with the designated positions listed in Appendix "A" and has determined that Appendix "A", its list of designated positions, is in need of amendment to designate the position of Business Development Manager; and

WHEREAS, the Board of Directors has reviewed the proposed amendment, shown in strikethrough/underscore form in Exhibit "A", and the amended and restated Conflict of Interest Code attached as Exhibit "B", each attached hereto and incorporated herein by reference, and finds that adoption of the amendment is in the best interests of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Maria Public Airport District as follows:

1. Amendment of Designated Positions. Appendix "A" (Designated Positions) of the Conflict of Interest Code of the Santa Maria Public Airport District is hereby amended to add the position of Business Development Manager as a designated position with a disclosure requirement of "All categories". That amendment, the revision date on the face of the Code, and one typographical correction are the three changes shown in strikethrough/underscore form in Exhibit "A", attached hereto and incorporated herein by reference. No other change is made to the Code, and Appendix "B" (Disclosure Categories) is unchanged.

2. Adoption of Amended and Restated Code. The Conflict of Interest Code of the Santa Maria Public Airport District, as amended and restated (Revised September 10, 2026), including Appendix "A" and Appendix "B", attached hereto as Exhibit "B" and incorporated herein by reference, is hereby adopted as the Conflict of Interest Code of the District and, upon its approval by the code reviewing body, shall replace and supersede the Code adopted by Resolution No. 942. Until the code reviewing body approves the amended Code, the Code adopted by Resolution No. 942 remains in effect and the Code's provision governing a new position added without a code revision governs disclosure for the position of Business Development Manager.

3. 2026 Local Agency Biennial Notice. The Board of Directors approves completion of the Fair Political Practices Commission's 2026 Local Agency Biennial Notice on behalf of the District to report that the District has reviewed its Conflict of Interest Code and has determined that an amendment is required to add a new position that must be designated. The General Manager, or the General Manager's designee, is authorized and directed to complete and sign the Notice on behalf of the District.

4. Transmittal to Code Reviewing Body. The Secretary, acting through the Clerk to the Board, is hereby directed to advise the Clerk of the Board of Supervisors of the County of Santa Barbara that this District has reviewed its Conflict of Interest Code, has determined that Appendix "A", its list of designated positions, is in need of amendment, and has amended it accordingly, and, as requested by that officer's letter of July 15, 2026, to transmit to the Clerk of the Board of Supervisors, as code reviewing body, no later than October 1, 2026, which is the earlier of the dates stated in the Commission's Notice form and in the County's letter: (a) the completed 2026 Local Agency Biennial Notice; (b) a copy of this Resolution as adopted; (c) the strikethrough/underscore version attached as Exhibit "A"; and (d) the amended and restated Conflict of Interest Code attached as Exhibit "B"; and to request that the Santa Barbara County Board of Supervisors approve the District's amended Conflict of Interest Code.

5. Further Actions. The General Manager and the Clerk to the Board are authorized to take such further administrative actions as are necessary to carry out the intent of this Resolution,

including responding to any request of the code reviewing body for information or for non-substantive corrections to the submitted materials.

6. Severability. If any provision of this Resolution is held invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors of the Santa Maria Public Airport District held this 10th day of September, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

____
Steve Brown, President

ATTEST:

____
Michael B. Clayton, Secretary

APPROVED AS TO FORM:

____
District Counsel

EXHIBIT “A”

STRIKETHROUGH/UNDERSCORE VERSION SHOWING ALL CHANGES TO THE CONFLICT OF INTEREST CODE

(Deleted text shown in strikethrough; inserted text shown underscored. Text without markup is unchanged from the Code as revised February 27, 2025.)

[Note: The captions “EXHIBIT 1” and “EXHIBIT 2” and the line “(continued on next page)” that appear in the Code as attached to Resolution No. 942 are omitted from this comparison and are not marked as changes.]

CONFLICT OF INTEREST CODE
SANTA MARIA PUBLIC AIRPORT DISTRICT
(Revised ~~February 27, 2025~~September 10, 2026)

The Political Reform Act (Government Code Section 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, California Code of Regulation (“CCR”), Title 2, section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act after public notice and hearings.

Therefore, the terms of CCR, Title 2, section 18730, along with any amendments to it duly adopted by the Fair Political Practices Commission, together with the attached Appendix “A” designating positions and Appendix “B” designating disclosure categories, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Santa Maria Public Airport District (“District”). This Conflict of Interest Code hereby replaces and supersedes any conflict of interest codes previously adopted by this Board.

The Santa Barbara County Clerk, Recorder and Assessor is the filing officer for the Santa Barbara County Board of Supervisors, which is the code reviewing body for the District (Government Code section 87500). Statements of Economic Interest (“Statements”) may be filed online or using a paper Form 700. Statements may be filed online using eDisclosure, which will submit the Form 700 to the Santa Barbara County Clerk, Recorder and Assessor. Statements may also be filed using a paper Form 700 which shall be filed with the District. Upon receipt of the Statement, the District shall retain a copy and forward the original to the Santa Barbara County Clerk, Recorder and Assessor. Statements will be made available for public inspection and reproduction (Government Code Section 81008).

APPENDIX “A”
DESIGNATED POSITIONS

Designated Positions	**Disclosure Categories**
District Counsel	All categories
Manager of Finance & Administration	All categories
Manager of Operations and Maintenance	All categories
Business Development Manager	All categories
Consultants and New Positions	See note below

***Consultants.** “Consultant” means an individual who, pursuant to a contract with the Santa Maria Public Airport District, either: (A) Makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement; (4) authorize the District to enter into, modify or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in CCR, Title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code section 87302. (CCR, Title 2, section 18701 (a)(2).)[1]

Consultants shall be included in the list of designated employees and disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The General Manager will determine in writing that a particular consultant, although a "designated position", 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 in this section. Such written determination would include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and will be retained for public inspection in the same manner and location as this conflict of interest code.

New Position Added Without Code Revision. If the District creates a new position that requires disclosure without simultaneously amending this code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file an annual Form 700 disclosure of economic interest statement using the broadest disclosure category until the District amends the code to designate the position. Alternatively, the General Manager may designate for any such position or consultant narrower disclosure obligations using FPPC Form 804 or Form 805 as appropriate. (See 2 CCR section 18734.)

Officials Who Manage Public Investments. Officials who manage public investments are deemed to be "statutory filers" within the meaning of Government Code section 87200 and CCR, Title 2, section 18720 because they must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act instead of the District's conflict of interest code. As a result, such persons are not designated in this code and are listed here for information only. The District's statutory ~~fliers~~<u>filers</u> are:

Members of the Board of Directors
General Manager

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200.

[1] A consultant serves in a capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the district is not deemed a consultant subject to the reporting requirements of this code unless the project or projects extend over a substantial period of time, generally more than one year (See Smith Advice Letter, FPPC No. I-99-316; Travis Advice Letter, FPPC No. A-96-053; Randolph Advice Letter, FPPC No. A-95-045.)

“APPENDIX B”
DISCLOSURE CATEGORIES

Category 1: Investments of a business entity or in a business entity which has contracted with the District within the last two years, or in the future may with reasonable foreseeability do so, to provide services of any kind, supplies, materials, machinery or equipment to the District; or manufactures, produces, or processes any of said types of things, and sells or leases them to a business entity which sells or leases them to the District.

Notes to Category 1:
(1) Investments of a business entity shall not be reported under Category 1 unless the designated employee or his spouse owns, directly, indirectly or beneficially, a 10% or greater interest.
(2) No asset is deemed an investment unless its fair market value exceeds $2,000.
(3) Investments of an individual also include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.
(4) Investments in or of a regulated public utility company need not be reported under Category 1.

Category 2: Investments of any value in or any income from any person or business entity who or which is a tenant, licensee, permittee, or concessionaire of the District.

Notes to Category 2:
(1) Income, for purposes of Category 2, includes gifts or payments of any amount or value and property of any value.
(2) An investment is not reportable under Category 2 if its fair market value does not exceed $1,000.

Category 3: Their status as a director, officer, partner, trustee, employee, or holder of a position of management in any of the types of entities referred to in Categories 1 or 2.

Notes to Category 3:
(None)

Category 4: All interests in real property located in the District’s Airport Protective Zone, if the fair market value of the interest is greater than one thousand dollars ($1,000).

Notes to Category 4:
(1) For the purposes of this Code the term “District’s Airport Protective Zone” means and includes the land owned by the District, the land within the District’s Noise Protective Zone as established by the District’s Board of Directors, land within the F-Airport Approach Area Combining Zones of Santa Barbara County for the Santa Maria Public Airport, the land within Skyway Industrial Park, Tract No. 5011, and the land extending one-half mile out from the boundaries of the foregoing described land areas.
(2) Interests in real property which is used as the principal residence of the designated employee shall not be reported.
(3) Interests in real property includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.

EXHIBIT "B"

CONFLICT OF INTEREST CODE
SANTA MARIA PUBLIC AIRPORT DISTRICT
(Revised September 10, 2026)

The Political Reform Act (Government Code Section 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, California Code of Regulation ("CCR"), Title 2, section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act after public notice and hearings.

Therefore, the terms of CCR, Title 2, section 18730, along with any amendments to it duly adopted by the Fair Political Practices Commission, together with the attached Appendix "A" designating positions and Appendix "B" designating disclosure categories, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Santa Maria Public Airport District ("District"). This Conflict of Interest Code hereby replaces and supersedes any conflict of interest codes previously adopted by this Board.

The Santa Barbara County Clerk, Recorder and Assessor is the filing officer for the Santa Barbara County Board of Supervisors, which is the code reviewing body for the District (Government Code section 87500). Statements of Economic Interest ("Statements") may be filed online or using a paper Form 700. Statements may be filed online using eDisclosure, which will submit the Form 700 to the Santa Barbara County Clerk, Recorder and Assessor. Statements may also be filed using a paper Form 700 which shall be filed with the District. Upon receipt of the Statement, the District shall retain a copy and forward the original to the Santa Barbara County Clerk, Recorder and Assessor. Statements will be made available for public inspection and reproduction (Government Code Section 81008).

APPENDIX "A"
DESIGNATED POSITIONS

Designated Positions	**Disclosure Categories**
District Counsel	All categories
Manager of Finance & Administration	All categories
Manager of Operations and Maintenance	All categories
Business Development Manager	All categories
Consultants and New Positions	See note below

***Consultants.** "Consultant" means an individual who, pursuant to a contract with the Santa Maria Public Airport District, either: (A) Makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement; (4) authorize the District to enter into, modify or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in CCR, Title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code section 87302. (CCR, Title 2, section 18701 (a)(2).)[1]

Consultants shall be included in the list of designated employees and disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The General Manager will determine in writing that a particular consultant, although a "designated position", 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 in this section. Such written determination would include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and will be retained for public inspection in the same manner and location as this conflict of interest code.

New Position Added Without Code Revision. If the District creates a new position that requires disclosure without simultaneously amending this code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file an annual Form 700 disclosure of economic interest statement using the broadest disclosure category until the District amends the code to designate the position. Alternatively, the General Manager may designate for any such position or consultant narrower disclosure obligations using FPPC Form 804 or Form 805 as appropriate. (See 2 CCR section 18734.)

Officials Who Manage Public Investments. Officials who manage public investments are deemed to be "statutory filers" within the meaning of Government Code section 87200 and CCR, Title 2, section 18720 because they must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act instead of the District's conflict of interest code. As a result, such persons are not designated in this code and are listed here for information only. The District's statutory filers are:

Members of the Board of Directors
General Manager

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200.

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[1] A consultant serves in a capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the district is not deemed a consultant subject to the reporting requirements of this code unless the project or projects extend over a substantial period of time, generally more than one year (See Smith Advice Letter, FPPC No. I-99-316; Travis Advice Letter, FPPC No. A-96-053; Randolph Advice Letter, FPPC No. A-95-045.)

"APPENDIX B"
DISCLOSURE CATEGORIES

Category 1: Investments of a business entity or in a business entity which has contracted with the District within the last two years, or in the future may with reasonable foreseeability do so, to provide services of any kind, supplies, materials, machinery or equipment to the District; or manufactures, produces, or processes any of said types of things, and sells or leases them to a business entity which sells or leases them to the District.

Notes to Category 1:
(1) Investments of a business entity shall not be reported under Category 1 unless the designated employee or his spouse owns, directly, indirectly or beneficially, a 10% or greater interest.
(2) No asset is deemed an investment unless its fair market value exceeds $2,000.
(3) Investments of an individual also include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.
(4) Investments in or of a regulated public utility company need not be reported under Category 1.

Category 2: Investments of any value in or any income from any person or business entity who or which is a tenant, licensee, permittee, or concessionaire of the District.

Notes to Category 2:
(1) Income, for purposes of Category 2, includes gifts or payments of any amount or value and property of any value.
(2) An investment is not reportable under Category 2 if its fair market value does not exceed $1,000.

Category 3: Their status as a director, officer, partner, trustee, employee, or holder of a position of management in any of the types of entities referred to in Categories 1 or 2.

Notes to Category 3:
(None)

Category 4: All interests in real property located in the District's Airport Protective Zone, if the fair market value of the interest is greater than one thousand dollars ($1,000).

Notes to Category 4:
(1) For the purposes of this Code the term "District's Airport Protective Zone" means and includes the land owned by the District, the land within the District's Noise Protective Zone as established by the District's Board of Directors, land within the F-Airport Approach Area Combining Zones of Santa Barbara County for the Santa Maria Public Airport, the land within Skyway Industrial Park, Tract No. 5011, and the land extending one-half mile out from the boundaries of the foregoing described land areas.
(2) Interests in real property which is used as the principal residence of the designated employee shall not be reported.
(3) Interests in real property includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.

2026 Local Agency Biennial Notice

Name of Agency: ______________________________

Mailing Address: ______________________________

Department Head or Director	Contact Person
Name: ____________________	Name: ____________________
Phone No: ____________________	Phone No: ____________________
Email: ____________________	Email: ____________________

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its Conflict of Interest Code and has determined that *(Check one box)*:

☐ **No amendment is required.**

☐ **The following amendments are required**:
(Check all that apply.)

- ☐ Add new positions (including consultants) that must be designated.
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- ☐ Revise based on updates to disclosure categories
- ☐ Revise the titles of existing positions.
- ☐ Other *(describe)* ______________________________

By signing below, you are attesting to the following:

To the best of my knowledge, the agency's code accurately designates all positions that make or participate in the making of the governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

I have reviewed the Conflict of Interest Code requirements against the positions within my department and as indicated above, I have either determined the revised Conflict of Interest Code attached meets the filing requirements and I authorize the changes or that no amendment is required.

______________________________	____________________
Signature of Department Head or Director	Date

☐ **The code is currently under review by the code reviewing body.**

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2026** to Santa Barbara County Clerk of the Board Attn: Chelsea Lenzi at clenzi@countyofsb.org.

If a change is necessitated, the agency must also submit the following:
(1) An amended Conflict of Interest Code in accordance with subdivision (a) of Section 87302 and Section 87303;
(2) Agency minutes or Resolution authorizing the amendment to the Code; and
(3) A strikethrough/underscore version of the Code outlining all changes.

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

From:	Kerry Fenton
To:	Mike Flores
Subject:	FW: 2026 Conflict of Interest Biennial Notice
Date:	Friday, July 17, 2026 4:45:00 PM
Attachments:	2026 Biennial Notice Fillable.pdf 2026 Conflict of Interest Code Biennial Notice Instructions for Local Agencies.pdf Res 942-Conflict of Interest Exhibit B.docx Res 942-Conflict of Interest Exhibit B.pdf

From: Chelsea Lenzi <clenzi@countyofsb.org>
Sent: Wednesday, July 15, 2026 11:54 AM
To: Kerry Fenton <kfenton@santamariaairport.com>
Subject: 2026 Conflict of Interest Biennial Notice

July 15, 2026

Kerry Fenton
Santa Maria Public Airport District
3217 Terminal Dr.
Santa MariaCA93455

RE: 2026 Conflict of Interest Biennial Review Notice for Santa Maria Public Airport District

Dear Kerry Fenton,

This is your agency's biennial reminder, pursuant to Government Code Section 87306.5, to review your Conflict of Interest Code (the Code) beginning July 1 of each even-numbered year. State law requires every local agency to maintain a current Code that accurately reflects its organizational structure and properly identifies all officials and employees required to file a Form 700.

Our records reflect the Code for Santa Maria Public Airport District as last adopted: 6/24/2025 County of Santa Barbara - File #: 25-00523

Your agency's Code may need amendment if:

- It is more than five years old
- Your agency has had changes in organizational structure
-

Positions have been added, changed, or eliminated

Please work with your agency's legal counsel to determine whether updates are required.

Enclosed are the 2026 Biennial Notice form and Instructions from the Fair Political Practices Commission (FPPC). When reviewing your Code, please confirm that it includes all three required components outlined below:

Incorporation Section (Terms of the Code)

The FPPC recommends incorporating Regulation 18730 by reference. This section should also specify where Form 700s are filed and retained.

Recommended language:

- *Designated employees may file their statements online using eDisclosure, which will submit the Form 700 to the County Clerk, Recorder and Assessor. Statements will be made available for public inspection and reproduction (Gov Code Section 81008). Your Department/Agency's filing official can give you access.*
- *Designated employees who file using a paper Form 700 shall file with the Code Agency. Upon receipt of the Statement filed by the designated employee, a copy shall be retained with the Code Agency and the original shall be forwarded to the County Clerk, Recorder and Assessor.*

List of Designated Positions - The Code must list each position that makes or participates in making decisions. Positions listed under Government Code Section 87200 should not be included because they file automatically.

Detailed Disclosure Categories - Categories must clearly describe the types of financial interests required to be disclosed and must be tailored to each designated position.

The FPPC provides workshops, webinars, and training materials for agencies that need help creating or amending their Code. Visit www.fppc.ca.gov for resources, including a video explaining how to amend a local agency Code.

Please return the 2026 Local Agency Biennial Notice to the Clerk of the Board of Supervisors by October 2, 2026, whether or not amendments are needed.

If your agency determines a change is necessary, please also submit:

1. The amended Conflict of Interest Code (prepared per Sections 87302(a) and 87303)
2. Agency minutes or a Resolution approving the amendment
3. A strikethrough/underscore version showing all changes

Materials may be submitted directly to the County of Santa Barbara Clerk of the Board of Supervisors at: **Chelsea Lenzi — clenzi@countyofsb.org**

Should you have questions, please do not hesitate to contact the Clerk of the Board at (805) 568-2242 or refer to the FPPC website at www.fppc.ca.gov.

Sincerely,

Chelsea Lenzi
Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
Direct: 805.568.2242
Fax: 805.568.2249
clenzi@countyofsb.org

The content of this email is confidential and intended for the recipient specified in the message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. Any views, opinions or conclusions expressed in this message are those of the individual sender and do not necessarily reflect the views of the County of Santa Barbara, its subsidiaries or affiliates. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

Enclosures: 2026 Biennial Notice; FPPC Local Agency Biennial Notice Instructions

FAIR POLITICAL PRACTICES COMMISSION

2026 Conflict of Interest Code
Biennial Notice Instructions for Local Agencies

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

By **July 1, 2026:** The code reviewing body must notify agencies and special districts within its jurisdiction to review their conflict of interest codes.

By **October 1, 2026:** The biennial notice must be filed with the agency's code reviewing body.

The FPPC has prepared a 2026 Local Agency Biennial Notice form for local agencies to complete or send to agencies within its jurisdiction to complete before submitting to the code reviewing body. The City Council is the code reviewing body for city agencies. The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts, including certain charter schools). The FPPC is the code reviewing body for any agency with jurisdiction in ***more than one county*** and will contact them.

The Local Agency Biennial Notice is not forwarded to the FPPC.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

If you answer yes, to any of the questions below, your agency's code probably needs to be amended.

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you have any questions or are still not sure if you should amend your agency's conflict of interest code, please contact the FPPC. Additional information including an online webinar regarding how to amend a conflict of interest code is available on FPPC's website.

RESOLUTION 942

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT AMENDING THE DISTRICT'S CONFLICT OF INTEREST CODE

WHEREAS, in a meeting held on July 25, 2024, the Board of Directors of the Santa Maria Airport District ("District") adopted Resolution 938, thereby revising and replacing all previous versions of the Conflict of Interest Code of the Santa Maria Public Airport District; and

WHEREAS, the Board of Directors thereby adopted the Model Conflict of Interest Code contained in 2 Cal. Code of Regs. § 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, along with the District's own list of designated positions; and

WHEREAS, 2 Cal. Code of Regs. § 18730 requires that public agencies separately adopt a list of disclosure categories as part of the agency's Conflict of Interest Code; and

WHEREAS, this Board of Directors desires to adopt the required list of disclosure categories as part of the District's Conflict of Interest Code.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Maria Public Airport District as follows:

1. The District Conflict of Interest Code is amended to state that Appendix "B", which is adopted by this resolution, is incorporated by reference. The amended District Conflict of Interest Code is attached hereto as <u>Exhibit 1</u>.

2. Appendix "B" to the District Conflict of Interest Code, which contains the list of disclosure categories, is adopted and incorporated into the District Conflict of Interest Code. Appendix "B" is attached hereto as <u>Exhibit 2</u>.

3. The Clerk to the Board is hereby directed to advise the Santa Barbara County Clerk Recorder that this District has further reviewed its Conflict of Interest Code, determined that an additional amendment is necessary, and adopted its list of disclosure categories as Appendix "B". The Clerk is directed to forward a copy of this resolution and its exhibit to the County Clerk Recorder and to request the Santa Barbara County Board of Supervisors approve the District's Conflict of Interest Code.

PASSED AND ADOPTED at the regular meeting of the Board of Directors of the Santa Maria Public Airport District held February 27, 2025, on motion by Director Brown, seconded by Director Clayton and carried by the following roll call vote:

AYES: Brown, Guy, Clayton
NOES:
ABSENT: Moreno, Adams
ABSTAIN:

Approved as to form: ______________________________
Ignacio Moreno, President

______________________ ______________________________
District Legal Counsel Steven Brown, Secretary

EXHIBIT 1

CONFLICT OF INTEREST CODE

SANTA MARIA PUBLIC AIRPORT DISTRICT

(Revised February 27, 2025)

The Political Reform Act (Government Code Section 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, California Code of Regulation ("CCR"), Title 2, section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act after public notice and hearings.

Therefore, the terms of CCR, Title 2, section 18730, along with any amendments to it duly adopted by the Fair Political Practices Commission, together with the attached Appendix "A" designating positions and Appendix "B" designating disclosure categories, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Santa Maria Public Airport District ("District"). This Conflict of Interest Code hereby replaces and supersedes any conflict of interest codes previously adopted by this Board.

The Santa Barbara County Clerk, Recorder and Assessor is the filing officer for the Santa Barbara County Board of Supervisors, which is the code reviewing body for the District (Government Code section 87500). Statements of Economic Interest ("Statements") may be filed online or using a paper Form 700. Statements may be filed online using eDisclosure, which will submit the Form 700 to the Santa Barbara County Clerk, Recorder and Assessor. Statements may also be filed using a paper Form 700 which shall be filed with the District. Upon receipt of the Statement, the District shall retain a copy and forward the original to the Santa Barbara County Clerk, Recorder and Assessor. Statements will be made available for public inspection and reproduction (Government Code Section 81008).

APPENDIX "A"

DESIGNATED POSITIONS

Designated Positions	Disclosure Categories
District Counsel	All categories
Manager of Finance & Administration	All categories
Manager of Operations and Maintenance	All categories
Consultants and New Positions	See note below

***Consultants.** "Consultant" means an individual who, pursuant to a contract with the Santa Maria Public Airport District, either: (A) Makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement; (4) authorize the District to enter into, modify or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in CCR, Title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's conflict of interest code under Government Code section 87302. (CCR, Title 2, section 18701 (a)(2).)[1]

Consultants shall be included in the list of designated employees and disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The General Manager will determine in writing that a particular consultant, although a "designated position", 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 in this section. Such written determination would include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and will be retained for public inspection in the same manner and location as this conflict of interest code.

(continued on next page)

[1] A consultant serves in a capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the district is not deemed a consultant subject to the reporting requirements of this code unless the project or projects extend over a substantial period of time, generally more than one year (*See Smith* Advice Letter, FPPC No. I-99-316; *Travis* Advice Letter, FPPC No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

New Position Added Without Code Revision. If the District creates a new position that requires disclosure without simultaneously amending this code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file an annual Form 700 disclosure of economic interest statement using the broadest disclosure category until the District amends the code to designate the position. Alternatively, the General Manager may designate for any such position or consultant narrower disclosure obligations using FPPC Form 804 or Form 805 as appropriate. (See 2 CCR section 18734.)

Officials Who Manage Public Investments. Officials who manage public investments are deemed to be "statutory filers" within the meaning of Government Code section 87200 and CCR, Title 2, section 18720 because they must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act instead of the District's conflict of interest code. As a result, such persons are not designated in this code and are listed here for information only. The District's statutory fliers are:

Members of the Board of Directors
General Manager

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200.

EXHIBIT 2

"APPENDIX B"

DISCLOSURE CATEGORIES

Category 1: Investments of a business entity or in a business entity which has contracted with the District within the last two years, or in the future may with reasonable foreseeability do so, to provide services of any kind, supplies, materials, machinery or equipment to the District; or manufactures, produces, or processes any of said types of things, and sells or leases them to a business entity which sells or leases them to the District.

Notes to Category 1:
(1) Investments of a business entity shall not be reported under Category 1 unless the designated employee or his spouse owns, directly, indirectly or beneficially, a 10% or greater interest.
(2) No asset is deemed an investment unless its fair market value exceeds $2,000.
(3) Investments of an individual also include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.
(4) Investments in or of a regulated public utility company need not be reported under Category 1.

Category 2: Investments of any value in or any income from any person or business entity who or which is a tenant, licensee, permittee, or concessionaire of the District.

Notes to Category 2:
(1) Income, for purposes of Category 2, includes gifts or payments of any amount or value and property of any value.
(2) An investment is not reportable under Category 2 if its fair market value does not exceed $1,000.

Category 3: Their status as a director, officer, partner, trustee, employee, or holder of a position of management in any of the types of entities referred to in Categories 1 or 2.

Notes to Category 3:
(None)

Category 4: All interests in real property located in the District's Airport Protective Zone, if the fair market value of the interest is greater than one thousand dollars ($1,000).

Notes to Category 4:
(1) For the purposes of this Code the term "District's Airport Protective Zone" means and includes the land owned by the District, the land within the District's Noise Protective Zone as established by the District's Board of Directors, land within the F-Airport Approach Area Combining Zones of Santa Barbara County for the Santa Maria Public Airport, the land within Skyway Industrial Park, Tract No. 5011, and the land extending one-half mile out from the boundaries of the foregoing described land areas.
(2) Interests in real property which is used as the principal residence of the designated employee shall not be reported.
(3) Interests in real property includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.