

Mendocino County Library Advisory Board

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Mendocino County Library Advisory Board ("LAB") will hold its regular Board Meeting at:

1:00 p.m. – Wednesday, July 8, 2026

MEETING LOCATION: Fort Bragg Branch Library, 499 E. Laurel St. Fort Bragg, CA 95437

Microsoft Teams (virtual) Link:

Join: <https://teams.microsoft.com/meet/279923859019543?p=b8lOdVQINpKsyfmV0A>

Meeting ID: 279 923 859 019 543

Passcode: cd9oe9rF

Meeting agendas and attachments available at <https://www.mendolibrary.org/about/library-advisory-board/lab-agendas-and-minutes>

AGENDA

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes of the May 13, 2026, Meeting
4. Public Expression

Note: The Library Advisory Board welcomes public and government participation at its meeting. Items can be added to the official agenda up to 72 hours in advance of the meeting date and time. For items not on the agenda, comments within the jurisdiction of the Board shall be limited to three minutes per person so that everyone may be heard. No more than ten minutes will be devoted to any non-agenda subject. No official action on non-agenda items will be taken by the LAB at the meeting where presented. Individuals wishing to address the Board under Public Expression are welcome to do so throughout the meeting at the appropriate points on the approved Agenda.

5. County Librarian/Director Report – Mellisa Hannum
6. Administrative Services Manager Report – Kelly Hansen
 - a. YTD Report for Library and Capital Investment Budgets (FY25-26)
 - b. Status of FY26-27 Budget
 - c. Grant & Funding Request Updates
 - d. Capital Investment Project Updates
 - New Bookmobile Update
7. Fort Bragg Branch Manager Report – Dan Hess
8. Unfinished Business:
 - a. Discussion of Classification of Library
 - b. Ukiah Feasibility Study Ad-Hoc Committee Report
 - c. Discussion of City of Ukiah & Mendocino County Agreement
9. New Business

- a. Discussion and Possible Recommendation to Use Capital Investment Funds in FY26-27 for:
 - Willits Interior Refresh Design Phase – Budget Adjustment (+\$65,000, Total Contractor Cost = \$115,000)
 - b. Discussion of Brown Act
 - c. Discussion of LAB Schedule
 - November Meeting (11/11) – Holiday
 - Additional Meetings
 - d. Discussion of Interest Income on Capital Improvement Fund from Measure O
10. Announcements and Comments, Adjournment

Attachments:

- General Information
 - LAB 5/13/26 Draft Minutes
 - A Guide to the Ralph M. Brown Act
 - Press Release: Plant a Seed, Read with the Mendocino County Library (Lunch at the Library Program/Grant), Dated 6/8/26
 - Press Release: Library Software Upgrade, Dated 6/25/26
- Fiscal Documents
 - YTD Library Budget
 - Library Budget Review (FY24-25, FY 25-26, FY26-27)
 - FY26-27 Library Budget
 - CEO Proposed Budget FY26-27, Dated 6/2/26

Mendocino County Library Advisory Board *MINUTES FOR LIBRARY ADVISORY BOARD*
MEETING OF May 13, 2026

Members Present: Michele Savoy - Chair, Lew Chichester, Megan Riley, Susan Sher; Linda Thornquist Stumpf; Mellisa Hannum - County Librarian/Director , Kelly Hansen, Administrative Services Manager

Members Remote:

Absent Members: Olga O'Neill - Vice Chair, Jody Nyberg -Secretary,(mandatory jury service) Carole Poma, and David Spradlin

Guests Present: Josh Bennett - Round Valley Branch Manager, Kit Elliot - Interim County Council, Cindy Gonzales - Friends of the Coast Library, Lily Rojo - Department Application Specialist.

1. Call to Order: 1:14 P.M.

2. Approval of the Agenda

Motion to approve the agenda; 1st by Linda, 2nd by Lew Motion approved

3. Approval of the Minutes from the March 12, 2026 meeting

Motion to approve the minutes; 1st by Megan, 2nd by Lew Motion approved

4. **Public Expression:** None

5. **County Librarian/Director report - Mellisa Hannum**

- ARSL Training on how to talk to the Media.
Connect these 3 points;
 - Fact
 - Value
 - Community Benefit
 - To create a sentence that connects all three for a clear and concise way to communicate.
- Bill by US House of Representatives HR7661 to withhold funds for LGBTQ+ books passed by the House Committee and has legs.
- New Website almost ready to go live - July/August with the accessible requirements. Work is being done by Lily, Nayo and Melissa.
- Polaris, the new catalogue system, is on track. No more work on Horizon after July 27. The system will be offline/down for one week but one can still check out books.
- One Book, One Coast with George Takei, online Book Club event on 5/31

6. **Administrative Services Manager's updates: Kelly Hansen**

- YTD Report for Library and Capital Investment budgets

Per Auditor the Library's Operating Transfer In revenue is an annual allocation of non-department general fund dollars which is increased by 2% each year, rather than an actual set percentage of the county property taxes. The General Funds are mostly property tax dollars and the Board of Supervisors calls the funds they give to the library system as "Non-departmental allocation" which was \$2,205,887.00 this fiscal year. Kit said there is a history of setting this amount aside, not an allocation, which is made every year at the Boards' discretion. More questions can be sent to the auditor

As of May 6th we are trending close to our projected budget and will need to draw from our fund reserves to balance as planned. An item to watch for is the possible unexpected overages due to the increased cost of fuel.. To note, in Revenues we are doing better. Expenditures to note, the A87 bill is lower by 5.6% this year. In regards to the Capital Investment budget, the numbers do not reflect 3rd quarter adjustments and non-facility related improvements such as the new catalogue, and website costs will be moved to the operating budget per the direction of the Auditor.

- **Status of FY26-FY27 Budget**

We presented the budget to the Board of Supervisors on May 5 and there will be a public hearing on June 2nd and 3rd with the final budget hearing on June 23. We have no details to share yet. Hopefully we will have more for the July meeting in Fort Bragg.

- **Grant & Funding Request Updates**

California State Library Health Connections Grant - We turned in the application for the “Karl Moyer Memorial Program” a request for \$100,000 which went out in December. We should be hearing sometime this month (May).

- **Capital Improvement Project Updates**

Ukiah Storefront Project Update - Good news, this project is almost done with one repair taking place today.

Willits Roof grant is complete and done. Grant covers 50%

New Bookmobile Update - Mellisa’s idea to request to Congressman Huffman’s Office for our bookmobile to be one of his projects for congressional appropriation was accepted and it could cover up to \$820,000 for the book mobile. The RFP committee met, conducted interviews and selected a top vendor. There were additional discussions regarding the format for the budget reports and how best to present the reports to the LAB members for the information to be most useful; items such as whether to include prior years numbers, or graphs, or multiple years side by side for comparison.

7. Round Valley Branch Manager’s report - Josh Bennett

- We have added the tags to books for the RFID Project and will not use the self check-in aspect of the system.
- Many local community groups use the conference room for meeting space. Some of these groups are: Rum run area, Mac, Blackberry Festival Committee, Round Valley Skate Park project, and the Round Valley Prescribed Burn Association.
- We host many events such as Dia del Nino, April 30, Holiday Book Fiesta, Bilingual Storytime, Earth Day Celebrations which is driven by the Friends of the Library, Round Valley Feather Dancers, Graphic Novel Open House, the Yurok Condor Restoration Program and upcoming events, Banned Book Week, Poetry Readings, Sequoias by the Sea (documentary Film Series), Tai Chi, and Senior Resource Fair sponsored by the Rural Health Connections Grant to help provide alternates to scarce medical resources. Also Bilingual Storytime and Nathaniel Segal Magic for the Summer Reading Project Kick Off.

8. Unfinished Business:

- a. Ukiah Feasibility Study - Ad Hoc Committee report; The County has created an Ad Hoc committee to include Supervisor Maureen Mulheren, Supervisor Madeline Cline and possibly a representative from the City of Ukiah and others to be included to be determined.
- b. A-87 Costs Allocations Committee Report - Regarding how the costs are calculated, there is a formula. Much discussion followed regarding how fees are calculated. "There is a formula. It is reviewed and approved, so there is a process behind it. We might have lots of questions about it. We may not understand everything about it." (from the transcript). There is a financial report from the March meeting that Michele can share if anyone wants to pursue further detail about the A87 costs. Michele asked that we please think over these points and decide where we want to go with this information in the future, as one of the main charters for the Library Advisory Board is to understand what the charges are and where and how the money is spent.

9. New Business:

- a. Discussion and Possible Recommendation to Use Capital Investment Funds in FY26-27 for:
 - Willits Interior Refresh & ADA Upgrades - Budget Adjustment (+\$1,941,000, Total project cost = \$2,541,000)

Design boards, spearheaded by Olga, were in Willits Library for public view, many public comments were received and considered and an architect was selected for next steps. Next steps 1. Inform the LAB members what the full vision refresh and ADA updates would include and cost. The goal is to meet as many interior needs as possible along with ADA updates for the exterior. Outside includes ADA parking spots, walkway, pathway, entryways and a new outside patio near the children's corner. Inside refresh includes, floors, bathrooms, efficient lighting, new furniture and stacks, carpets, and HVAC updates. The expectation is that the library will close for 1 year. They will have a small presence in an alternate location for customers to pick up holds in addition to a possible book mobile stop. The current branch staff will be assigned alternate tasks, such as the RFID tagging project, and some will work in alternate locations as supporting staffs in Ukiah and Laytonville. Total cost is \$2.541 million. Initial budget allocation was \$600,000 so we need to increase the budget by \$1.9 million to meet the total amount needed.

Motion to approve this budget adjustment; 1st by Lew 2nd by Susan Motion Approved

- Willits Roof Project - Budget Adjustment (+\$33,491, Total Projection Cost = \$349,000)

Correcting an adjustment to bring down the budget as it was brought down too low and this is to adjust it back up to the actual cost.

Motion to approve this budget adjustment; 1st by Lew 2nd by Linda Motion Approved

- Ukiah Storefront Project - Budget Adjustment (+\$17,500, Total Project Cost = \$100,000)

Adjust to cover additional costs to install the book drop, reinstall the free little library etc. to meet final actual cost. We are waiting on repairs to the ADA system which also

impacts the doors locking properly. Final payment being withheld until repairs finished.

Motion to approve these budget adjustments; 1st by Susan 2nd by Linda Motion Approved

- b. Discussion of Strategic Use of Capital Investment Funds and Aligning Fiscal Strategy with Organizational Investment

Melissa is requesting we approve a policy to establish equal allocations for all library branches. She would like the methodology to be equitable when looking at how we will apportion funds going forward. There is a general consensus that the policy or methodology will be that funds shall be allocated equitably, with a recommendation that every year we will set aside at least \$300,000 as a reserve for emergencies and contingencies.

Motion was made for equal allocations for all branches. 1st by Megan 2nd by Lew Motion Approved

- c. Discussion of Required Resources for Ukiah Library Alternate Location

There are concerns about whether or not there is a long term lease as Susan has asked numerous city council members and no one has been able to provide the lease. She says there is definitely a communication gap. We propose to spend 2 million dollars in the next couple years on a leased building? Kelly says there is a long term lease and they have a copy which they will provide and share with the city.

Kelly shared High / Low Operating Budget Models for two 20,000 sq. ft libraries to help members visualize the possible impact on the current library operating budgets should the Ukiah branch move to a larger space. The reality is that the current operating budget for the 14,000 sq ft library increasing would be greatly challenged to support the larger space. While the LAB and Library can continue to embrace opportunities for a new larger space, understanding that the Library fund would need to be supported by additional funds from the city, the state, the community, the friends of the library and grants and generous donors to support a significant increase in operating expenses for the Ukiah branch library. The operating budget is severely constrained by current needs and the fact that revenues are growing at a moderate pace (2% annually). Let's also look at if there are other possibilities for an alternate library presence in this new developing space on East Perkins. Perhaps an Open Plus model? Free lending library, etc.

- d. Discussion of Brown Act - Melissa requested that this item be tabled until the July meeting. Kelly said when emailing each other the LAB members it is best to blind copy (bcc) other members to avoid reply all emails and limit opportunities for unintentional Brown Act violations.

- e. LAB Schedule

- July Meeting - LAB packet to be posted early on July 2nd due to the holiday.
- November Meeting (11/11) - holiday - We need to reschedule this meeting due to it falling on a holiday. Follow up with the July agenda.

10. Announcements and Comments Adjournment

Time and date of next board meeting, July 8, 2026 Covelo

Motion to adjourn the meeting: 1st by Susan 2nd by Linda Motion approved

Meeting adjourned at 3:10 P.M.

Open & Public VI

A GUIDE TO THE RALPH M. BROWN ACT

REVISED JANUARY 2024



ACKNOWLEDGMENTS

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Open & Public VI

A GUIDE TO THE RALPH M. BROWN ACT

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IT IS THE PEOPLE’S BUSINESS

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Chapter 1

IT IS THE PEOPLE'S BUSINESS



The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the act's initial section, declaring the Legislature's intent:

"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."¹

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."²

The Brown Act's other unchanged provision is a single sentence:

"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."³

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates, or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference or videoconference.

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Social Media posts, comments, and “likes” can result in a Brown Act violation. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions, and some state legislatures have banned the practice. On the other hand, widespread video streaming and videoconferencing of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to ensure that local government agencies conduct the public’s business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.⁴

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multimember government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency’s business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.⁵

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents and staff. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

Public participation in meetings

In addition to requiring the public’s business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public’s participation is further enhanced by the Brown Act’s requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and limits on the time allotted to each speaker. For more information, see chapter 4.

PRACTICE TIP: Think of the government’s house as being made of glass. The curtains may be drawn only to further the public’s interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Some public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately, such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and businesslike, but it may be perceived as unresponsive and untrustworthy.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling, for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.⁶ Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly.
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time.



- A local agency's right to confidentially address certain negotiations, personnel matters, claims, and litigation.
- The right of the press to fully understand and communicate public agency decision-making.

A detailed and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law and look at its unique circumstances to determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action are to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series titled "Your Secret Government" that ran in May and June 1952.

Out of the series came a decision to push for a new state open-meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill, and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open-meeting laws, such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open-meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at <https://www.calcities.org/home/resources/open-government2>. A current version of the Brown Act may be found at <https://leginfo.ca.gov>.

ENDNOTES

- 1 Cal. Gov. Code, § 54950.
- 2 Cal. Const., Art. 1, § 3, subd. (b)(1).
- 3 Cal. Gov. Code, § 54953, subd. (a).
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Const., Art. 1, § 3, subd. (b)(2).
- 5 Cal. Gov. Code, § 54952.2, subds. (b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533.
- 6 Cal. Gov. Code, § 54953.7.



Chapter 2

LEGISLATIVE BODIES

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Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines “legislative body” broadly to include just about every type of decision-making body of a local agency.¹



What is a “legislative body” of a local agency?

A “legislative body” includes the following:

- The “**governing body** of a local agency” and certain of its subsidiary bodies; “or any other local body created by state or federal statute.”² This includes city councils, boards of supervisors, school boards, and boards of trustees of special districts. A “local agency” is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision, or other local public agency.³ A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.⁴ The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.⁵ Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.⁶

- **Newly elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.⁷ Thus, meetings between incumbents and newly elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

- Q.** On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?
- A.** *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation, but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions, and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.⁸
- **Standing committees** of a legislative body, irrespective of their composition, which have either (1) a continuing subject matter jurisdiction or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.⁹ Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates committees on budget and finance or on public safety that are not limited in duration or scope, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee “shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.¹⁰ “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹¹ A majority of the members of a legislative body may attend an open and public meeting of a standing committee of that body, provided the members who are not part of the standing committee only observe.¹² For more information, see chapter 3.
- The governing body of any **private organization** either (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company, or other entity or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.¹³ These include some nonprofit corporations created by local agencies.¹⁴ If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.¹⁵ When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.¹⁶

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a nonexempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

- Q.** The local chamber of commerce is funded in part by the city. The mayor sits on the chamber's board of directors. Is the chamber board a legislative body subject to the Brown Act?
- A.** *Maybe. If the chamber's governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*
- Q.** If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?
- A.** *Yes. But if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital) first leased under Health and Safety Code subsection 32121(p) after Jan. 1, 1994, which exercises "material authority" delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.¹⁷

What is not a "legislative body" for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.¹⁸ Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.¹⁹
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.²⁰

- Q.** A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?
- A.** *No, because the committee has not been established by formal action of the legislative body.*
- Q.** During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?
- A.** *Possibly, because the direction from the city council might be regarded as a formal action of the body, notwithstanding that the city manager controls the committee.*

- Individual decision-makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads is not subject to the Brown Act since such assemblies are not those of a legislative body.²¹
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.²²
- County central committees of political parties are also not Brown Act bodies.²³

Legal counsel for a governing body is not a member of the governing body, therefore, the Brown Act does not apply to them. But counsel should take care not to facilitate Brown Act violations by members of the governing body.²⁴

ENDNOTES

- 1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127.
- 2 Cal. Gov. Code, § 54952, subds. (a) and (b).
- 3 Cal. Gov. Code, § 54951; Cal. Health & Saf. Code, § 34173, subd. (g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Cal. Ed. Code § 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
- 4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550.
- 5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990).
- 6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354, 362.
- 7 Cal. Gov. Code, § 54952.1.
- 8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805.
- 9 Cal. Gov. Code, § 54952, subd. (b)
- 10 79 Ops.Cal.Atty.Gen. 69 (1996).
- 11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793.
- 12 Cal. Gov. Code § 54952, subd. (c)(6).
- 13 Cal. Gov. Code, § 54952, subd. (c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996, who, after that date, is made a nonvoting board member by the legislative body. Cal. Gov. Code § 54952, subd. (c)(2).
- 14 Cal. Gov. Code, § 54952(c)(1)(A); *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300; *Epstein v. Hollywood Entertainment Dist. II Business Improvement District* (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002).
- 15 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300 fn. 5.
- 16 "The Brown Act, Open Meetings for Local Legislative Bodies," California Attorney General's Office (2003), p. 7.

- 17 Cal. Gov. Code, § 54952, subd. (d).
- 18 Cal. Gov. Code, § 54952, subd. (b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.
- 19 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129.
- 20 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973).
- 21 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879.
- 22 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513.
- 23 59 Ops.Cal.Atty.Gen. 162, 164 (1976).
- 24 *GFRCO, Inc. v. Superior Court of Riverside County* (2023) 89 Cal.App.5th 1295, 1323; *Stockton Newspapers, Inc. v. Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95, 105 (a series of individual telephone calls between the agency attorney and the members of the body constituted a meeting).



Chapter 3

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Chapter 3

MEETINGS



The Brown Act only applies to meetings of local legislative bodies. It defines a meeting as “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 any action on any item that is within the subject matter jurisdiction of the legislative body.”¹ The term *meeting* is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.²

Brown Act meetings

Brown Act meetings include a legislative body’s regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **“Regular meetings”** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.³
- **“Special meetings”** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act’s notice requirements for special meetings and are subject to 24-hour posting requirements.⁴
- **“Emergency meetings”** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.⁵
- **“Adjourned meetings”** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.⁶

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:⁷

Individual contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on their own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, as long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.

Community meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

"I see we have four distinguished members of the city council at our meeting tonight," said the chair of the Environmental Action Coalition. "I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?"

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

- Q.** The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for reelection and all three participate. All of the candidates are asked their views on a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?
- A.** Yes, because the chamber of commerce, not the city, is organizing the debate. The city should not sponsor the event or assign city staff to help organize or run the event. Also, the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates. Finally, incumbents participating in the event should take care to limit their remarks to the program set by the chamber and safeguard due process by indicating they will keep an open mind regarding specific applications that might come before the council.
- Q.** May the three incumbents accept an invitation from the editorial board of a local paper to all candidates to meet as a group and answer questions about and/or debate city issues?
- A.** No, unlike the chamber of commerce event, this would not be allowed under the Brown Act because it is not an open and publicized meeting.

Other legislative bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of (1) another body of the local agency and (2) a legislative body of another local agency.⁸ Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony, trying to influence the outcome of proceedings before a subordinate body, or discussing the merits with interested parties.

Q. The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?

A. *No, because the members are attending and participating in an open meeting of another governmental body that the public may attend.*

Q. The members then proceed upstairs to the office of their local assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?

A. *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the assembly member.*

Standing committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting, and they must sit where members of the public sit).⁹

Q. The legislative body establishes a standing committee of two of its five members that meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?

A. *She may attend, but only as an observer; she may not participate.*

Q. Can the legislative body establish multiple standing committees with partially overlapping jurisdiction?

A. *Yes. One result of this overlap in jurisdiction may be that three or more of the members of the legislative body ultimately end up discussing an issue as part of a standing committee meeting. This is allowed under the Brown Act provided each standing committee meeting is publicly noticed and no more than two of the five members discuss the issue at any given standing committee meeting.*

Social or ceremonial events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attend the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. As long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.¹⁰ This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements. Staff may provide written briefings (e.g., staff updates, emails from the city manager, confidential memos from the city attorney) to the full legislative body, but apart from privileged memos, the written materials may be subject to disclosure as public records as discussed in chapter 4.

Retreats, trainings, and workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, trainings, or workshops are subject to the requirements of the Brown Act. This is the case whether the gathering focuses on long-range agency planning, discussion of critical local issues, satisfying state-mandated ethics training requirements, or team building and group dynamics.¹¹



Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings include only a portion of a legislative body, but eventually they comprise a majority. The Brown Act provides that “[a] majority of the members of a legislative body shall not, outside a meeting ... 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.”¹² The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a “daisy chain” or a “hub and spoke” sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D, and so on until a quorum has discussed, deliberated, or taken action on an item within the legislative body’s subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, D, and so on (the spokes) until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body

or one of its members, communicates with a majority of members (the spokes) one by one for discussion, deliberation, or a decision on a proposed action.¹³ Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members’ respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “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.”¹⁴

The Brown Act is violated, however, if several one-on-one meetings or conferences lead to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum



Photo credit: Courtesy of the City of West Hollywood. Photo by Jon Viscott.

of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.¹⁵

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.¹⁶ Such a memo, however, may be a public record.¹⁷

The phone call was from a lobbyist. "Say, I need your vote for that project in the south area. How about it?"

"Well, I don't know," replied Board Member Aletto. "That's kind of a sticky proposition. You sure you need my vote?"

"Well, I've got Bradley and Cohen lined up and another vote leaning. With you, I'd be over the top."

Moments later, the phone rings again. "Hey, I've been hearing some rumbles on that south area project," said the newspaper reporter. "I'm counting noses. How are you voting on it?"

The lobbyist and the reporter are facilitating a violation of the Brown Act. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking, "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "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."¹⁸ Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation, or action taken among the majority of the legislative body.

"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."

"Glad to be of assistance," replied the planning director. "I'm sure Council Member Jones is OK with these changes. How are you leaning?"

"Well," said Council Member Kim, "I'm leaning toward approval. I know that two of my colleagues definitely favor approval."

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

- Q.** Various social media platforms and websites include forums where agency employees and officials can discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?
- A.** Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.
- Q.** A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?
- A.** No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply all” option that may inadvertently result in a Brown Act violation. Staff should consider using the “bcc” (blind carbon copy) option when addressing an email to multiple members of the legislative body and remind recipients not to “reply all.”

Social media should also be used with care. A member of the legislative body cannot respond directly to any communication on an internet-based social media platform that is made, posted, or shared by any other member of the legislative body. This applies to matters within the subject matter jurisdiction of the legislative body. For example, if one member of a legislative body “likes” a social media post of one other member of the same body, that could violate the Brown Act, depending on the nature of the post.¹⁹

Finally, electronic communications (such as text messaging) among members of a legislative body during a public meeting should be discouraged. If such communications are sent to a majority of members of the body, either directly or through an intermediary, on a matter on the meeting agenda, that could violate the Brown Act. Electronic communications sent to less than a majority of members of the body during a quasi-judicial proceeding could potentially raise due process concerns, even if not per se prohibited by the Brown Act. Additionally, some legislative bodies have rules governing electronic communications during meetings of the legislative body and how their members should proceed if they receive a communication on an agenda item that is not part of the record or not part of an agenda packet.

Informal gatherings

Members of legislative bodies are often tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.²⁰ A gathering at which a quorum of the legislative body discusses matters within their jurisdiction violates the Brown Act even if that gathering occurs in a public place. The Brown Act is not satisfied by public visibility alone. It also requires public notice and an opportunity to attend, hear, and participate.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop's Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive's presence does not lessen the potential for a violation of the Brown Act.

Technological conferencing

Except for certain non-substantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But in an effort to keep up with modern technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.²¹ While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

Teleconference is defined as “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.”²² In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:²³

- Teleconferencing may be used for all purposes during any meeting.
- At least a quorum of the legislative body must participate from locations within the local agency's jurisdiction.
- Additional teleconference locations may be made available for the public.
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable.
- Agendas must be posted at each teleconference location, even if a hotel room or a residence.
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
- All votes must be by roll call.



Photo credit: Courtesy of the City of West Hollywood. Photo by Jon Viscott.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C., to New York. May she?

A. *She may not participate or vote because she is not in an open, noticed, and posted teleconference location.*

Until Jan. 1, 2026, teleconferencing may also be used on a limited basis where a member indicates their need to participate remotely for “just cause” (e.g., childcare or a contagious illness) or due to

“emergency circumstances” (e.g., a physical or family medical emergency).

This teleconferencing option has extremely detailed requirements, and careful review is needed. If the City experiences a technical issue that prevents members of the public from viewing the meeting and/or offering comments virtually, then no further action can be taken until the technical issue is resolved.²⁴

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.²⁵

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:²⁶

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party.
- Inspect real or personal property that cannot be conveniently brought into the local agency’s territory, provided the meeting is limited to items relating to that real or personal property.

Q. The agency is considering approving a major retail mall. The developer has built other similar malls and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice.
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction.



- Meet with elected or appointed federal or California officials 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.
- 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.
- Visit the office of its legal counsel for a closed session on pending litigation when to do so would reduce legal fees or costs.²⁷

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential employee from another district.²⁸ A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.²⁹

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.³⁰ State law has also allowed for virtual meetings under certain emergency situations.³¹

ENDNOTES

- 1 Cal. Gov. Code, § 54952.2, subd. (a).
- 2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870.
- 3 Cal. Gov. Code, § 54954, subd. (a).
- 4 Cal. Gov. Code, § 54956.
- 5 Cal. Gov. Code, § 54956.5.
- 6 Cal. Gov. Code, § 54955.
- 7 Cal. Gov. Code, § 54952.2, subd. (c).
- 8 Cal. Gov. Code, § 54952.2, subd. (c)(4).
- 9 Cal. Gov. Code, § 54952.2, subd. (c)(6). See 81 Ops.Cal.Atty.Gen. 156 (1998).
- 10 Cal. Gov. Code, § 54953.1.
- 11 "The Brown Act," California Attorney General (2003), p. 10.
- 12 Cal. Gov. Code, § 54952.2, subd. (b)(1).
- 13 *Stockton Newspapers, Inc. v. Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95.
- 14 Cal. Gov. Code, § 54952.2, subd. (b)(2).
- 15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518.
- 16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.
- 17 Cal. Gov. Code, § 54957.5, subd. (a).
- 18 Cal. Gov. Code, § 54952.2, subd. (b)(2).
- 19 Cal. Gov. Code, § 54952.2, subd. (b)(3).

- 20 Cal. Gov. Code, § 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964).
- 21 Cal. Gov. Code, § 54953, subd. (b)(1).
- 22 Cal. Gov. Code, § 54953, subd. (b)(4).
- 23 Cal. Gov. Code, § 54953. Until Jan. 1, 2024, the legislative body could use teleconferencing “during a proclaimed state of emergency” by the Governor in specified circumstances, and teleconference locations were exempt from certain requirements, such as identification in and posting of the agenda.
- 24 Cal Gov. Code, § 54953, subd. (f) (which will become Govt. §54953(e) as of Jan. 1, 2024).
- 25 Cal. Gov. Code, § 54954, subd. (b).
- 26 Cal. Gov. Code, § 54954, subd. (b)(1)-(7).
- 27 94 Ops.Cal.Atty.Gen. 15 (2011).
- 28 Cal. Gov. Code, § 54954, subd. (c).
- 29 Cal. Gov. Code, § 54954, subd. (d).
- 30 Cal. Gov. Code, § 54954, subd. (e).
- 31 Cal. Gov. Code, § 54953, subd. (e) (exp. January 1, 2026).



Chapter 4

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Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.”¹ The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this provision to require posting in a location open and accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.² This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.³ While posting an agenda on an agency’s internet website will not, by itself, satisfy the “freely accessible” requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if (1) the local agency has a website and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body or (b) has members that are compensated, with one or more members that are also members of a governing body.⁴

- Q.** May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city’s website or if the website was not operational during part or all of the 72-hour period preceding the meeting?
- A.** *At a minimum, the Brown Act calls for “substantial compliance” with all agenda posting requirements, including posting to the agency website.⁵ Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties that cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.⁶ This inquiry requires a fact-specific examination of whether the agency or its legislative body made “reasonably effective efforts to notify interested persons of a public meeting” through online posting and other available means.⁷ The Attorney General’s opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public*

awareness, among other factors.⁸ For these reasons, obvious website technical difficulties might not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

The agenda must state the meeting time and place and must 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.”⁹ For a discussion of descriptions for open and closed-session agenda items, see chapter 5. Special care should be made to describe on the agenda each distinct action to be taken by the legislative body, while an overbroad description of a “project” must be avoided if the “project” is actually a set of distinct actions, in which case each action must be listed separately on the agenda.¹⁰ For example, the listing of an “initiative measure” alone on an agenda was found insufficient where the agency was also deciding whether to accept a gift from the measure proponent to pay for the election.¹¹

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street.
- Consideration of a contract with ABC Consulting.

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read, “Consideration of a contract with ABC Consulting in the amount of \$50,000 for traffic engineering services regarding traffic on Eighth Street.”*

Q. The agenda includes an item entitled City Manager’s Report, during which time the city manager provides a brief report on notable topics of interest, none of which is listed on the agenda.

Is this permissible?

A. *Yes, as long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed-session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions.¹² Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted or upon distribution to all, or a majority of all, of the members of the legislative body, whichever occurs first. If the local agency has an internet website, this requirement can be satisfied by emailing a copy of, or website link to, the agenda or agenda packet if the person making the request asks for it to be emailed. Further, if requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.¹³



Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed. Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation and each radio and television station that has requested such notice in writing. This notice must be delivered at least 24 hours before the time of the meeting by personal delivery or any other means that ensures receipt.

The notice must state the time and place of the meeting as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda, that is, with a brief general description. Some items must appear on a regular, not special, meeting agenda (e.g., general law city adoption of an ordinance or consideration of local agency executive compensation).¹⁴

As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: at a site that is freely accessible to the public, and on the agency's website if (1) the local agency has a website and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body or (b) has members that are compensated, with one or more members that are also members of a governing body.¹⁵

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.¹⁶ If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.¹⁷ A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.¹⁸

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.¹⁹ News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.

News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.²⁰

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member's official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.²¹ However, they are generally consistent with the Brown Act. An item is probably void if not posted.²² A school district board must also adopt regulations to make sure the public can place matters affecting the district's business on meeting agendas and can address the board on those items.²³

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.²⁴ Although written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments, as those are governed by the California Constitution, Article XIII C or XIII D, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a



mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.²⁵ As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.

Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:²⁶

- When a majority decides there is an “emergency situation” (as defined for emergency meetings).
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action, and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go-ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

- First, make two determinations: (1) that there is an immediate need to take action and (2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on their own activities.²⁷ However, caution should be used to avoid any discussion or action on such items.



Council Member Jefferson: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street. Are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute PowerPoint presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council’s agenda but was raised during the public comment period for items not on the agenda. Council Member Jefferson properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public's right to attend, observe, and participate in meetings.

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 a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.²⁸

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.²⁹ This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.³⁰

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.³¹

Action by secret ballot, whether preliminary or final, is flatly prohibited.³²

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.³³

Q. The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A. *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt or disrupt proceedings.³⁴ Ejection is justified only when audience members actually disrupt the proceedings,³⁵ or, alternatively, if the presiding member of the legislative body warns a person that their behavior is disruptive and that continued disruption may result in their removal (but no prior warning is required if there is a use of force or true threat of force).³⁶ If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. 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 establish a procedure to readmit an individual or individuals not responsible for the disturbance.³⁷

Records and recordings

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.³⁸ A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.³⁹

- Q.** In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?
- A.** *No. The memorandum is a privileged attorney-client communication.*
- Q.** In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?
- A.** *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*

A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A nonexempt or otherwise non-privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose, and the agendas for all meetings of the legislative body must include the address of this office or location.⁴⁰ The location designated for public inspection must be open to the public, not a locked or closed office. Alternatively, the documents can be posted on the city's website for public review if statutory requirements are met.⁴¹

A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body.
- After the meeting if prepared by some other person.⁴²

This requirement does not prevent assessing a fee or deposit for providing a copy of a public record pursuant to the California Public Records Act except where required to accommodate persons with disabilities.⁴³

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.⁴⁴ The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.⁴⁵

In addition, the public is specifically allowed to use audio or videotape recorders or still or motion picture cameras at a meeting to record meetings of legislative bodies, absent a reasonable finding by the body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.⁴⁶

PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record but must respect a speaker's desire for anonymity.

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.⁴⁷

The public's right to speak during a meeting

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, as long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.⁴⁸

Q. Must the legislative body allow members of the public to show videos or make a PowerPoint presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the Brown Act, as well as case law, prevents legislative bodies from prohibiting public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself.⁴⁹ However, this prohibition does not provide immunity for defamatory statements.⁵⁰

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that purely campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section where relevant to the governing of the agency and an implicit criticism of the incumbents' performance of city business.*

The legislative body may adopt reasonable regulations, including a limit on the total time permitted for public comment and a limit on the time permitted per speaker.⁵¹ Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.⁵²

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a regular (but not special) public meeting if all interested members of the public had the opportunity to

speaking on the item before or during its consideration, and if the item has not been substantially changed.⁵³

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.⁵⁴

ENDNOTES

- 1 Cal. Gov. Code, § 54954.2, subd. (a)(1).
- 2 78 Ops.Cal.Atty.Gen. 327 (1995).
- 3 88 Ops.Cal.Atty.Gen. 218 (2005).
- 4 Cal. Gov. Code, §§ 54954.2, subd. (a)(1) and 54954.2, subd. (d).
- 5 Cal. Gov. Code, § 54960.1, subd. (d)(1).
- 6 99 Ops.Cal.Atty.Gen. 11 (2016).
- 7 *North Pacifica LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432.
- 8 99 Ops.Cal.Atty.Gen. 11 (2016).
- 9 Cal. Gov. Code, § 54954.2, subd. (a)(1).
- 10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of California Environmental Quality Act [CEQA] action [mitigated negative declaration] without specifically listing it on the agenda violates the Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis). See also *GI Industries v. City of Thousand Oaks* (2022) 84 Cal.App.5th 814 (depublished) (Brown Act requires CEQA finding of exemption to be listed on agenda items that are projects under CEQA).
- 11 *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194.
- 12 Cal. Gov. Code, § 54954.5.
- 13 Cal. Gov. Code, § 54954.1.
- 14 Cal. Gov. Code, §§ 36934; 54956, subd. (b).
- 15 Cal. Gov. Code, § 54956, subds. (a) and (c).
- 16 Cal. Gov. Code, § 54955.
- 17 Cal. Gov. Code, § 54954.2, subd. (b)(3).
- 18 Cal. Gov. Code, § 54955.1.
- 19 Cal. Gov. Code, § 54956.5.
- 20 Cal. Gov. Code, § 54952.3.
- 21 Cal. Edu. Code, §§ 35144, 35145, and 72129.
- 22 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196.
- 23 Cal. Edu. Code, § 35145.5.
- 24 Cal. Edu. Code, § 54954.6.
- 25 See Cal. Const. Art. XIII C, XIII D; Cal. Gov. Code, § 54954.6, subd. (h).
- 26 Cal. Gov. Code, § 54954.2, subd. (b).
- 27 Cal. Gov. Code, § 54954.2, subd. (a)(2); *Cruz v. City of Culver City* (2016) 2 Cal.App.5th 239 (six-minute colloquy on non-agenda item with staff answering questions and advising that matter could be placed on future agenda fell within exceptions to discussing or acting upon non-agenda items).



- 28 Cal. Gov. Code, § 54953.3.
- 29 Cal. Gov. Code, § 54961, subd. (a); Cal. Gov. Code, § 11135, subd. (a).
- 30 Cal. Gov. Code, § 54952.2, subd. (c)(2).
- 31 Cal. Gov. Code, § 54953, subd. (b).
- 32 Cal. Gov. Code, § 54953, subd. (c).
- 33 Cal. Gov. Code, § 54953, subd. (c)(2).
- 34 Cal. Gov. Code, §§ 54957.9, 54957.95.
- 35 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed toward mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit “insolent” remarks by members of the public absent actual disruption); but see *Kirkland v. Luken* (S.D. Ohio 2008) 536 F.Supp.2d 857 (finding no First Amendment violation by mayor for turning off microphone and removing speaker who used foul and inflammatory language that was deemed as “likely to incite the members of the audience during the meeting, cause disorder, and disrupt the meeting”).
- 36 Cal. Gov. Code, § 54957.95.
- 37 Cal. Gov. Code, § 54957.9.
- 38 Cal. Gov. Code, § 54957.5.
- 39 Cal. Gov. Code, § 54957.5, subd. (d).
- 40 Cal. Gov. Code, § 54957.5(b); see also *Sierra Watch v. Placer County* (2021) 69 Cal.App.5th 1.
- 41 Cal. Gov. Code § 54957.5.
- 42 Cal. Gov. Code, § 54957.5, subd. (c).
- 43 Cal. Gov. Code, § 54957.5, subd. (d).
- 44 Cal. Gov. Code, § 54953.5, subd. (b).
- 45 Cal. Gov. Code, § 54957.5, subd. (d).
- 46 Cal. Gov. Code, § 54953.5, subd. (a).
- 47 Cal. Gov. Code, § 54953.6.
- 48 Cal. Gov. Code, § 54954.3, subd. (a).
- 49 Cal. Gov. Code, § 54954.3, subd. (c); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800.
- 50 Cal. Gov. Code, § 54954.3, subd. (c).
- 51 *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150 (public comment time limit of three minutes for each speaker did not violate First Amendment).
- 52 Cal. Gov. Code, § 54954.3, subd. (b); *Chaffee v. San Francisco Public Library Commission* (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992).
- 53 Cal. Gov. Code, § 54954.3, subd. (a); *Preven v. City of Los Angeles* (2019) 32 Cal.App.5th 925.
- 54 Cal. Gov. Code, § 54954.3, subd. (a).



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Chapter 5

CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.¹



As summarized in chapter 1 of this guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.² The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. However, there is no prohibition in putting overlapping exceptions on an agenda in order to provide an opportunity for more robust closed session discussions. As an example, a city council cannot give direction to the city manager about a property

negotiation during a performance evaluation exception. However, if both real property negotiation and performance evaluation exceptions are on the agenda, those discussions might be conducted. Similarly, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.³

In this chapter, the grounds for convening a closed session are called "exceptions" because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions applies to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),⁴ the Brown Act does not authorize closed sessions for other contract negotiations.

Agendas and reports

Closed session items must be briefly described on the posted agenda, and the description must state the specific statutory exemption.⁵ An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly put on the agenda as a

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

closed session item or unless it is properly added as a closed-session item by a two-thirds vote of the body after making the appropriate urgency findings.⁶

The Brown Act supplies a series of fill-in-the-blank sample agenda descriptions for various types of authorized closed sessions that provide a “safe harbor” from legal attacks. These sample agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multijurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor’s Office.⁷

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda, and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.⁸ The legislative body must take public comment on the closed session item before convening in a closed session.

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report vary according to the reason for the closed session and the action taken.⁹ The announcements may be made at the site of the closed session, as long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.¹⁰

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential “minute book” be kept to record actions taken at closed sessions.¹¹ If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.¹² A court may order the disclosure of minute books for the court’s review if a lawsuit makes sufficient claims of an open meeting violation.

Litigation

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation.¹³ The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. Essentially, a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.¹⁴ The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body’s conferring with its own legal counsel and required support staff.¹⁵ For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.¹⁶

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

The California Attorney General has opined that if the agency's attorney is not a participant, a litigation closed session cannot be held.¹⁷ In any event, local agency officials should always consult the agency's attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.¹⁸

Existing litigation

- Q.** May the legislative body agree to settle a lawsuit in a properly noticed closed session without placing the settlement agreement on an open session agenda for public approval?
- A.** Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.¹⁹

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local

agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.²⁰

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on "existing facts and circumstances" as defined by the Brown Act.²¹ The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the "existing facts and

circumstances" must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff. If an agency receives a documented threat of litigation, and intends to discuss that matter in closed session, the record of a litigation threat must be included in the body's agenda packet.²²



Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed session. Other actions, such as when final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.²³ Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A "lease" includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body's negotiator on price and terms of payment.²⁴ Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues, such as site design, architecture, or other aspects of the project for which the transaction is contemplated.²⁵

Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase "price and terms of payment" in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of "price and terms of payment." Others take a narrower, more literal view of the phrase.*

The agency's negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern,²⁶ and the names of the parties with whom its negotiator may negotiate.²⁷

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person as soon as the agency is informed of it.²⁸

"Our population is exploding, and we have to think about new school sites," said Board Member Jefferson.

"Not only that," interjected Board Member Tanaka, "we need to get rid of a couple of our older facilities."

"Well, obviously the place to do that is in a closed session," said Board Member O'Reilly. "Otherwise we're going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar."

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

Public employment

The Brown Act authorizes a closed session “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.”²⁹ The purpose of this exception — commonly referred to as the “personnel exception” — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.³⁰ The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.³¹ That authority may be delegated to a subsidiary appointed body.³²

An employee must be given at least 24 hours’ notice of any closed session convened to hear specific complaints or charges against them. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,³³ and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.³⁴ The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.³⁵ If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.³⁶

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.³⁷

- Q.** Must 24 hours’ notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?
- A.** No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.³⁸ An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager, or superintendent. Examples of the latter include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.³⁹ Action on individuals who are not “employees” must also be public — including discussing and voting on appointees to committees, debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay. That means, among other things, there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee’s ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.⁴⁰ However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.⁴¹

“I have some important news to announce,” said Mayor Garcia. “We’ve decided to terminate the contract of the city manager effective immediately. The council has met in closed session, and we’ve negotiated six months’ severance pay.”

“Unfortunately, that has some serious budget consequences, so we’ve had to delay phase two of the East Area Project.”

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager’s evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution must be exercised not to discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,⁴² on employee salaries and fringe benefits for both represented (“union”) and unrepresented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an “employee” includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.⁴³

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.⁴⁴

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.⁴⁵ The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization.
2. A meeting of a mediator with either side.
3. A hearing or meeting held by a fact finder or arbitrator.
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.⁴⁶

Public participation under the Rodda Act also takes another form.⁴⁷ All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.⁴⁸ The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.⁴⁹

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.⁵⁰ Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.⁵¹

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

Joint powers authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.⁵²

License applicants with criminal records

A closed session is permitted when an applicant who has a criminal record applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw it, the body must deny the license in public, either immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.⁵³

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings; essential public services, including water, sewer, gas, or electric service; or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials, including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.⁵⁴ Action taken in closed session with respect to such public security issues is not reportable action.

Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an ongoing criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.⁵⁵

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.⁵⁶

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals under other provisions of law:⁵⁷

1. A meeting to hear reports of hospital medical audit or quality assurance committees or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.



A “trade secret” is defined as information that is not generally known to the public or competitors and that (1) “derives independent economic value, actual or potential” by virtue of its restricted knowledge; (2) is necessary to initiate a new hospital service or program or facility; and (3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district’s dissolution.⁵⁸

Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to review the Brown Act carefully to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently

encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including a response to a confidential final draft audit report from the Bureau of State Audits,⁵⁹ consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,⁶⁰ hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medical services,⁶¹ discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations concerning rates of payment,⁶² and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.⁶³

PRACTICE TIP: Meetings are either open or closed. There is nothing “in between.”⁶⁴

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official or essential role in the closed session subject matters must be excluded from closed sessions.⁶⁵

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency’s advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.⁶⁶ It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.⁶⁷ Only the legislative body acting as a body may agree to divulge confidential closed session information. With regard to attorney-client privileged communications, the entire body is the holder of the privilege, and only the entire body can decide to waive the privilege.⁶⁸

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information regarding pending litigation that was received during a closed session,⁶⁹ though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.⁷⁰ In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief and, if the breach is a willful disclosure of confidential information, disciplinary action against an employee and referral of a member of the legislative body to the grand jury.⁷¹

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure (1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; (2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or (3) is information that is not confidential.⁷²

The interplay between these possible sanctions and an official’s First Amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

“I want the press to know that I voted in closed session against filing the eminent domain action,” said Council Member Chang.

“Don’t settle too soon,” reveals Council Member Watson to the property owner, over coffee. “The city’s offer coming your way is not our bottom line.”

The first comment to the press may be appropriate if it is a part of an action taken by the city council in closed session that must be reported publicly.⁷³ The second comment to the property owner is not. Disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

ENDNOTES

- 1 Cal. Gov. Code, § 54962.
- 2 Cal. Const. , Art. 1, § 3.
- 3 61 Ops.Cal.Atty.Gen. 220 (1978); but see Cal. Gov. Code, § 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations and other related matters).
- 4 Cal. Gov. Code, § 54957.1.
- 5 Cal. Gov. Code, § 54954.5.
- 6 Cal. Gov. Code, § 54954.2.
- 7 Cal. Gov. Code, § 54954.5.
- 8 Cal. Gov. Code, §§ 54956.9, 54957.7.
- 9 Cal. Gov. Code, § 54957.1, subd. (a).
- 10 Cal. Gov. Code, § 54957.1, subd. (b).
- 11 Cal. Gov. Code, § 54957.2.
- 12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal. Code Regs. § 18707.
- 13 But see *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363 (protection of the attorney-client privilege alone cannot by itself be the reason for a closed session).
- 14 Cal. Gov. Code, § 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
- 15 82 Ops.Cal.Atty.Gen. 29 (1999).
- 16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471.
- 17 “*The Brown Act*,” California Attorney General (2003), p. 40.
- 18 Cal. Gov. Code, § 54956.9, subd. (g).
- 19 See e.g., *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785; *Trancas Property Owners Assn. v. City of Malibu* (2006) 138 Cal.App.4th 172.
- 20 *Trancas Property Owners Assn. v. City of Malibu* (2006) 138 Cal.App.4th 172.
- 21 Cal. Gov. Code, § 54956.9, subd. (e).
- 22 *Fowler v. City of Lafayette* (2020) 46 Cal.App.5th 360.
- 23 Cal. Gov. Code, § 54957.1.
- 24 Cal. Gov. Code, § 54956.8.
- 25 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904. See also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner, and timing of consideration and other items that cannot be disclosed without revealing price and terms).
- 26 73 Ops.Cal.Atty.Gen. 1 (1990).
- 27 Cal. Gov. Code, §§ 54956.8, 54954.5, subd. (b).
- 28 Cal. Gov. Code, § 54957.1, subd. (a)(1).
- 29 Cal. Gov. Code, § 54957, subd. (b).
- 30 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).

- 31 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002).
- 32 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty.Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.
- 33 Cal. Gov. Code, § 54957, subd. (b)(3).
- 34 88 Ops.Cal.Atty.Gen. 16 (2005).
- 35 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860.
- 36 Cal. Gov. Code, § 54957, subd. (b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges when there was a public evidentiary hearing prior to closed session).
- 37 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87.
- 38 *Moreno v. City of King* (2005) 127 Cal.App.4th 17.
- 39 Cal. Gov. Code, § 54957.
- 40 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165.
- 41 Cal. Gov. Code, § 54957.1, subd. (a)(5).
- 42 Cal. Gov. Code, § 54957.6.
- 43 Cal. Gov. Code, § 54957.6, subd. (b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not “employees” of the district).
- 44 Cal. Gov. Code, § 54957.6; 51 Ops.Cal.Atty.Gen. 201 (1968).
- 45 Cal. Gov. Code, § 54957.1, subd. (a)(6).
- 46 Cal. Gov. Code, § 3549.1.
- 47 Cal. Gov. Code, § 3540.
- 48 Cal. Gov. Code, § 3547.
- 49 Cal. Edu. Code, § 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).
- 50 Cal. Edu. Code, § 72122.
- 51 Cal. Edu. Code, § 60617.
- 52 Cal. Gov. Code, § 54956.96.
- 53 Cal. Gov. Code, § 54956.7.
- 54 Cal. Gov. Code, § 54957.
- 55 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354.
- 56 Cal. Gov. Code, § 54957.8.
- 57 Cal. Gov. Code, § 54962.
- 58 Cal. Health and Saf. Code, § 32106.
- 59 Cal. Gov. Code, § 54956.75.
- 60 Cal. Gov. Code, § 54956.81.

- 61 Cal. Gov. Code, § 54956.86.
- 62 Cal. Gov. Code, § 54956.87.
- 63 Cal. Gov. Code, § 54956.95.
- 64 Ops.Cal.Atty.Gen. 34 (1965)
- 65 82 Ops.Cal.Atty.Gen. 29 (1999); 2022 WL 1814322, 105 Ops. Cal.Atty.Gen. 89 (2022).
- 66 Cal. Gov. Code, § 54963.
- 67 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327. See also Cal. Gov. Code, § 54963.
- 68 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.
- 69 80 Ops.Cal.Atty.Gen. 231 (1997).
- 70 76 Ops.Cal.Atty.Gen. 289 (1993).
- 71 Cal. Gov. Code, § 54963.
- 72 Cal. Gov. Code, § 54963.
- 73 Cal. Gov. Code, § 54957.1.



Chapter 6

REMEDIES

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Chapter 6

REMEDIES



A violation of the Brown Act can lead to invalidation of the agency's action, payment of a challenger's attorney fees, public embarrassment, and even criminal prosecution. As explained below, a legislative body often has an opportunity to correct a violation prior to the filing of a lawsuit. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation of action taken

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the grounds that they violate the Brown Act.¹ The following actions cannot be invalidated:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites the wrong Brown Act section but adequately advises the public that the legislative body will meet with legal counsel to discuss potential litigation in closed session.²
- Those involving the sale or issuance of notes, bonds, or other indebtedness, or any related contracts or agreements.³
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment.⁴
- Those connected with the collection of any tax.⁵
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.⁶

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation, or within 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that a legislative body may act only on items posted on the agenda.⁷ The legislative body then has up to 30 days to cure and correct its action.⁸ The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and, if so, consider correcting the action to avoid the costs of litigation. If the legislative body does not act, any lawsuit must be filed within the next 15 days.⁹

Although just about anyone has standing to bring an action for invalidation,¹⁰ the challenger must show prejudice as a result of the alleged violation.¹¹ An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.¹²

Declaratory relief to determine whether past action violated the act

Any interested person, including the district attorney, may file a civil action to determine whether a past action of a legislative body constitutes a violation of the Brown Act and is subject to a mandamus, injunction, or declaratory relief action.¹³ Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a “cease and desist” letter to the legislative body clearly describing the past action and the nature of the alleged violation.¹⁴ The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.¹⁵ If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, the interested person has 60 days to file an action.¹⁶

The legislative body’s unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.¹⁷ The unconditional commitment must be substantially in the form set forth in the Brown Act.¹⁸ No legal action may thereafter be commenced regarding the past action.¹⁹ However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act, and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.²⁰

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.²¹

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to do the following:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body.
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body.
- 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.
- Compel the legislative body to audio-record its closed sessions.²²

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.

It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future when the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.²³ A court may not compel elected officials to disclose their recollections of what transpired in a closed session.²⁴

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to audio record its future closed sessions.²⁵ In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the audio recording if it finds there is good cause to think the Brown Act has been violated and make public a certified transcript of the relevant portion of the closed session recording.²⁶

Costs and attorney's fees

A plaintiff who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.²⁷ When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Brown Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.²⁸

Misdemeanor penalties

A violation of the Brown Act is a misdemeanor if (1) a member of the legislative body attends a meeting where action is taken in violation of the Brown Act, and (2) the member intends to deprive the public of information that the member knows or has reason to know the public is entitled to.²⁹

"Action taken" is not only an actual vote but also a collective decision, commitment, or promise by a majority of the legislative body to make a positive or negative decision.³⁰ If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.³¹ In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.³² There is no case law to support this view. If anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.³³

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

Voluntary resolution

Successful enforcement actions for violations of the Brown Act can be costly to local agencies. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body and its members. It is in the agency's interest to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

Overall, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.



Photo credit: Courtesy of the City of West Hollywood. Photo by Jon Viscott.

ENDNOTES

- 1 Cal. Gov. Code, § 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision), sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions), 54954.6 (tax hearings), 54956 (special meetings), and 54956.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but they are subject to the other remedies listed in section 54960.1.
- 2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198.
- 3 Cal. Gov. Code, § 54960.1(d)(2).
- 4 Cal. Gov. Code, § 54960.1(d)(3).
- 5 Cal. Gov. Code, § 54960.1(d)(4).
- 6 Cal. Gov. Code, § 54960.1(d)(5).
- 7 Cal. Gov. Code, § 54960.1, subds. (b), (c)(1).
- 8 Cal. Gov. Code, § 54960.1, subd. (c)(2).
- 9 Cal. Gov. Code, § 54960.1, subd. (c)(4).
- 10 *McKee v. Orange Unified School District* (2003) 110 Cal.App.4th 1310, 1318-1319.
- 11 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561.
- 12 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118.
- 13 Cal. Gov. Code, § 54960.2, subd. (a); Senate Bill No. 1003, Section 4 (2011-2012 Session).
- 14 Cal. Gov. Code, § 54960.2, subds. (a)(1), (2).
- 15 The legislative body may provide an unconditional commitment after the 30-day period. If the commitment is made after the 30-day period, however, the plaintiff is entitled to attorneys' fees and costs. Cal. Gov. Code, § 54960.2, subd. (b).
- 16 Cal. Gov. Code, § 54960.2, subd. (a)(4).
- 17 Cal. Gov. Code, § 54960.2, subd. (c)(2).

- 18 Cal. Gov. Code, § 54960.2, subd. (c)(1).
- 19 Cal. Gov. Code, § 54960.2, subd. (c)(3).
- 20 Cal. Gov. Code, § 54960.2, subd. (d).
- 21 Cal. Gov. Code, § 54960.2, subd. (e).
- 22 Cal. Gov. Code, § 54960, subd. (a).
- 23 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904, 916 and fn.6.
- 24 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36.
- 25 Cal. Gov. Code, § 54960, subd. (b).
- 26 Cal. Gov. Code, § 54960, subd. (c).
- 27 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein.
- 28 Cal. Gov. Code, § 54960.5.
- 29 Cal. Gov. Code, § 54959. A misdemeanor is punishable by a fine of up to \$1,000 or up to six months in county jail, or both (California Penal Code section 19). Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
- 30 Cal. Gov. Code, § 54952.6.
- 31 61 Ops.Cal.Atty.Gen. 283 (1978).
- 32 California Government Code section 1222 provides that “[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”
- 33 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.



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MENDOCINO COUNTY LIBRARY

NEWS RELEASE

CONTACT: (707) 234-2873

TO: MENDOCINO COUNTY NEWS MEDIA

FR: MENDOCINO COUNTY LIBRARY

Mendocino County, California: June 8, 2026

PLANT A SEED, READ *With Mendocino County Library!*

Mendocino County Library invites everyone to grow their imagination one page at a time because every adventure begins by planting a seed of inspiration.

"Letting ideas sprout, creativity to unfurl, and supporting the opportunities to read and do math does wonders for keeping kids mentally active and ready to continue their education in the fall," said Mellisa Hannum, Mendocino County Librarian. "One of the ways we help prevent summer slide is by offering books as prizes throughout the school break. Having a personal collection of books has been shown to support literacy development in children and teens."

The learning options include more than books, with professional entertainers and events focused on science, technology, engineering, art, and math. Plus, there will be free lunches during Lunch at the Library, a summer meal program funded by the California Summer Meal Coalition (CSMC) and the California Library Association (CLA) in partnership with the USDA summer meal program.

"Hungry kids can't learn," said Hannum. "Mendocino County Library is pleased to coordinate with community partners once again to offer access to free lunches and library activities to youth 18 and under, helping to make sure their brains stay nourished and strong over the summer."

Building on previous years, both Coast Community Library and Willits Library will again offer lunches in their Community Rooms. Both locations have food and enrichment opportunities every Tuesday through Friday at noon. Lunches are the same balanced, nutritious meals offered through the school districts. Hannum stated that she was grateful for the new and ongoing partnerships with the schools in our county. Look for lunches from June 9 to August 7 in Willits and from June 23 to August 7 in Point Arena.

An exciting addition to Lunch at the Library pop-up programming, Laytonville Branch Library will be hosting three events for youth at Laytonville Elementary. These pop-ups run from noon to 1:30 p.m. on June 25 and July 9 and 23. Ukiah Branch Library will continue their highly successful weekly pop-up events at Todd Grove Park in Ukiah every Tuesday from 10 a.m. to 1 p.m. from June 16 to Aug 4. Summer lunches will be served with books and activities provided. Fort Bragg and Round Valley Libraries will continue participating in Lunch at the Library pop-up programming in their communities. Fort Bragg will be at Dana Gray Elementary from 10 a.m. to

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noon on June 25, July 2, and July 9. Round Valley will offer events at the Round Valley Library Branch, at Youth Activity Day at Hidden Oaks Park, and events in collaboration with the Tis Bil Education Center. Please check with your library branch for more detailed information.

The Summer Reading Program always kicks off with fun performers. Starting on June 11, the Library is hosting the Magical Nathaniel Show at the Round Valley and Willits branches, June 12 at the Ukiah Branch, and June 13 at the Coast Community and Fort Bragg Branches. Math magic is great for all ages! In August, the libraries will be presenting Conservation Ambassadors' Wild Things. Join us on Friday, August 7 at the Ukiah, Willits, and Round Valley branches, followed by an August 8 performance at the Fort Bragg and Coast Community branches. Wild Things will discuss the diversity of life on Earth, make science interesting and approachable, and tell the stories of the amazing animals in their care. These events are free and open to the public.

Set your curiosity free and see what adventures take root this summer when you plant a seed and read! For more information, please view www.mendolibrary.org or contact the Mendocino County Library at (707) 234-2873.

###

A: LOS MEDIOS DE COMUNICACIÓN DEL CONDADO DE MENDOCINO
DE: LA BIBLIOTECA DEL CONDADO DE MENDOCINO

Condado de Mendocino, California: 8 de junio de 2026

PLANTA UNA SEMILLA, LEE
¡Con la Biblioteca del Condado de Mendocino!

La Biblioteca del Condado de Mendocino invita a todos a hacer crecer su imaginación, una página a la vez, porque cada aventura comienza plantando una semilla de inspiración.

“Dejar que las ideas broten, que la creatividad florezca, y apoyar las oportunidades para leer y practicar matemáticas hace maravillas para mantener a los niños mentalmente activos y listos para continuar su educación en el otoño”, dijo Mellisa Hannum, bibliotecaria del Condado de Mendocino. “Una de las formas en que ayudamos a prevenir el retroceso académico durante el verano es ofreciendo libros como premios a lo largo de las vacaciones escolares. Se ha demostrado que tener una colección personal de libros favorece el desarrollo de la alfabetización en niños y adolescentes”.

Las opciones de aprendizaje incluyen mucho más que libros, con artistas profesionales y eventos centrados en la ciencia, la tecnología, la ingeniería, el arte y las matemáticas. Además, se ofrecerán almuerzos gratuitos durante el programa “Almuerzo en la Biblioteca” (*Lunch at the Library*), un programa de comidas de verano financiado por la Coalición de Comidas de Verano de California (CSMC) y la Asociación de Bibliotecas de California (CLA), en colaboración con el programa de comidas de verano del USDA.

“Los niños hambrientos no pueden aprender”, afirmó Hannum. “La Biblioteca del Condado de Mendocino se complace en coordinar, una vez más, con socios comunitarios para ofrecer

acceso a almuerzos gratuitos y actividades bibliotecarias a jóvenes de 18 años o menos, ayudando así a asegurar que sus cerebros se mantengan nutridos y fuertes durante el verano”.

Siguiendo la pauta de años anteriores, tanto la Biblioteca Comunitaria de la Costa (*Coast Community Library*) como la Biblioteca de Willits volverán a ofrecer almuerzos en sus Salas Comunitarias. Ambas sedes ofrecerán oportunidades de alimentación y enriquecimiento educativo de martes a viernes, al mediodía. Los almuerzos consisten en las mismas comidas equilibradas y nutritivas que se ofrecen a través de los distritos escolares. Hannum expresó su agradecimiento por las nuevas colaboraciones, así como por las ya existentes, con las escuelas de nuestro condado. Busque los almuerzos del 9 de junio al 7 de agosto en Willits, y del 23 de junio al 7 de agosto en Point Arena.

Una emocionante novedad en la programación itinerante de “Almuerzo en la Biblioteca” (Lunch at the Library) permitirá que la Biblioteca de la Sucursal de Laytonville organice tres eventos para los jóvenes de Laytonville en la Escuela Primaria de Laytonville. Estos eventos itinerantes se llevarán a cabo desde el mediodía hasta la 1:30 p. m. los días 25 de junio, y 9 y 23 de julio. La Biblioteca de la Sucursal de Ukiah continuará con sus exitosos eventos itinerantes semanales en el parque Todd Grove de Ukiah, todos los martes de 10 a. m. a 1 p. m., desde el 16 de junio hasta el 4 de agosto. Se servirán almuerzos de verano y se ofrecerán libros y actividades. Las bibliotecas de Fort Bragg y Round Valley seguirán participando en la programación itinerante de “Almuerzo en la Biblioteca” en sus respectivas comunidades. Fort Bragg estará presente en la Escuela Primaria Dana Gray de 10 a. m. al mediodía los días 25 de junio, y 2 y 9 de julio. Round Valley ofrecerá eventos en la propia Sucursal de la Biblioteca de Round Valley, durante el “Día de Actividades Juveniles” en el parque Hidden Oaks, y otros eventos en colaboración con el Centro Educativo Tis Bil. Por favor, consulte con su sucursal bibliotecaria para obtener información más detallada.

El Programa de Lectura de Verano siempre da comienzo con divertidos espectáculos artísticos. Acompáñenos a disfrutar del “Espectáculo del Mago Nathaniel” el 11 de junio en Round Valley; el 12 de junio en las sucursales de Willits y Ukiah; y el 13 de junio en las sucursales de Coast Community y Fort Bragg. La magia matemática es ideal para todas las edades. En agosto, las bibliotecas presentarán el espectáculo “Wild Things” (Cosas salvajes), a cargo de la organización Conservation Ambassadors. Acompáñenos el viernes 7 de agosto en las sucursales de Ukiah, Willits y Round Valley; seguido por una presentación el 8 de agosto en las sucursales de Fort Bragg y Coast Community. En “Wild Things” se abordará la diversidad de la vida en la Tierra, se presentará la ciencia de una manera interesante y accesible, y se contarán las historias de los asombrosos animales que tienen bajo su cuidado. Estos eventos son gratuitos y están abiertos a todo el público.

¡Solta tu curiosidad y descubra qué aventuras echarán raíces este verano al plantar una semilla y ponerse a leer! Para obtener más información, visite www.mendolibrary.org o comuníquese con la Biblioteca del Condado de Mendocino llamando al (707) 234-2873

###



MENDOCINO COUNTY LIBRARY

NEWS RELEASE

CONTACT: (707) 234-2873

TO: MENDOCINO COUNTY NEWS MEDIA

FR: MENDOCINO COUNTY LIBRARY

Mendocino County, California: June 25, 2026

LIBRARY SOFTWARE UPGRADE ***Limited Services Available During System Migration***

The Mendocino County Library is entering an exciting new phase of modernization this summer with the implementation of a new integrated library system, Polaris. This upgraded system will be shared through our regional consortium of Sonoma, Lake, and Mendocino County libraries, helping to streamline library operations and improve services for patrons.

As part of this upgrade, the Library will also launch a new online catalog and mobile app. These tools will make it easier to discover new titles, browse our audiobook and DVD collections, and explore staff-recommended reading through a new Staff Picks feature. Another new feature, called "roll-up," will allow patrons to view all available formats of a title — including print books, audiobooks, and eBooks — in a single search result.

To complete the transition, the Library will migrate data from the current system to Polaris from July 27 through August 4. During this period, some library services will be temporarily unavailable.

During the migration:

- Patrons must bring their library card to check out materials.
- The online catalog will be unavailable.
- New library cards cannot be issued.
- Materials cannot be checked in.
- Renewals will not be available.
- Fines and fees cannot be paid.
- New holds cannot be placed.

To minimize inconvenience, during the period of June 29 – July 26 all due dates will be extended to six weeks. Patrons are welcome to keep their checked-out materials until the new system is fully operational. Please note that the last day to place holds will be July 13.

All services are expected to return to normal on August 5, when Polaris, the new online catalog, and the mobile app officially go live.

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Thank you for your patience and understanding as we make these improvements. We apologize for any temporary inconvenience and look forward to providing an enhanced library experience.

For more information, please view www.mendolibrary.org or contact the Mendocino County Library at (707) 234-2873.

###

A: LOS MEDIOS DE COMUNICACIÓN DEL CONDADO DE MENDOCINO
DE: LA BIBLIOTECA DEL CONDADO DE MENDOCINO

Condado de Mendocino, California: 25 de junio, 2026

ACTUALIZACIÓN DEL SOFTWARE DE LA BIBLIOTECA Servicios limitados durante la migración del sistema

Este verano, la Biblioteca del Condado de Mendocino inicia una nueva y emocionante etapa de modernización con la implementación de un nuevo sistema bibliotecario integrado: Polaris. Este sistema mejorado se compartirá a través de nuestro consorcio regional de bibliotecas de los condados de Sonoma, Lake y Mendocino, lo que ayudará a agilizar las operaciones bibliotecarias y a mejorar los servicios para los usuarios.

Como parte de esta actualización, la biblioteca también lanzará un nuevo catálogo en línea y una aplicación móvil. Estas herramientas facilitarán el descubrimiento de nuevos títulos, la exploración de nuestras colecciones de audiolibros y DVD, y el acceso a lecturas recomendadas por el personal mediante una nueva función llamada "Staff Picks" (Selección del personal). Otra novedad, denominada "roll-up" (agrupación), permitirá a los usuarios ver todos los formatos disponibles de un título —incluidos libros impresos, audiolibros y libros electrónicos— en un único resultado de búsqueda.

Para completar la transición, la biblioteca migrará los datos del sistema actual a Polaris entre el 27 de julio y el 4 de agosto. Durante este periodo, algunos servicios bibliotecarios no estarán disponibles temporalmente.

Durante la migración:

- Los usuarios deberán presentar su tarjeta de la biblioteca para llevarse materiales en préstamo.
- El catálogo en línea no estará disponible.
- No se podrán emitir nuevas tarjetas de la biblioteca.
- No se podrán realizar devoluciones de materiales.
- No estarán disponibles las renovaciones.
- No se podrán pagar multas ni cargos.
- No se podrán realizar nuevas reservas.

Para minimizar las molestias, durante el periodo del 29 de junio al 26 de julio, todas las fechas de vencimiento se ampliarán a seis semanas. Los usuarios pueden conservar los materiales que tienen en préstamo hasta que el nuevo sistema esté plenamente operativo. Tenga en cuenta que el último día para realizar reservas será el 13 de julio.

Se prevé que todos los servicios vuelvan a la normalidad el 5 de agosto, fecha en la que entrarán oficialmente en funcionamiento Polaris, el nuevo catálogo en línea y la aplicación móvil.

Agradecemos su paciencia y comprensión mientras realizamos estas mejoras. Pedimos disculpas por cualquier inconveniente temporal y esperamos ofrecerle una experiencia bibliotecaria mejorada.

Para más información, consulte www.mendolibrary.org o póngase en contacto con la biblioteca en 707-234-2873.

###

Library Advisory Board - July 2026 (prepared 7/1/26)

Library Operating Budget (LB) FY2025/2026

Object	Account Description	Munis Budget	YTD	Encumbrances	Available Budget (Munis vs.)	YTD % used	Notes
821500	SALES & USE TAX	-2,831,023	-2,452,936	0	-378,087	86.6%	Measure O Sales Tax -60% (55% of Revenue)
824100	INTEREST	-54,026	-91,378	0	37,352	169.1%	
825490	STATE OTHER GRANT	-4,000	-4,000	0	0	100.0%	Seed Library Grant.
825496	STATE LIBRARY GRANT	-29,068	-31,800	0	2,732	109.4%	ZIP Book Grant FY25-26 & LATL FY25/26 & FY26/27.
826370	LIBRARY SERVICES	-20,968	-22,151	0	1,183	105.6%	Fees & services.
827600	OTHER SALES	-5,893	-8,197	0	2,304	139.1%	Photocopy/earbud fees.
827700	OTHER	-1200	-1,729	0	529	144.1%	Northnet - All Staff.
827707	DONATION	-2,650	-3,795	0	1,145	143.2%	
827802	OPERATING TRANSFER IN	-2,205,887	-2,205,887	0	0	100.0%	(43% of Revenue)
Total Revenue		-5,154,715	-4,821,873	0	-332,842	93.5%	
861011	REGULAR EMPLOYEES	2,343,605	2,228,496	0	115,109	95.1%	
861012	EXTRA HELP	63,885	48,313	0	15,572	75.6%	
861013	OVERTIME REG EMP	20,000	15,781	0	4,219	78.9%	
861021	CO CONT TO RETIREMENT	700,291	659,969	0	40,322	94.2%	
861022	CO CONT TO OASDI	126,292	115,344	0	10,948	91.3%	
861023	CO CONT TO OASDI-MEDIC	33,909	31,885	0	2,024	94.0%	
861024	CO CONT TO RET INCREME	180,386	168,302	0	12,084	93.3%	
861030	CO CONT TO EMPLOYEE IN	386,281	415,438	0	-29,157	107.5%	
861035	CO CONT WORKERS COMP	4,196	4,196	0	0	100.0%	
Total Salaries & Benefits		3,858,845	3,687,725	0	171,120	95.6%	
862060	COMMUNICATIONS	37,358	18,442	0	18,916	49.4%	Phones, branch broadband, & public hotspots.
862090	HOUSEHOLD EXPENSE	123,630	88,266	0	35,364	71.4%	Custodial for branches & cleaning supplies
862101	INSURANCE-GENERAL	52,365	52,365	0	0	100.0%	General liability insurance.
862120	MAINTENANCE-EQUIPME	27,500	17,558	0	9,942	63.8%	Bookmobile, Outreach van, & fleet vehicle maintenance.
862130	MAINT-STRC IMPR & GRN	80,000	42,237	0	37,763	52.8%	Building maintenance & groundskeeping.
862150	MEMBERSHIPS	1,325	1550	0	-225	117.0%	Association Memberships for Library - CLA, ALA, ARSL.
862170	OFFICE EXPENSE	15,710	9,898	0	5,812	63.0%	Paper, toner/ink, mail meter, branch office supplies, etc.
862185	MEDICAL & DENTAL SVCS	1,000	550	0	450	55.0%	Pre-employment physicals & screenings
862187	EDUCATION & TRAINING	239	1289	0	-1,050	539.3%	Staff development, training & education.
862189	PROF & SPEC SVCS-OTHR	329,332	235,892	0	93,440	71.6%	Service contracts: book deliveries, RV & Coast cleaning, Ukiah security, ILS, IT billing, etc.
862190	PUBL & LEGAL NOTICES	2,386	586	0	1,800	24.5%	Classified ads for job postings & public notices for grants.
862194	A-87 COSTS	531,464	531,464	0	0	100.0%	Library share of Countywide Cost Allocation Plan.
862210	RNTS & LEASES BLD GRD	51,290	51,289	0	1	100.0%	Round Valley & Laytonville branch leases.
862227	SOFTWARE LONG-TERM	16,263	0	0	16,263	0.0%	Databases and digital subscriptions
862228	SOFTWARE SHORT-TERM	45,683	25,610	0	20,073	56.1%	Databases and digital subscriptions < 1yr.
862229	SOFTWARE SHORT-MAINTENANCE		1,573	2,221	-3,794	100.0%	Software Purchase Orders
862230	INFO TECH EQUIP	74,492	70,181	0	4,311	94.2%	IT Service Fund (ITSF) allocation (\$69k) & Library-specific tech equipment.
862239	SPEC DEPT EXP	146,639	133,473	0	13,166	91.0%	Library collection materials & programs.
862250	TRNSPRATION & TRAVEL	12,837	11,778	0	1,059	91.8%	Bookmobile & staff mileage.
862253	TRAVEL & TRSP OUT OF CO	1,000	769	0	231	76.9%	Out of county travel - per diem,
862260	UTILITIES	120,701	93,345	0	27,356	77.3%	Water, electricity, gas, etc.
Total Services & Supplies		1,671,214	1,388,114	2,221	280,880	83.1%	
LB Revenue Total		-5,154,715	-4,821,873	0	-332,842		Library Operating Budget (LB) FY2025/2026
LB Expenditures Total		5,530,059	5,075,838	0	452,000		
LB Fund Balance		375,344	253,966	0	119,158		

Library Advisory Board - July 2026 (prepared 7/1/26)							
Library Capital Investment Budget (CILB) FY2025/2026							
Object	Account Description	Revised Budget	YTD	Encumbrances	Available Budget	YTD % used	Notes
821500	SALES & USE TAX	-1,887,348	-1,633,121	0	-254,227	86.5%	Measure O Sales Tax -40%.
824100	Interest	-77,907	-128,045	0	50,138	164.4%	
825496	CILW1-Willits Roof Project	-173,544	-24,704	0	-148,840	14.2%	Building Forward Grant Revenue (reimburse 50% CILW1 project costs). Waiting for Facilities' bills. Grant in closeout.
827801	Grant Revenue	-16,297	-\$16,297	-16297	0		Tech grant for 20 laptops received 12/31/25.
Total Revenue		-2,155,096	-1,802,168	-16,297	-352,928	83.6%	
862227	CILA2-MS Licenses for Programs	6,957	6,957	0	0	100.0%	20 Microsoft Office licenses for new laptops.
862230	CILA1-20 Laptops for Programs	19,678	19,677	0	1	100.0%	Purchase of 20 laptops for a county-wide project to provide technical public programming.
864355	CILU2-Ukiah Roof Design	80,000	0	0	80,000	0.0%	prepare construction documents for the Ukiah Branch Library roof replacement project. Project will be moved to FY26-27 budget.
864355	CILU4-Ukiah Storefront Project	100,000	96,784	0	3,216	96.8%	New door, storefront, and walkway installed in March. Coordinating with Facilities to close out and pay invoices.
864360	CILW1-Willits Roof Project	349,000	317,424	0	31,576	91.0%	Demolition and replacement of Willits roof.
864360	CILW2-Willits Interior Refresh Design	50,000	13,950	0	36,050	27.9%	Design and plan interior refresh and ADA upgrades, producing construction-ready plans to modernize interiors, efficiency upgrades & improve accessibility.
864370	CILA3-Self Checkout PCs	63,100	60,681	0	2,419	96.2%	New self-checkouts installed in Jan/Feb to branches & RFID conversion underway in Round Valley.
864370	CILB1-New Bookmobile	656,193	10,800	0	645,393	1.6%	Replacement of 13-year-old Bookmobile with a hybrid vehicle. RFP complete & contracting underway.
864370	CILC3-Coast Coin Machine	3,479	3,479	0	0	100.0%	Delivered Jan. 2026.
864370	CILR3-RV Coin Machine	3,479	3,479	0	0	100.0%	Delivered Jan. 2026.
864370	CILR4 - LIB RV 3D Printer	2,089	2,088	0	1	0.0%	Delivered to RV in March.
864370	CILU5 - LIB Ukiah 3D Printer	2,089	2,088	0	1	0.0%	Soft roll-out in March.
864370	CILU6 - LIB Ukiah 3D Printer	2,089	2,088	0	1	0.0%	Soft roll-out in March.
864370	CILW4 - LIB Willits 3D Printer	2,089	2,088	0	1	0.0%	Delivered to Willits in March.
Total Expenditures		1,340,242	541,583	0	798,659	40.4%	
CILB Revenue Total		-2,155,096	-1,802,168	-16,297	-352,928		
CILB Expenditures Total		1,340,242	541,583	0	798,659		
CILB Fund Balance		-814,854	-1,260,585	-16,297	445,731		

Library Advisory Board - July 2026 (prepared 7/1/26)
Fund Balances FY2025/2026

RESTRICTED USE FUNDS - ENDOWMENT		
Fund Totals as of 6/30/26		Balance
2710-760844	Fort Bragg Principal	112,875
2710-760845	Fort Bragg Interest	27,367
2710-760846	Ukiah Principal	114,513
2710-760847	Ukiah Interest	91,363
2710-760856	Bookmobile Principal	4,290
2710-760857	Bookmobile Interest	4,571
2710-760858	Willits Principal	6,234
2710-760859	Willits Interest	3,638
2710-760870	Library/Hallam Principal	20,382
2710-760871	Library/Hallam Interest	3,639
Total		388,873

LB	
LB Operating Fund Balance (as of 7/1/25)	-2,642,132
LB Budgeted Revenue FY25-26	-5,154,715
LB Budgeted Expenses FY25-26	5,530,059
Est. Ending balance of LB (6/30/26)	375,344
Est. ending LB Operating Fund Balance (6/30/26)	-2,266,788

CILB	
CILB Operating Fund Balance (as of 7/1/25)	-4,436,791
CILB Budgeted Revenue FY25-26	-2,155,096
CILB Budgeted Expenses FY25-26	1,340,242
Est. Ending balance of CILB (6/30/26)	-814,854
Est ending CILB Operating Fund Balance (6/30/26)	-5,251,645

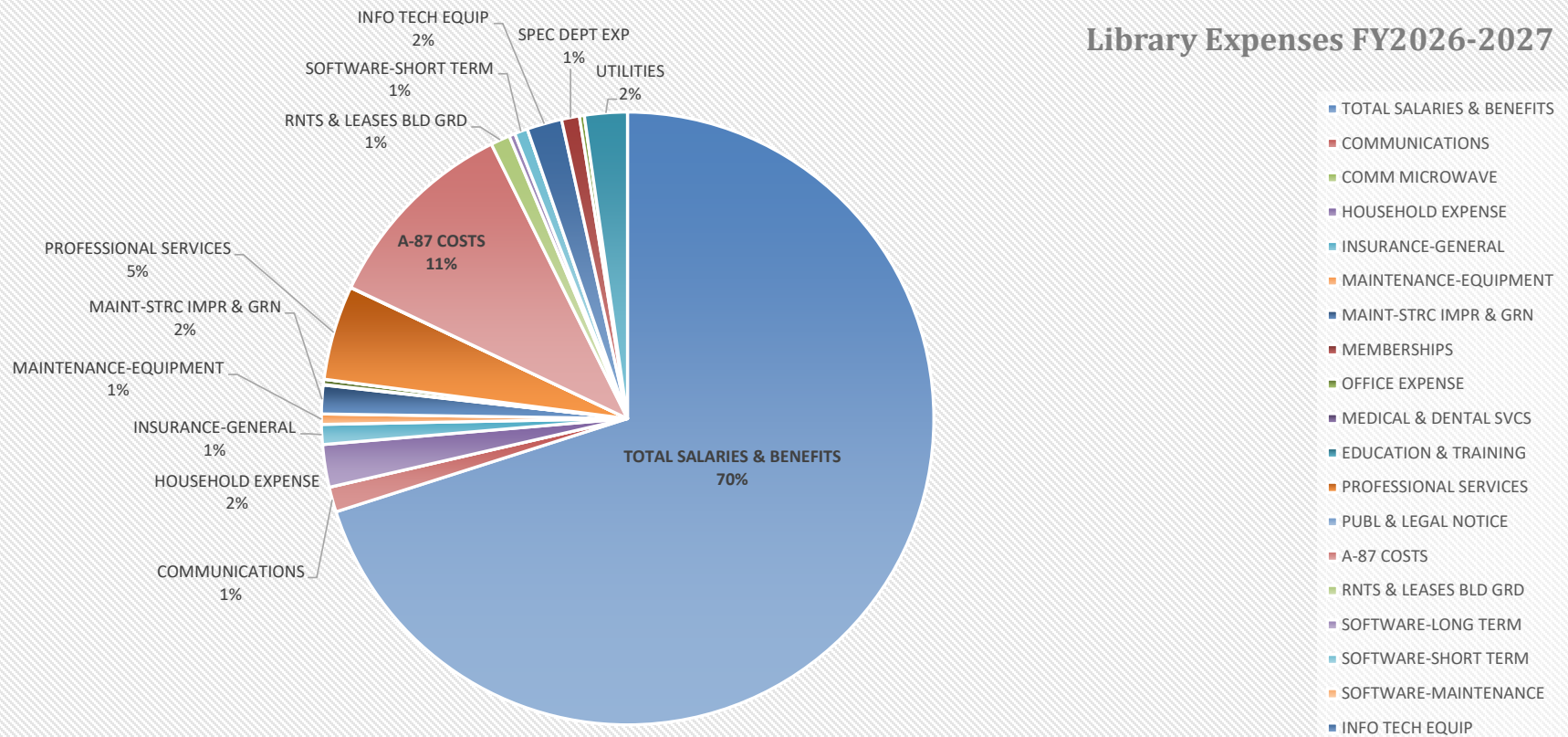
LIBRARY - Operating Fund								
Object	Account Name	FY24-25	FY25-26	FY26-27	Notes FY26-27	% of Revenue	% Change from FY25-26	\$ Change from FY25-26
821500	SALES & USE TAX	-\$2,980,024	-\$2,831,023	-\$2,845,178	Measure O - 60% [projected 0.05% increase over 25/26 amounts per Auditor 2/27/26. FY 24-25 projected 5% reduction]	63.3%	0.5%	14,155
824100	INTEREST	-\$30,000	-\$50,000	-\$47,500	Measure O - 60% -interest [Forecast reflects a 5% reduction from FY 2024–25 per Auditor 2/27/26]	1.1%	-5.0%	-2,500
825496	STATE LIBRARY GRANT	-\$10,627	-\$7,680	-\$10,694	California State Library Lunch at the Library Grant Summer 2026	0.2%	39.2%	3,014
825670	FEDERAL OTHER REVENUE	\$0	\$0					
826370	LIBRARY SERVICES	-\$18,400	-\$18,453	-\$18,427	Fines and Fees (average of last 2 yrs)	0.4%	-0.1%	-27
827600	OTHER SALES	-\$6,720	-\$4,393	-\$5,555	Fees, photocopies, earbuds, memory sticks (average of last 2 yrs)	0.1%	26.5%	1,162
827700	OTHER	-\$5,000	-\$1,200	-\$3,100	Staff training funds from Library Associations (average of last 2 yrs)	0.1%	158.3%	1,900
827707	DONATION	-\$10,050	-\$6,000	-\$8,025	(average of last 2 yrs)	0.2%	33.8%	2,025
827801	GRANT REVENUE	\$0	\$0					
827802	OPERATING TRANSFER IN	-\$2,009,647	-\$2,205,887	-\$1,553,908	Recalculation of Non-Department General Fund into the Library. (\$651,979 decrease from FY25-26)	34.6%	-29.6%	-651,979
TOTAL REVENUES		-\$5,070,468	-\$5,124,636	-\$4,492,387			-12.3%	-632,249
EXPENSES	Salaries & Benefits					% of Expenditures	% Change from FY25-26	\$ Change from FY25-26
861011	REGULAR EMPLOYEES	\$2,205,774	\$2,342,502	\$2,327,833	Salary Projections Provided by CEO Budget Team 2/17/26. Based on PP03-26.	43.7%	-0.6%	-14,669
861012	EXTRA HELP	\$40,000	\$30,000	\$23,984		0.5%	-20.1%	-6,016
861013	OVERTIME REG EMP	\$10,000	\$20,000	\$20,000	Sonoma County Bookmobile stop (invoice Sonoma Co. for staff time)	0.4%	0.0%	0
861021	CO CONT TO RETIREMENT	\$631,960	\$700,291	\$577,487		10.9%	-17.5%	-122,804
861022	CO CONT TO OASDI (Social Security)	\$136,755	\$126,292	\$126,793		2.4%	0.4%	501
861023	CO CONT TO OASDI-MEDIC (Medica	\$31,983	\$33,909	\$33,837		0.6%	-0.2%	-72
861024	CO CONT TO RET INCREMENT	\$152,711	\$180,386	\$111,739		2.1%	-38.1%	-68,647
861030	CO CONT TO EMPLOYEE INSURANCE	\$400,585	\$386,281	\$490,194		9.2%	26.9%	103,913
861031	CO CONT UNEMPLOYMENT INSURA	\$0	\$0			0.0%		0
861035	CO CONT WORKERS COMPENSATIO	\$30,024	\$4,196	\$4,613	Workers Compensation per Executive Office Budget Team (2/26/26)	0.1%	9.9%	417
TOTAL SALARIES & BENEFITS		\$3,639,792	\$3,823,857	\$3,716,480		69.8%	-2.8%	-107,377

LIBRARY - Operating Fund								
Object	Account Name	FY24-25	FY25-26	FY26-27	Notes FY26-27	% of Revenue	% Change from FY25-26	\$ Change from FY25-26
	Services & Supplies					% of Expenditures	% Change from FY25-26	\$ Change from FY25-26
862060	COMMUNICATIONS	\$41,902	\$37,358	\$69,849	High-speed broadband for all branches, branch main lines & staff cell phones (5). Budgeted the full, non-discounted/subsidized CENIC FY26-27 rate (\$53k) due to E Rate uncertainty (per Auditors' recommendation), (estimated fully discounted rate = \$6k), also includes mobile hotspots/cell phones with ~5% escalation assumption. Includes upgrade of Round Valley branch (500 Mbps -> 1Gbps) -> \$5,000	1.3%	87.0%	32,491
862062	COMM MICROWAVE	\$0	\$0	\$0				
862090	HOUSEHOLD EXPENSE	\$123,985	\$123,630	\$119,600	Custodial services for branches & cleaning supplies. Branches' independent budgets reduced by 50% for ordering of supplies.	2.2%	-3.3%	-4,030
862101	INSURANCE-GENERAL	\$51,410	\$52,365	\$55,168	General Liability Insurance per Executive Office Budget Team (2/26/26)	1.0%	5.4%	2,803
862120	MAINTENANCE-EQUIPMENT	\$22,000	\$27,500	\$29,535	Vehicle Maintenance - reflect aging fleet - outreach van (2,725) & Bookmobile (25,000), Laytonville/Willits fleet vehicle (1785)	0.6%	7.4%	2,035
862130	MAINT-STRC IMPR & GRN	\$83,000	\$80,000	\$80,000	Building maintenance and groundskeeping. Flat to FY25-26.	1.5%	0.0%	0
862150	MEMBERSHIPS	\$2,000	\$1,000	\$1,515	Association Memberships for Library. CLA (\$750), ALA (\$540), ARSL (\$225)	0.0%	51.5%	515
862170	OFFICE EXPENSE	\$12,900	\$15,710	\$14,585	Includes paper and toner for staff and public computers. While branch-level office supply budgets were reduced by approximately 50%, the overall decrease is limited due to the department's unexpected share of the new County Toshiba lease (\$4,591).	0.3%	-7.2%	-1,125
862185	MEDICAL & DENTAL SVCS	\$2,000	\$1,500	\$0	Pre-employment & DMV commercial driver physicals and screenings. Removed due to the current hiring freeze.	0.0%	-100.0%	-1,500
862187	EDUCATION & TRAINING	\$2,950	\$2,200	\$0	Removed due to current budgetary pressures and the availability of no-cost training through County and Library association resources.	0.0%	-100.0%	-2,200

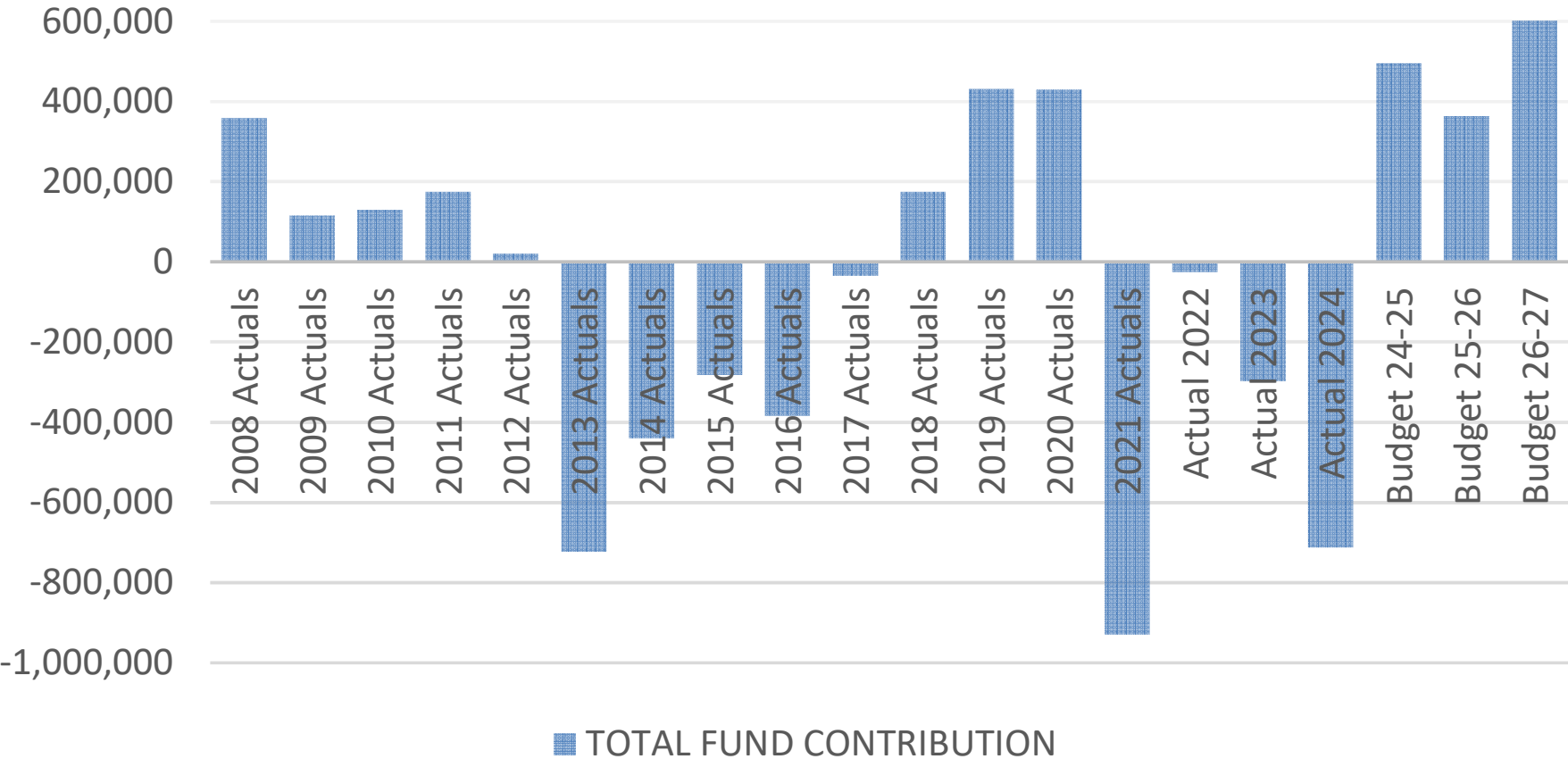
LIBRARY - Oppering Fund								
Object	Account Name	FY24-25	FY25-26	FY26-27	Notes FY26-27	% of Revenue	% Change from FY25-26	\$ Change from FY25-26
862189	PROFESSIONAL SERVICES	\$354,100	\$329,332	\$263,619	Scaled back (-20%) to meet reduction targets. Northnet delivery \$81,729 (Delivery fee - \$76,810 approved 5.19.26), Northnet CalPERS \$525, Northnet membership Admin Fee \$8,400, Coast cleaning \$7,803, RV cleaning \$7,600, Security \$66,000, Sonoma \$50,609, IT billing \$41,670, parking permits \$3,600,	5.0%	-20.0%	-65,713
862190	PUBL & LEGAL NOTICE	\$1,500	\$1,500	\$500	Reduced 33% due to hiring freeze to the minimum needed for public notices for grants and meetings.	0.0%	-66.7%	-1,000
862194	A-87 COSTS	\$587,955	\$563,870	\$563,870	This remains a fixed overhead allocation, representing approximately 10% of total Library expenditures. The department has no discretion over this cost. Advised to use 24/25 A-87 per Auditor 2/27/26.	10.6%	0.0%	0
862210	RNTS & LEASES BLD GRD	\$49,948	\$51,290	\$53,388	RV building use (34,590 - est. 3%) Laytonville rent (18,798- est. 5% as negotiating new lease 26-27)	1.0%	4.1%	2,098
862227	SOFTWARE-LONG TERM	\$5,500	\$1,577	\$16,997	Reflects two multi-year costs newly added to this category: new County Library website & new self-check out machine support contract.	0.3%	977.8%	15,420
862228	SOFTWARE-SHORT TERM	\$102,181	\$45,683	\$36,395	20% reduction reflects database rationalization to eliminate low-use bundles and retain high-value, high-use platforms for databases and digital subscriptions < 1yr.	0.7%	-20.3%	-9,288
862229	SOFTWARE-MAINTENANCE	\$17,148	\$0	\$0		0.0%		0
862230	INFO TECH EQUIP	\$96,276	\$73,570	\$98,533	Reflects the required IT Service Fund (ITSF) allocation . All branch-level IT equipment purchases have been removed for FY 26–27, and replacement of aging receipt printers, scanners, and other library-specific tech has been deferred.	1.9%	33.9%	24,963
862239	SPEC DEPT EXP	\$214,627	\$124,848	\$50,000	Further reduced (-60%) to help close the structural deficit, this cut—following a 42% reduction in FY25–26—significantly limits the Library’s ability to purchase new materials and support library programming.	0.9%	-60.0%	-74,848
862250	TRNSPRTATION & TRAVEL	\$20,900	\$10,600	\$13,345	Projected increase in staff travel costs in FY25–26 reflects higher fuel expenses, along with increased travel for required RFID and ILS training at branch locations.	0.3%	25.9%	2,745

LIBRARY - Operating Fund								
Object	Account Name	FY24-25	FY25-26	FY26-27	Notes FY26-27	% of Revenue	% Change from FY25-26	\$ Change from FY25-26
862253	TRAVEL & TRSP OUT OF COUNTY	\$15,000	\$1,000	\$300	Reduced as part of efforts to address the structural deficit; remaining allocation supports only essential travel for recall services to Sonoma County for the Library Outreach Van.	0.0%	-70.0%	-700
862260	UTILITIES	\$119,025	\$120,701	\$119,726	Budgeted flat to FY 2025–26, as current usage is trending below budgeted levels and allows the Library to absorb the Facilities-projected 8% increase in utility costs.	2.2%	-0.8%	-975
TOTAL SERVICES & SUPPLIES		\$1,926,307	\$1,665,234	\$1,586,925	-4.70%	29.8%	-4.7%	-78,309
	Fixed Assets					% of Expenditures	% Change from FY25-26	\$ Change from FY25-26
864370	EQUIPMENT	\$4,700	\$0	\$18,000	RFID Conversion for Willits, Ukiah, Coast & Fort Bragg Branches Total (Y2 & Y3) = \$33,3530 Y2 (Ukiah & Willits) = \$18k Y3 (Coast & Fort Bragg) = \$15,530	0.3%		18,000
	CILA3 - Self-Checkout/RFID Upgrade		\$0	\$18,000		0.3%		18,000
TOTAL EQUIPMENT		\$0	\$0	\$18,000		0.3%		18,000
	Expend Transfer & Reimburse			\$0				
865380	INTRAFUND TRANSFERS			\$0				
865802	OPERATING TRANSFER OUT			\$0				
	TOTAL EXPEND TRANSFER & REIMBURSE			\$0				
TOTAL REVENUES		-\$5,070,468	-\$5,124,636	-\$4,492,387			-12.3%	632,249
TOTAL EXPENDITURES		\$5,566,099	\$5,489,091	\$5,321,405			-3.1%	-167,686
TOTAL FUND CONTRIBUTION		\$495,631	\$364,455	\$829,018		15.6%	127.5%	464,563

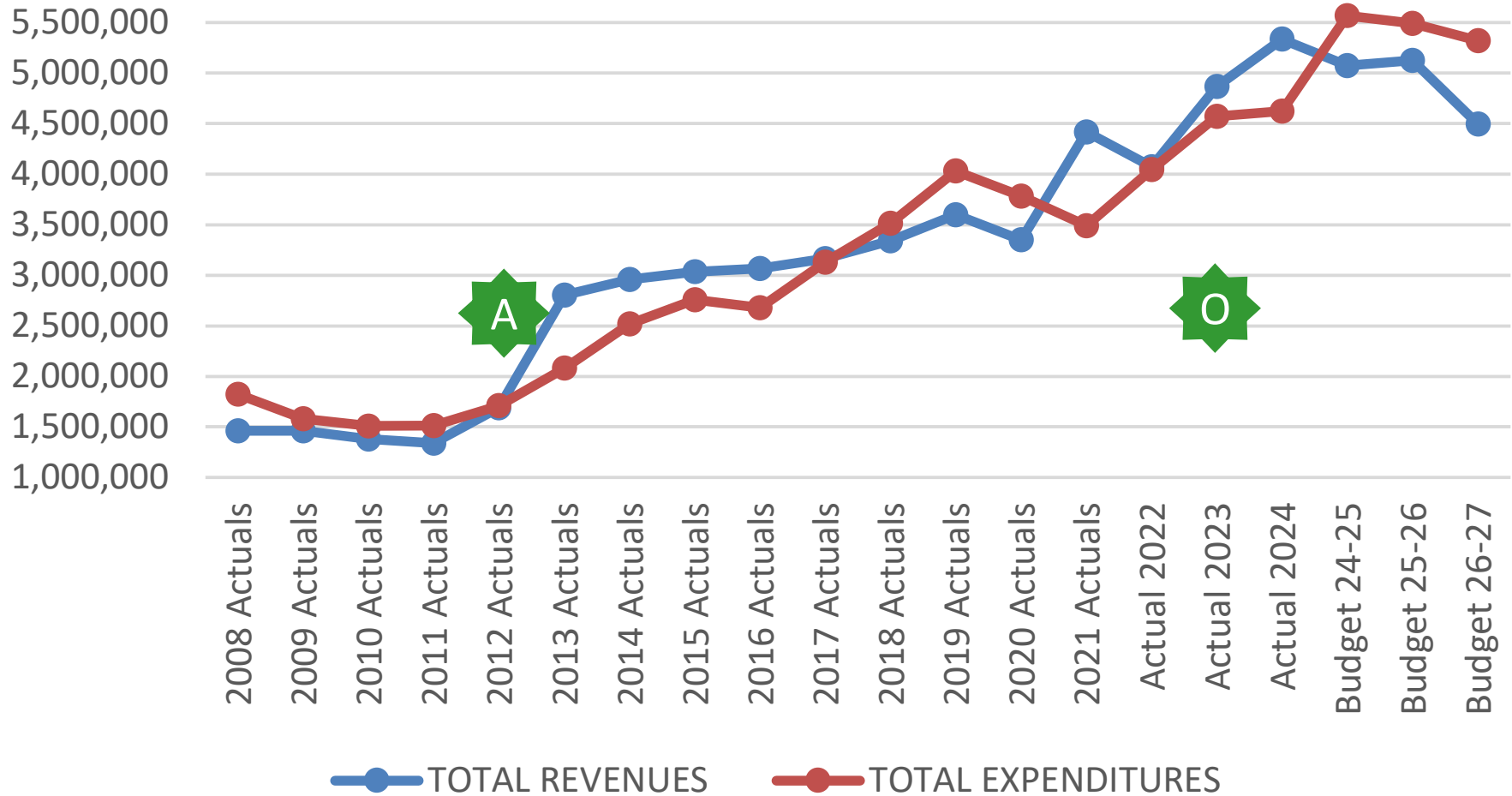
Library Expenses FY2026-2027



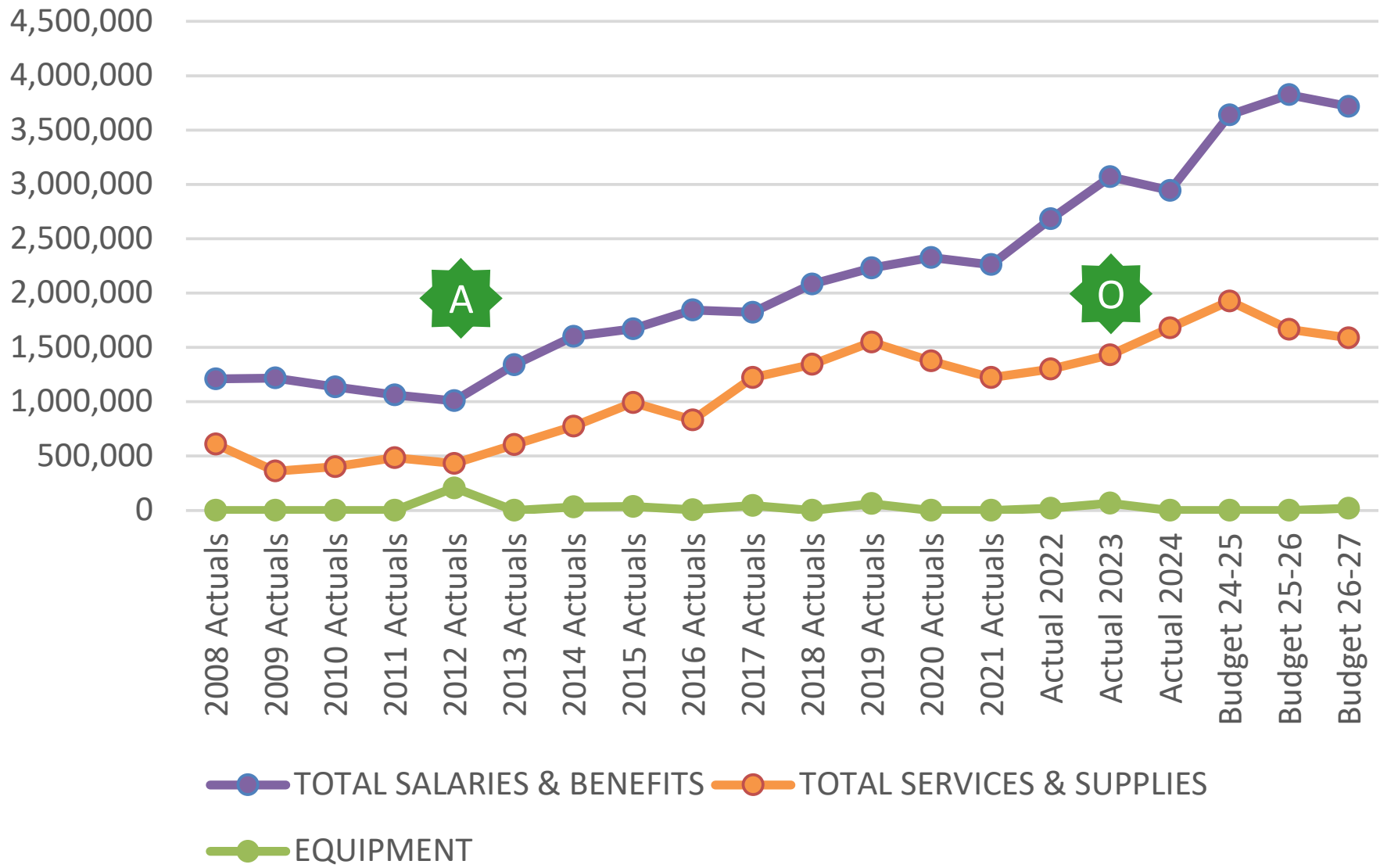
OPERATING GAP BY YEAR (2008-2027)



Library Revenue vs. Expenditures (2008-2027)



Library Expenditures (2008-2027)





JUNE 2, 2026

CEO PROPOSED BUDGET FY 26-27

DARCIE ANTLE
CHIEF EXECUTIVE OFFICER
County of Mendocino

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FY2026-27 Budget Workshop Presentation 2.24.26.....	Exhibit C
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Attachments

FY 2026-27 Department Funding Requests – General Fund Net County Cost (NCC) Summary Table.....	Attachment A
FY 2026-27 CEO Recommended Budget Adjustments to Dept. Submitted NCC – General Fund Budget Units.....	Attachment B
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Executive Summary

The FY 2026/27 Proposed Budget is presented against a backdrop of continued fiscal uncertainty, as State and Federal policy changes evolve with limited implementation guidance. Mendocino County's fiscal challenges are not new. The County has operated under a structural deficit for many years, and this budget reflects the necessary work of moving toward long-term stability. To further support this work, the County Executive Office recently engaged Ben Rosenfield, a financial consultant with many years of knowledge and experience in public agency finance, to assist in the evaluation of existing financial and budgetary practices, and to provide recommendations for further financial maturity. Achieving and maintaining a truly balanced budget, where one-time revenues are reserved exclusively for one-time expenditures, will require continued and disciplined decision-making.

This budget is built on Non-Departmental Revenue projections of \$106,682,804 and has been balanced in accordance with California Government Code § 29009. To bridge the remaining budget gap, it is recommended the Board appropriate \$2,595,536 in FY 2024-25 carry-forward funds for targeted one-time needs across several departments, an approach consistent with our budget development principles. Nearly all County departments perform mandated services or direct support of those mandates, leaving little room for reductions without real consequences for service delivery.

The pending impacts of H.R. 1 heighten these challenges considerably, with expected consequences for health and human services programs across the board. As federal Medicaid eligibility restrictions take effect, the County anticipates increased costs in the County Medical Services Program (CMSP), as individuals losing Medi-Cal coverage may shift to County-administered care. Proposed annexation plans introduce additional fiscal uncertainty, with potential revenue implications for the County. The County is also navigating a broader environment shaped by ongoing federal policy shifts, state budget constraints, and international economic conditions that affect everything from construction costs to consumer spending and local tax revenues. Counties across California are preparing for a period of constrained revenues and heightened competition for limited State and Federal funding, and Mendocino County is no exception. The County must continue to utilize all eligible funding sources to sustain essential operations and protect critical community services.

Sincere gratitude to the Department Heads and their teams for their collaboration and professionalism throughout this budget process. Many came to the table proactively, identified solutions, and worked constructively with the Executive Office to address funding constraints.

Advocacy remains essential. The County must continue to engage State and Federal partners on priorities including water security, housing, roads and transportation infrastructure, emergency medical services, and overall affordability for residents. A unified and disciplined focus across all departments will be vital as we navigate this uncertain fiscal landscape over the coming years.

Budget Process Overview

Government Code § 29062 requires the Board of Supervisors to approve an Adopted Budget on or before June 30th of each year. In January, the Board of Supervisors directed staff to prepare a budget for the Board of Supervisors to adopt in June. This process included four public workshops to allow the Board of Supervisors additional input into the budget process prior to the development of the Proposed Budget. Once the Board of Supervisors considers the Proposed Budget and directs any changes, the budget will be presented for formal adoption by the Board of Supervisors on June 23rd, which will provide the legal spending authority to the County for the new fiscal year. When the Auditor-Controller closes the books on the 2025-26 fiscal year and reports the final fund balance and reserve adjustments, the CEO will bring forward any additional adjustments that may be required as part of the FY 2026-27 1st Quarter review.

A recap of Mendocino County's Budget Process for the FY 2026-27 Proposed Budget: In February, budget instructions for FY 2026-27 were issued by the Executive Office Budget Team and distributed to County Departments at a Budget Kick-off Meeting. In this budget cycle, General Fund departments were asked to prepare a Zero-Base Budget (ZBB) projection. This method produced a budget proposal for core-level services and helped to identify deficiencies in the budget. Most Departments operate at a loss and require infusions of discretionary general fund dollars in order to maintain services. Primarily property tax, sales tax, and transient occupancy tax finance these infusions of revenue, referred to as Net County Cost or NCC. The pool from which the County provides these monies is limited and is annually adopted in the County's budget as Budget Unit 1000, known as Non - Departmental Revenue. An update on these funds is represented in Exhibit A of this document. Budget instructions included a process to request additional funding necessary to maintain current levels of service and a process to request funding for new expenses. Departments were required to provide detailed information related to requests for fixed assets, facility modifications, and additional staffing requests.

Budget conferences with each department were held during the month of March. The Executive Office and the Auditor-Controller's Office staff met with representatives from each Department to review their budget requests, discuss their unique needs and concerns, and to review impacts and/or requests for additional funding. Many Department Heads were proactive and were able to identify solutions to support the preparation of a balanced FY 2026-27 budget.

At the conclusion of the budget conferences, the Executive Office Budget Team continued to analyze requests for additional funding by comparing requests to prior year funding levels and holding additional meetings with Department staff to develop a better understanding of their critical operational needs. After considering each Department's requests a list of proposed funding level changes was developed and is included in this report and attachments. The adjustments entitled "FY 26-27 CEO Recommended Budget Adjustments to Departments Submitted NCC General Fund Budget Units (Attachment B)" and "FY 26-27 CEO Recommended Budget Adjustments to Departments Submitted Non-General Fund Budget Units (Attachment C)" are based on impact statements, what each department entered in MUNIS, and recommendations from the CEO Budget Team.

FY 2026-27 Budget Development Calendar Board Related Dates in **Bold**

- **January 6, 2026 – Resolution 26-001 regarding budgetary authority**
- January 2026 – Departments submit FY 2025-26 Mid-Year (2nd Quarter) Projections
- January 2026 – Departments submit Facility Modification and Vehicle Requests to Facilities and Fleet
- February 5, 2026 – FY 2026-27 Department Budget Kick Off Meeting
- **February 24, 2026 – FY 2025-26 Mid-Year (2nd Quarter) Budget Report & Budget Workshop**
- February – March 2026 – Deadlines for Departmental submissions, budget & grant narrative submissions; Executive Office Budget Conferences
- **March 24, 2026 – FY 2026-27 Budget Workshop**
- March 2026 – Department Budget Conferences
- **April 21, 2026 – Fee Hearing**
- **May 5, 2026 – FY 2025-26 3rd Quarter Report & FY 2026-27 Budget Workshop**
- May 23, 2026 – CEO Recommendations for draft Proposed Budget Published
- **June 2-3, 2026 – Final Budget Hearings for FY 2026-27**
- **June 23, 2026 – Final Budget Adopted for FY 2026-27**

The Proposed Budget presented for the Board of Supervisor's consideration is a balanced budget, as required by California Government Code § 29009, based on all currently available information. The budget is balanced in accordance with State code and built on non-departmental revenue projections of \$106,682,804, which includes Operating Transfers in and Reserve adjustments. Every year the County works to produce a budget that is balanced between the needs of the community and revenue reality. All decisions and policies are solely the responsibility of the Board of Supervisors. The Chief Executive Officer serves as the administrative officer designated by the Board of Supervisors to advise and administer the Board of Supervisors' direction in fulfilling the requirements of GC § 29009.

Total proposed Budget Unit 1000 (Non-departmental Revenue) available as of June 2, 2026, is \$106,682,804 with special fund allocations of: \$4,242,096 to Transportation, \$1,553,908 to Library, \$4,500,000 to Fire Agencies from Measure P, \$600,000 from Measure D Fire Agency allocations, \$2,431,299 to Debt Service (COPs), \$500,000 to Information Technology Reserve (ITERP), and \$376,785 to Public Health/Mental Health Realignment, leaving \$92,978,716 for allocation to General Fund Departments for their Net County Cost (NCC) assignment. **As stated in Attachment A, the total proposed Net County Cost for General Fund Departments is \$92,978,716.** Consistent with prior Board accepted recommendations to balance the budget, it is recommended that \$2,595,536 be appropriated from FY 2024-25 carry-forward.

Strategic Plan 2022-2027

The Board of Supervisors, in May 2022, adopted the County's first Strategic Plan in over 30 years. The plan will help guide the critical decisions the Mendocino County Board of Supervisors will face over the five-year period to improve the quality of life for county residents. County leadership engaged in conversations with over 1,000 county residents, to explore the challenges the county faces and identify solutions that will result in a more effective county government organization, a thriving economy, and a county that is safe, healthy, resilient, and prepared for future uncertainties. The County is grateful to so many constituents who voiced their opinions about what's important to them, their families, and the county's future.

The County has identified ambitious goals with specific objectives that will enable achievable and positive results. Accomplishing these goals will depend on allocating sufficient County staff to implement key tasks; designating resources via the budget process within the context of the County's mandated funding commitments; close collaboration with community members, businesses, nonprofits, and local government organizations; and finally, the Board of Supervisors' commitment and leadership.

Additional information regarding public input provided and the complete plan is found on the Mendocino County website: [Mendocino County Strategic Plan 2022 - 2027 | Mendocino County, CA](#)

Strategic Priorities

The strategic plan consists of 17 goals under these 4 priority areas:

- An Effective County Government Organization
- A Safe and Healthy County
- A Thriving Economy
- A Prepared and Resilient County



These priorities and goals are supported by specific actionable objectives for County staff to implement. The first priority of an effective County organization is critical to the implementation of the other three priorities. A strong internal organization, with a healthy culture, participative leadership, clear communication channels, and departments fully staffed with qualified individuals, will make it possible for the County to achieve results in the additional three priority areas.

An Effective County Government Organization

- Define clear roles, responsibilities, and processes for government leadership
- Create a thriving organizational culture
- Implement new approaches to demonstrate our commitment to Diversity, Equity, and Inclusion (DEI)
- Improve operational efficiency by streamlining processes and implementing technology-based solutions
- Increase transparency in government operations to build trust with employees, communities, and partners
- Assure financial sustainability of the County

A Safe and Healthy County

- Provide a person-centered approach to help under-resourced individuals and families thrive
- Deliver culturally relevant public health services that focus on prevention and are guided by social determinants of health
- Increase access to behavioral health services
- Help people feel safe in their communities
- Implement practices that support a sustainable environment and responsible stewardship of natural resources

A Thriving Economy

- Support a vibrant economy
- Support increased housing stock at a range of affordability levels
- Ensure that affordable and reliable broadband communications is available to all County residents

A Prepared and Resilient County

- Increase disaster/emergency preparedness and resiliency
- Ensure access to rural fire protection and emergency medical services
- Improve and maintain transportation and road systems/access routes

Board of Supervisors Workshop – January 2026

On January 13 and 14, 2026, the Board of Supervisors held a workshop to discuss their shared priorities for the year. These shared priorities not only represent continued support for the County Strategic Plan, but support for emergent opportunities and challenges for the year ahead.

1. Government Operations, Fiscal Strength & Transparency including Modernization & Process Improvement

- In Progress - State Audit Action Plan
- In Progress - County Modernization & Process Improvement
- Complete - Cost Plan / A87 maximization
- Paused - Annual Consolidated Financial Report (ACFR) / Financial Processes
- Complete - Budget Planning for FY 26/27
- Complete - Public Safety
 - 10-year budget projection

2. Economic Development including Modernization & Process Improvement

- In Progress - County Modernization
- In Progress - Permitting Streamline Initiative
- Legislative Item
 - Advocate for changes to Gas Tax methodology and allocations
- In Progress - Road Tax

3. Homelessness

4. Emergency Medical Services

FY 2026-27 Proposed Budget Summary

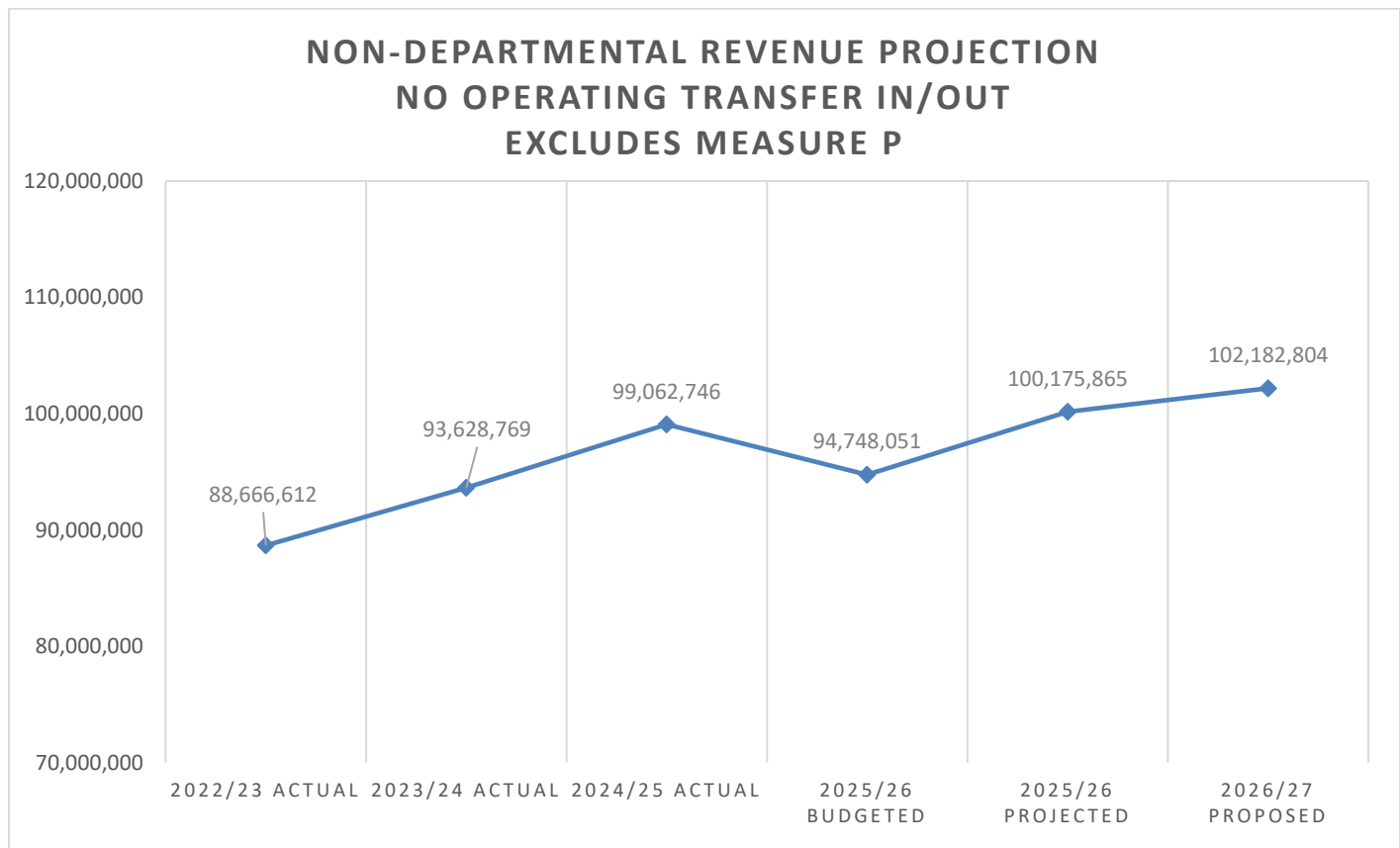
Budget Unit 1000 Non-Departmental

The projections for BU 1000 Non-Departmental, for FY 2026-27, are \$2,006,939 higher than projected for FY 2025-26. Details of the non-departmental budget can be found in the attached Exhibit A.

Budget Unit 1000 includes operating transfers of General Fund dollars to other funds. The FY 2026-27 Proposed Budget includes operating transfers to the Department of Transportation, Library, Fire Agencies, Information Technology Reserve (ITERP), and Public Health/Mental Health Realignment. These operating transfers are further detailed in Attachment G and other various charts included in this report.

For FY 2026-27, the CEO Budget Team has refined Non-Departmental revenue projections to reflect historical growth patterns and improve forecast accuracy. This updated methodology provides a more reliable foundation for budget planning, ensuring that revenue estimates are grounded in demonstrated trends rather than overly optimistic or conservative assumptions.

The revenue graph below excludes operating transfers and Measure P revenues.

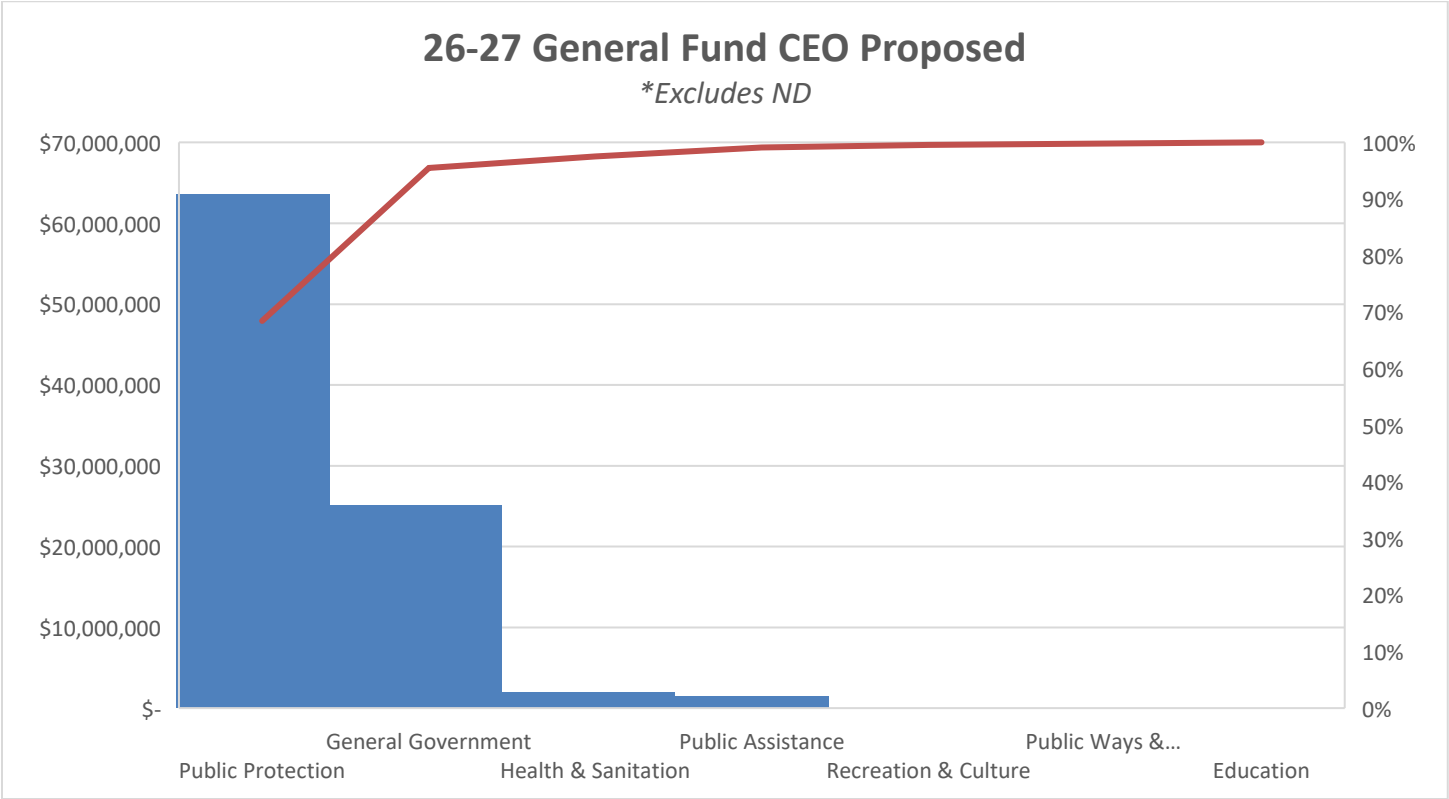


Use of Fund Balance

• Executive Office	\$200,000	○ IT Equipment	\$153k
○ Short-Term Contracts		○ Vehicle Uplift	\$72k
• General Services	\$240,108	○ Jail Projects	\$365k
○ Real Property Services		○ Hospital Guard Services	\$20k
• Human Resources	\$50,000	• Juvenile Hall	\$31,326
○ Short-Term Contracts		○ Short-Term Extra Help	
• Facilities	\$30,000	• Animal Care	
○ Detention Locks (\$10k)		○ Incinerator Repair	\$25k
○ Mower (\$20k)		• Little River Airport	\$305,000
• Land Improvement	\$231,000	○ Building Repairs	
○ Trash Capture Device Project		• Environmental Health	\$102,000
• Information Services	\$650,502	○ Thermal Imager	\$1k
○ Training & Office Expenses	\$20k	○ Digitization Contract	\$50k
○ Short-Term Contracts	\$85k	○ Software Implementation	\$51k
○ Finance System Project	\$500k	• Museum	\$50,600
○ Lateral Transfer Bonuses	\$40k	○ Capital Projects	
		• Use of Fund Balance	\$2,595,536

2026-27 NCC by Functional Area

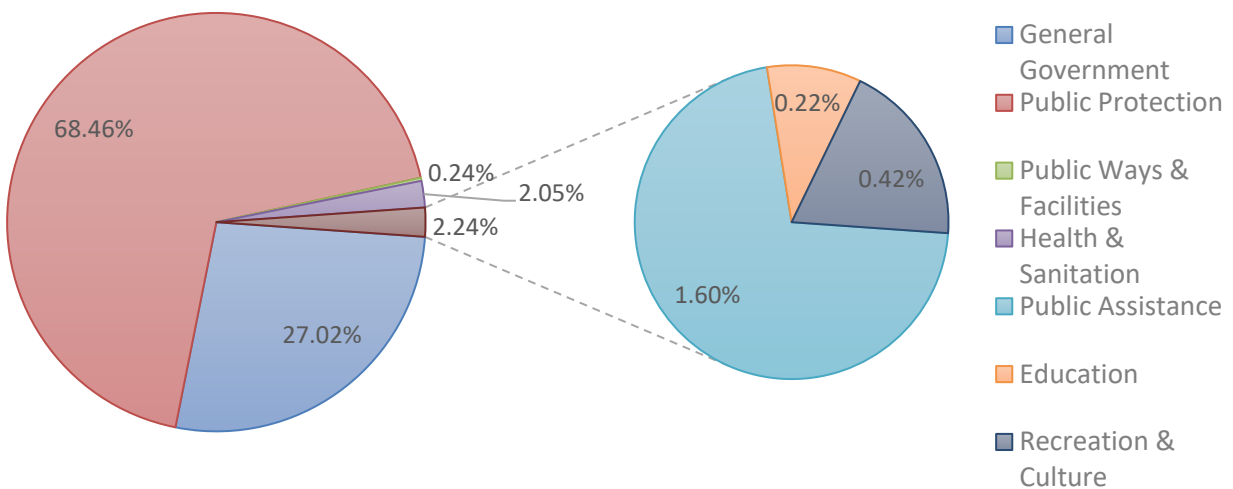
Total General Funding included in the CEO Proposed Budget for County Departments and Offices is **\$92,978,716**. Of that, **\$88,773,492 (95.48%)** of County General Funding in the CEO Proposed Budget is allocated between Departments and Offices within Public Protection and General Government functional areas. The remaining **\$4,205,224 (4.52%)** is allocated between the remaining functional areas; Public Ways & Facilities, Health & Sanitation, Education, Recreation & Culture, and Public Assistance, all of which receive majority funding from other sources than General Fund.



FY 26-27 General Fund CEO Proposed by Functional Area - Excludes ND

Functional Area	26-27 Total CEO Proposed	% of Total
General Government	\$ 25,120,223	27.02%
Public Protection	\$ 63,653,269	68.46%
Public Ways & Facilities	\$ 221,262	0.24%
Health & Sanitation	\$ 1,904,304	2.05%
Public Assistance	\$ 1,484,166	1.60%
Education	\$ 202,052	0.22%
Recreation & Culture	\$ 393,440	0.42%
	\$ 92,978,716	100%

26-27 General Fund CEO Proposed
*Excludes Non-Department Revenue



Detail on department budgets can be found in Attachment I - Schedule 1-8, 10-15, and Attachment J – Schedule 9.

General Government - Assessor Clerk Recorder - Auditor - Board of Supervisors - County Counsel - Executive Office - Human Resources - Tax Collector	Public Protection - Agriculture - Animal Care and Control - Cannabis - Child Support - District Attorney - Planning and Building - Probation - Public/Alternate Defender - Sheriff - Coroner	Public Way & Facilities Department of Transportation	Health & Sanitation - Behavioral Health - Public Health - Solid Waste (DOT)	
		Public Assistance Social Services	Education - Farm Advisor - Library	Recreation & Culture Museum

General Fund Budget 5-year Forecast

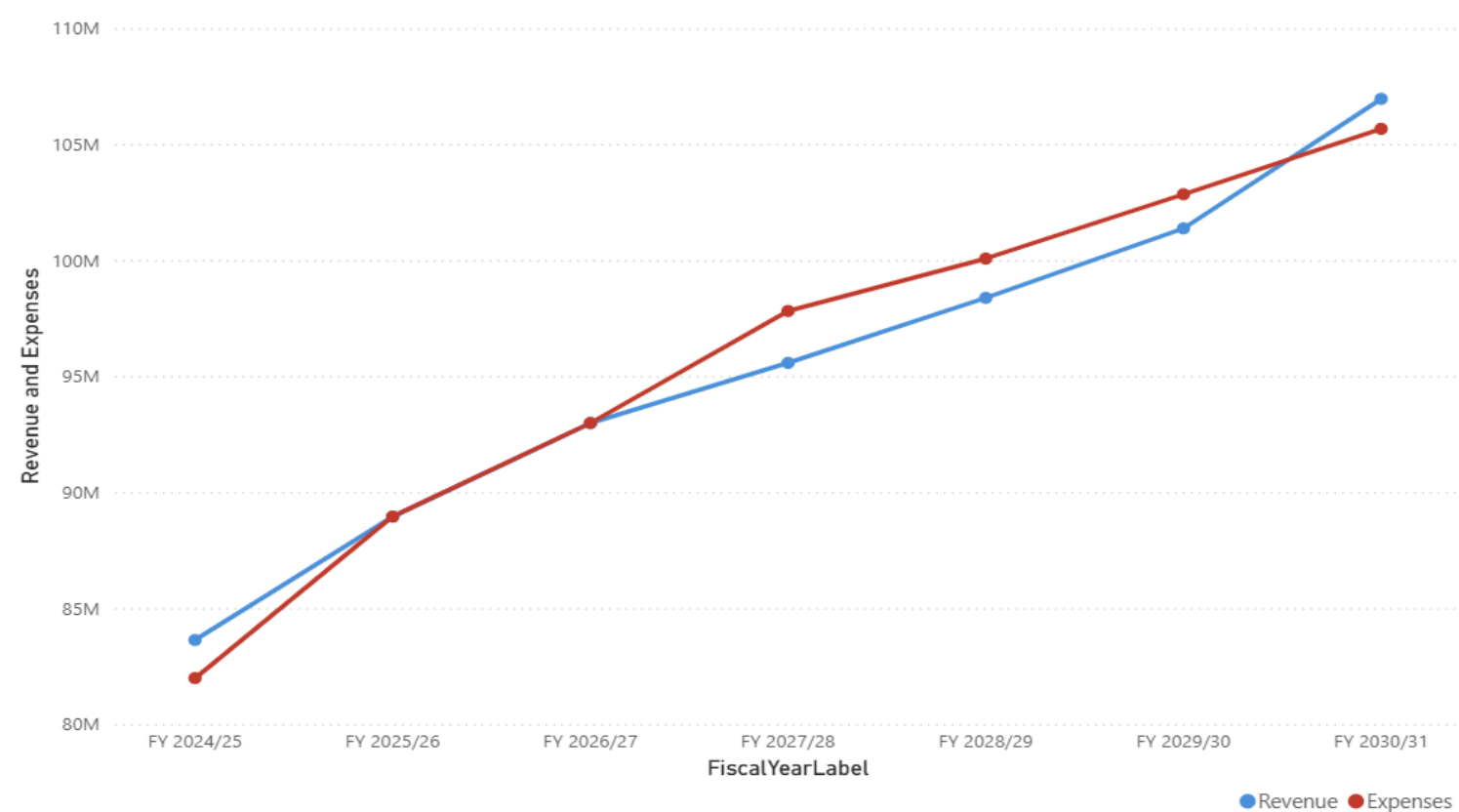
During Budget Workshops in preparation for the Fiscal Year 2026/27 budget, the CEO Budget Team committed to providing 5-year budget forecasts to aid in budgetary decision-making and long-term financial planning. Moving forward, the team plans to include updated 5-year forecasts as part of the proposed budget development process.

The chart below provides the prior and current Fiscal Years 2024/25 and 2025/26, and a 5-year forecast starting with the Budget Year 2026/27 through Fiscal Year 2030/31. Revenue and Expense forecasts use the CEO proposed budget for FY 2026/27 as the baseline.

Note: Fiscal Year 2026/27 is balanced with the use of \$2,595,536 in one-time use of Fund Balance. The Gap presented in the table below may represent one-time funding needs to balance future year budgets. Future year forecasting does not include potential impacts from ongoing labor discussions.

General Fund
5-Year Expense and Revenue Forecast

Revenues and Expenses exclude funding obligations such as Fire, Roads, Library, and Debt Service

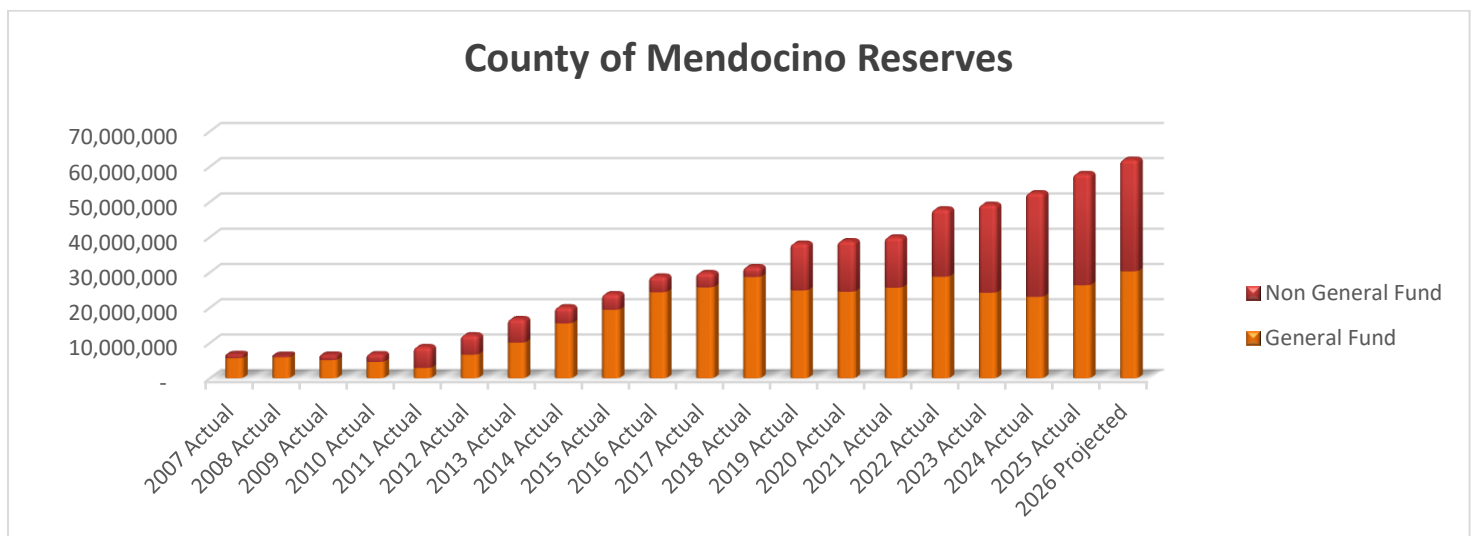
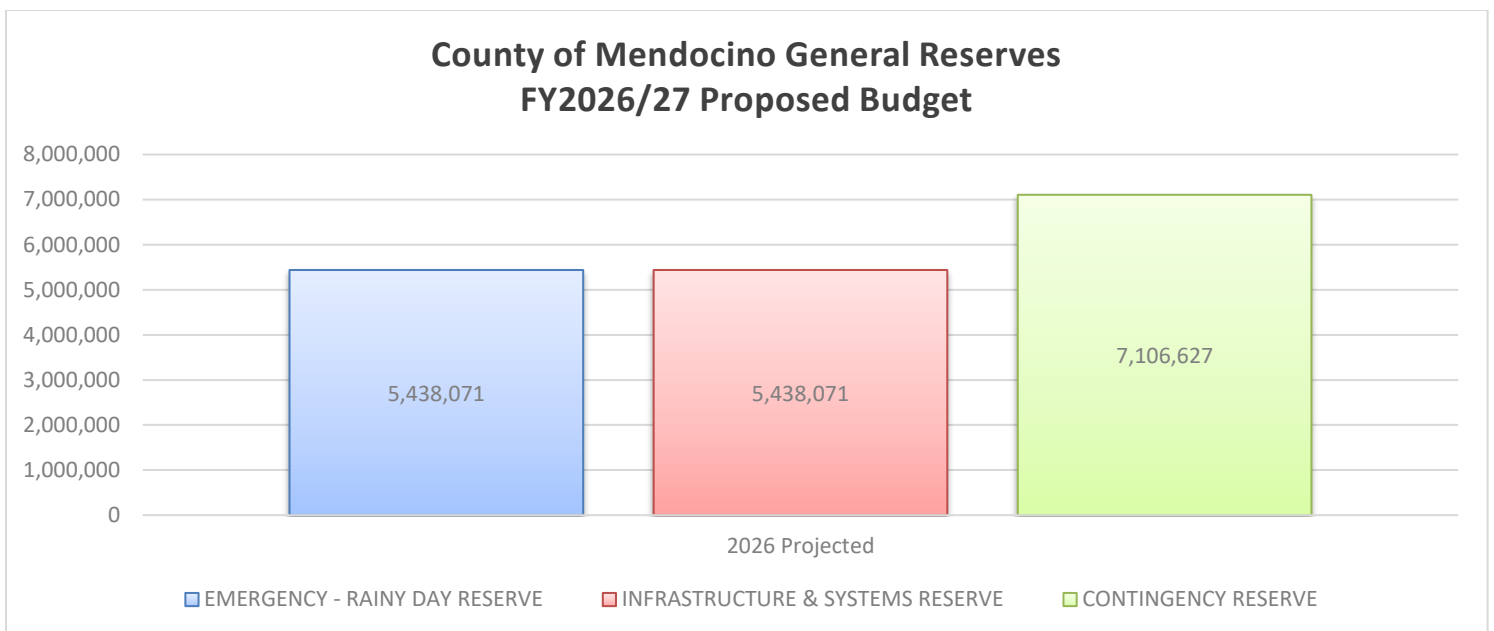


FiscalYearLabel	Revenue	Expenses	Gap
FY 2024/25	83,623,302	81,981,147	1,642,155.00
FY 2025/26	88,946,540	88,946,540	0.00
FY 2026/27	92,978,716	92,978,716	0.00
FY 2027/28	95,571,124	97,808,806	-2,237,682.00
FY 2028/29	98,375,164	100,067,546	-1,692,382.00
FY 2029/30	101,368,753	102,839,216	-1,470,463.00
FY 2030/31	106,953,438	105,662,708	1,290,730.00

General Reserves

On March 24, 2026, to address current financial challenges and to strengthen the County’s governance of reserve funds, the Board of Supervisors approved an amended Policy #32 - General Reserve and Contingencies. The amended policy, renamed Reserve and Fund Balance, simplifies the County’s General Fund reserve structure with the creation of three (3) reserves, the Contingency Reserve, the Rainy Day Reserve, and the Infrastructure and Systems Reserve.

- **Contingency Reserve:** A general reserve to guard against short-term unanticipated revenue and expenditure changes affecting the annual adopted budget.
- **Rainy Day Emergency Reserve:** A stabilization reserve to guard against longer-term impacts resulting from major financial and operations events, including recessions, natural disasters, and other declared emergencies.
- **Infrastructure and Systems Reserve:** A reserve to improve the County’s investment in deferred maintenance, systems modernization, and other one-time purposes.



Measure P Summary

Measure P is a 0.25% countywide sales tax approved by Mendocino County voters in November 2022. The tax has been dedicated to supporting fire protection and emergency medical services (EMS) across the County. Revenue collection began in April 2023, with initial allocations to eligible fire and EMS agencies occurring in January 2024.

The table below shows revenue collected from Measure P starting in FY2022/23.

Revenue Description	2022/23 Actual	2023/24 Actual	2024/25 Actual	2025/26 Projected	2026/27 Proposed
Measure P Sales Tax	1,240,888	4,864,339	4,812,916	4,910,000	4,500,000

State Budget Update

*The information and narrative below were taken from the Governor's May Budget Revision for FY2026-27.

The 2026-27 May Revision, presented by Governor Gavin Newsom, revises the January Governor's Budget to reflect updated revenue and expenditure projections across both 2026-27 and 2027-28. A substantial upward revision of \$16.5 billion in General Fund revenues from the state's "Big Three" tax sources, Personal Income, Corporate, and Sales and Use Taxes, is driven primarily by a 2025 spike in capital gains realizations, which produced \$11.9 billion in higher-than-projected cash receipts through April. Total General Fund spending is set at \$246.6 billion in 2026-27, approximately \$1.8 billion below the Governor's Budget estimate.

To achieve balance across both fiscal years while reducing projected structural deficits, the May Revision employs a combination of \$3.6 billion in new revenue solutions, \$411 million in spending reductions, and \$390.7 million in General Fund offsets in 2026-27. The plan deposits \$9.7 billion into the Projected Surplus Temporary Holding Account to carry resources forward into 2027-28. Combined reserves across the Budget Stabilization Account (\$15.1 billion), the Special Fund for Economic Uncertainties (\$4.5 billion), and the Public School System Stabilization Account (\$10.3 billion) total approximately \$29.9 billion in 2026-27.

The May Revision contains several provisions with direct implications for county operation. Federal legislation H.R. 1, enacted in summer 2025, imposes new Medicaid eligibility restrictions, work and community engagement requirements, and reduced federal matching rates that are projected to disenroll approximately 44,000 Medi-Cal beneficiaries in 2026-27 and up to 1.3 million by 2029-30 statewide; counties administering Medi-Cal-linked programs will experience corresponding caseload and cost impacts. For IHSS specifically, the May Revision includes a \$62.6 million General Fund reduction tied to the reinstatement of the Medi-Cal asset test for seniors and disabled adults effective no sooner than January 1, 2027, which will affect county IHSS caseloads. On the revenue side, the May Revision proposes, effective January 1, 2027, to apply the state sales tax to digital prewritten software and Software-as-a-Service (SaaS). This proposal is projected to generate \$560 million in additional local sales tax revenue in 2026-27, growing to approximately \$1.1 billion annually thereafter, representing a potential source of new revenue that counties may receive through Bradley-Burns allocations.

2026-27 May Revision
General Fund Budget Summary
(Dollars in Millions)

	2025-26	2026-27
Prior Year Balance	\$56,576	\$56,190
Revenues and Transfers	\$245,442	\$222,874
Total Resources Available	\$302,018	\$279,064
Non-Proposition 98 Expenditures	\$158,227	\$154,569
Proposition 98 Expenditures	\$87,601	\$91,997
Total Expenditures	\$245,828	\$246,566
Fund Balance	\$56,190	\$32,498
Reserve for Liquidation of Encumbrances	\$27,998	\$27,998
Special Fund for Economic Uncertainties	\$28,192	\$4,500
Public School System Stabilization Account	\$10,325	\$10,325
Safety Net Reserve	-	-
Budget Stabilization Account/Rainy Day Fund	\$11,496	\$15,075

Note: Numbers may not add due to rounding.

General Fund Expenditures by Agency
(Dollars in Millions)

	2025-26	2026-27	Dollar Change from 2025-26
Legislative, Judicial, Executive	\$10,519	\$7,556	-\$2,963
Business and Consumer Services	226	10	-216
Housing and Homelessness	2,392	1,080	-1,312
Transportation	816	552	-264
Natural Resources	6,711	4,870	-1,841
Environmental Protection	277	117	-160
Health and Human Services	91,371	90,187	-1,184
Corrections and Rehabilitation	14,483	14,413	-70
K-12 Education	82,384	91,069	8,685
Higher Education	22,551	26,254	3,703
Labor and Workforce Development	1,127	991	-136
Government Operations	3,303	5,102	1,799
General Government:			
Non-Agency Departments	1,672	1,321	-351
Tax Relief/Local Government	757	483	-274
Statewide Expenditures	7,239	2,561	-4,678
Total	\$245,828	\$246,566	\$738

Note: Numbers may not add due to rounding.

2026-27 Total State Expenditures by Agency

(Dollars in Millions)

	General Fund	Special Funds	Bond Funds	Totals
Legislative, Judicial, Executive	\$7,556	\$4,014	\$949	\$12,519
Business and Consumer Services	10	1,315	-	1,325
Housing and Homelessness	1,080	341	401	1,822
Transportation	552	17,068	490	18,110
Natural Resources	4,870	3,192	1,703	9,765
Environmental Protection	117	4,580	329	5,026
Health and Human Services	90,187	51,187	460	141,834
Corrections and Rehabilitation	14,413	4,139	-	18,551
K-12 Education	91,069	134	1,591	92,794
Higher Education	26,254	164	1,280	27,698
Labor and Workforce Development	991	1,234	-	2,225
Government Operations	5,102	280	11	5,393
General Government:				
Non-Agency Departments	1,321	2,294	77	3,692
Tax Relief/Local Government	483	3,866	-	4,349
Statewide Expenditures	2,561	1,745	1	4,306
Total	\$246,566	\$95,554	\$7,291	\$349,411

Note: Numbers may not add due to rounding.

General Fund Revenue Sources
(Dollars in Millions)

	2025-26	2026-27	Change from 2025-26	
			Dollar Change	Percent Change
Personal Income Tax	\$146,847	\$145,609	-\$1,238	-0.8%
Sales and Use Tax	34,588	35,629	1,041	3.0%
Corporation Tax	43,287	45,017	1,730	4.0%
Insurance Tax	4,510	4,728	218	4.8%
Alcoholic Beverage Taxes and Fees	413	415	2	0.5%
Cigarette Tax	35	34	-1	-2.9%
Motor Vehicle Fees	46	46	0	0.0%
Other	8,616	-5,025	-13,641	-158.3%
Subtotal	\$238,342	\$226,453	-\$11,889	-5.0%
Transfer from/to the Budget Stabilization Account/Rainy Day Fund	7,100	-3,579	-10,679	-150.4%
Total	\$245,442	\$222,874	-\$22,568	-9.2%

Note: Numbers may not add due to rounding.

2026-27 Revenue Sources
(Dollars in Millions)

	General Fund	Special Funds	Total	Change From 2025-26
Personal Income Tax	\$145,609	\$4,371	\$149,980	-\$1,310
Sales and Use Tax	35,629	16,240	51,869	1,724
Corporation Tax	45,017	-	45,017	1,730
Highway Users Taxes	-	9,688	9,688	223
Insurance Tax	4,728	-	4,728	217
Alcoholic Beverage Taxes and Fees	415	-	415	2
Cigarette Tax	34	1,066	1,100	-46
Motor Vehicle Fees	46	13,132	13,178	408
Other	-5,025	57,537	52,512	2,316
Subtotal	\$226,453	\$102,034	\$328,487	\$5,264
Transfer to the Budget Stabilization Account/Rainy Day Fund	-3,579	3,579	-	-
Total	\$222,874	\$105,613	\$328,487	\$5,264

Note: Numbers may not add due to rounding.

TK–12 Education

Total Funding: \$151.6 billion (\$91.3B General Fund, \$60.3B other funds)

- The Proposition 98 Guarantee is revised upward to \$127.1 billion in 2026/27, representing an approximately \$28 billion increase over the three-year period relative to the 2025 Budget Act.
 - Local Control Funding Formula (LCFF) receives a total cost-of-living adjustment of 4.31%, including a \$906.7 million discretionary "super COLA" to help local educational agencies manage rising costs.
 - Special education funding increases by nearly \$2.4 billion (43% over the 2025 Budget Act), raising the per-student rate to \$1,340.
 - \$5 billion in one-time Proposition 98 funds directed to the Student Support and Professional Development Discretionary Block Grant, up from \$2.8 billion at the Governor's Budget.
 - \$485 million reappropriated from the California Community Schools Partnership Program for planning, implementation, and behavioral health integration at eligible school sites.
 - \$428.8 million to extend the Literacy Coaches and Reading Specialists Grant Program through June 2031.
 - New requirement for all TK–12 local educational agencies and community colleges to provide up to 14 weeks of paid pregnancy disability leave beginning 2026/27.
 - Additional investments in teacher residency programs, the Golden State Teacher Grant, transcript-based credentialing, and mathematics professional learning.
-

Higher Education

Total Funding: \$50 billion (\$31.2B General Fund/local property tax, \$18.8B other funds)

- UC and CSU each receive a 5% base increase (final year of the Compact), at \$254.3 million and \$264.8 million respectively, in ongoing General Fund.
 - Several Compact funding payments deferred to 2027/28 to manage multi-year balance.
 - California Community Colleges (CCCs) receive a 4.31% cost-of-living adjustment to the Student-Centered Funding Formula, totaling \$438.3 million.
 - Cal Grant Program projected to provide nearly 548,000 awards at an estimated cost of \$3.2 billion in 2026/27.
 - Golden State Teacher Grant Program continues, funded through federal special education (IDEA) funds with awards of up to \$20,000 for prospective special education teachers.
 - College of the Law, San Francisco receives \$1 million ongoing for campus safety and security.
-

Natural Resources and Environment

Total Funding: \$16.3 billion combined (Natural Resources Agency + Cal EPA)

- Up to \$125 million in Climate Bond (Proposition 4) funding for acquisition of the 161-acre Golden Gate Fields property to create a new shoreline park.
- State Parks Forward initiative will expand the number of state parks from 280 to 283 and preserve an additional 30,000 acres by decade's end.
- \$25 million in one-time General Fund for the Healthy Rivers and Landscapes Program to support the Bay-Delta Water Quality Control Plan update.
- Over \$200 million in Beverage Container Recycling Fund investments to stabilize markets, improve material quality, and expand redemption access in underserved areas.
- \$2.5 million for cancer risk research related to acrolein and ethylene oxide air toxics.
- \$9.6 million in ongoing General Fund shifted to special funds within Cal EPA agencies as a budget balancing measure.

Health and Human Services

Total Funding: \$334.2 billion (\$90.4B General Fund)

- Medi-Cal projected to cover approximately 13.9 million Californians in 2026/27, with total program spending of \$216.7 billion (\$44.9B General Fund).
- A new Managed Care Organization (MCO) Tax proposed effective January 1, 2027, generating \$575 million in 2026/27, growing to \$2.3 billion annually, to sustain Medi-Cal provider rate increases following expiration of the current tax.
- Federal H.R. 1 legislation increases state General Fund costs by approximately \$1.5 billion in 2026/27 due to Medicaid work requirements, reduced federal matching rates, and immigrant eligibility restrictions.
- Medi-Cal Asset Test reinstatement saves an estimated \$278.3 million in 2026/27, growing to \$495.6 million by 2029/30.
- Adults with unsatisfactory immigration status (ages 19–59) will face a new \$50 monthly Medi-Cal premium beginning 2027/28, saving \$427.3 million annually.
- Members with unsatisfactory immigration status transitioned to fee-for-service delivery effective January 1, 2027, in compliance with new federal requirements.

Housing and Homelessness

- Creation of a new Disaster Rebuilding Fund, \$100 million (\$56M General Fund, \$44M National Mortgage Settlement funds), to expand construction financing access for homeowners impacted by the 2025 Los Angeles wildfires.
- Sixth round of Homeless Housing, Assistance and Prevention (HHAP) funding totaling \$1 billion for eligible grantees.
- Seventh round of HHAP (\$500 million) planned, contingent on enhanced local accountability requirements including compliant housing elements, encampment management policies, and pro-housing local actions.
- Policy changes to reduce development costs for state-funded affordable housing by aligning local fee structures and incentivizing development fee waivers.
- Establishment of the California Housing and Homelessness Agency (CHHA) under the Governor's Reorganization Plan, with staffing and resources transferred to support streamlined housing finance coordination.

Criminal Justice and Judicial Branch

CDCR Total Funding: ~\$14.6 billion; Judicial Branch: \$5.3 billion (\$3.3B General Fund)

- Adult incarcerated population projected to decline to approximately 87,611 in 2026/27, with a longer-term trajectory toward 85,210 by June 2030.
- Four prison closures, including the Correctional Rehabilitation Center (Norco) by October 2026. Expected to save approximately \$594 million General Fund annually by 2027/28, with cumulative savings reaching \$4.9 billion.
- New honor housing unit at Corcoran State Prison (facility 3C), launching September 2026, focuses on normalization, dynamic security, and reentry preparation.
- \$9.7 million General Fund for the Mental Health Receivership to expand clinician hiring, resource teams at nine institutions, and pilot Crisis Intervention Teams at three facilities.
- \$14.3 million in special funds for the Department of Justice to address increased antitrust workload as federal enforcement activity declines.
- \$141.9 million one-time for the Next Generation 9-1-1 transition to a unified statewide architecture, in advance of the 2028 Olympic and Paralympic Games.
- \$40 million for Nonprofit Security Grants and \$25 million to supplement declining federal Victims of Crime Act funding.

Transportation

- Caltrans manages 50,000+ lane-miles and will deliver \$18 billion in highway repair projects over five years through the State Highway Operations and Protection Program.
- \$40 million one-time General Fund to continue the Clean California litter abatement and encampment resolution program.
- \$16.4 million for Generative AI implementation to improve roadway safety monitoring and traffic mobility analysis.
- \$6.2 million annually (two-year limited term) for Homeless Encampment Liaisons on state highway rights-of-way.
- Statutory changes proposed to establish an automated enforcement program on the LA 2028 Games Route Network dedicated lanes.

General Government and Statewide Issues

- \$307.2 million (\$138.1M General Fund) for employee compensation, reflecting updated health and dental premiums; collective bargaining ongoing with nine SEIU bargaining units.
- \$3.6 billion in Proposition 2 (Rainy Day Fund) funding available, including a \$3 billion supplemental pension payment; CalPERS contributions of \$9.6 billion and CalSTRS contributions of \$4.8 billion.
- \$10 million annually in 2026/27 and 2027/28 for the California Civic Media Program to support local newsrooms.
- \$12 million one-time for the Museum of Tolerance for infrastructure improvements and AI-enhanced educational programming.
- \$414.1 million in Cannabis Tax Fund Allocation 3 distributed to youth education and treatment (60%), environmental remediation (20%), and public safety (20%).
- State Appropriations Limit for 2026/27 estimated at \$182 billion, up \$1.4 billion from the January estimate.

Chief Executive Officer's Proposed Budget Actions & Recommendations

Listed below is an overview of recommendations and actions, presented for Board of Supervisors consideration in keeping with the priority direction the Board has provided during the FY 2026-27 Budget Workshops:

CEO Recommended Actions on the Proposed Budget:

The Executive Office recommends that the Board of Supervisors take action as follows:

Approve the FY 2026-27 Chief Executive Officer's Proposed Budget for the County of Mendocino, including:

- Approve the adjustments detailed in the CEO Recommended Budget Adjustments to Departments Submitted, as outlined in Attachment B-General Fund and Attachment C Non-General Fund;
- Approve the FY 2026-27 Department Funding Requests (Attachment A) directing the Auditor-Controller to return to the Board of Supervisors on June 23, 2026, with a formal resolution adopting the FY 2026-27 Mendocino County Budget based on the above direction;
- Approve amendments to the Position Allocation Table as listed in Attachment D, directing Human Resources to return to the Board of Supervisors on June 23, 2026, with an updated Position Allocation Table;
- Approve the funded fixed assets/vehicles, structural improvements, and projects as listed in Attachment F;
- Approve FY 2026-27 Enterprise Internal Service Fund department allocations listed in Attachment H;
- Approve FY 2026-27 Microwave Public Safety Radio Communications department allocations listed in Attachment E;
- Approve transfer of any unused Fiscal Year 2025-26 Carry Forward to Reserves per Reserve and Fund Balance Policy #32;
- Approve appropriation of \$2,595,536 in Fiscal Year 24-25 Carry Forward funding for Fiscal Year 2026-27 Budget;
- Accept the Fiscal Year 2026-27 Proposed Budget Report

General Fund - The primary operating fund of a government, used to finance most typical services such as public safety, administration, and public works.

Non-Departmental Revenues - Revenues that are not directly generated by specific county departments but are collected at a county-wide level, such as general sales taxes, property taxes, and certain grants.

Net County Cost (NCC) - The total cost to the county for providing services after accounting for all revenues except for General Fund support. It represents the impact to the General Fund.

One-Time Funds - Funds that are not expected to recur on a regular basis, used typically for non-recurring expenditures. Examples include windfalls from legal settlements or one-off state or federal grants.

Fund Balance -

Operating Transfers In/Out - Transfers of money between different government funds as recorded in financial statements. Transfers in are added to a fund, while transfers out are deducted.

Actuals - The term used to describe the real financial figures recorded during a specified accounting period. Actuals represent the true amounts of revenue received or expenditures made, as opposed to budgeted figures or forecasts.

Property Tax In-Lieu of VLF (Vehicle License Fee) - Revenue received from the state as a replacement for vehicle license fees that local governments previously collected directly.

Sales Tax Revenue - Income earned by the government from sales tax, which is imposed on the sale of goods and services. It is a percentage of the price paid by the consumer at the point of sale.

Transient Occupancy Tax (TOT) - A tax charged to travelers when they rent accommodations in a hotel, inn, motel, vacation rental, etc., for a period of less than 30 days.

Measure P - A sales tax measure that was approved in November 2022 and introduced a 0.25% sales tax increase to fund fire prevention and emergency services across Mendocino County.

Teeter Plan - A method of property tax allocation that allows counties to receive the total amount of property taxes levied regardless of the actual collection rate, with the county assuming the risk for delinquent accounts.

Fiscal Sustainability - The ability to sustain current spending, tax, and other fiscal policies over the long term without risking fiscal crisis.

Fiscal Year (FY) - A one-year period used by governments for accounting and budget purposes, which varies between countries. In Mendocino County, the Fiscal Year is July 1st through June 30th.

Adjusted Budget - Refers to the budget amount that has been modified from the original approved budget to reflect changes such as additional allocations, reductions, or other adjustments during the fiscal year.

YTD (Year-to-Date) - The period starting from the beginning of the current fiscal year up to the current date, used for tracking financial progress and performance against the annual budget.

Projected Deficit - An estimate of the amount by which expenses are expected to exceed revenues by the end of the fiscal year based on current and forecasted operations.

Supplemental Roll Tax - Additional property taxes levied due to changes in property value not accounted for in the original tax roll, often resulting from construction or property sales.

Penalty & Cost on Delinquent Tax - Fees and charges applied to tax amounts that are paid late, intended to encourage timely payment of taxes.

Property Transfer Tax - A tax imposed by local governments on the transfer of property from one owner to another, based on the property's sale price.

Revenue Forecast - The estimated amount of money that will be received from various sources during a specified fiscal period. This is a critical component for budget planning and adjustments.

Capital Improvement Projects (CIP) - Long-term investment projects undertaken by the government to build, maintain, or improve its infrastructure assets, such as roads, bridges, schools, and government buildings.