

GOVERNANCE POLICIES/BYLAWS

BOARD OF DEFERRED COMPENSATION ADMINISTRATION

ADOPTED JULY 19, 2011

NEXT REVIEW JULY 2013

AVAILABLE: http://per.lacity.org/deferredcomp/Deferred_Comp_Main%20Page.htm

1. DEFINED TERMS

- 1.1. "Plan" refers to the City of Los Angeles Deferred Compensation Plan.
- 1.2. "LAAC" refers to the City of Los Angeles Administrative Code.
- 1.3. "Board" refers to the Board of Deferred Compensation Administration.
- 1.4. "Staff" refers to positions, either in whole or in part, within the Personnel Department providing support to the Board in its administration of the Plan and which have been authorized by the Board for reimbursement from the Plan.
- 1.5. "Board Counsel" refers to positions, either in whole or in part, within the Office of the City Attorney providing legal advice and support to the Plan and which have been authorized by the Board for reimbursement from the Plan.
- 1.6. "RFP" refers to a Request For Proposal.
- 1.7. "NAGDCA" refers to the National Association of Governmental Defined Contribution Administrators, Inc.
- 1.8. "Plan Year" refers to the City of Los Angeles Deferred Compensation Plan fiscal year which begins January 1 and ends December 31 of each calendar year.

ATTACHMENTS

- Appendix A – Ralph M. Brown Act [Government Code 54950-54962]
- Appendix B – City's Code of Ethics
- Appendix C – Executive Directive No. 1 – Ethics in Government (Oct. 20, 2005)
- Appendix D – Deferred Compensation Plan Accountability Summary (Nov. 15, 2011)
[Next Review Date: July 2013]

2. DUTIES AND RESPONSIBILITIES OF THE BOARD, STAFF, AND COUNSEL

2.1 The Board

- A. The authority for the operation of the Plan is provided under Internal Revenue Code Section 457 and the regulations promulgated thereunder; LAAC Division 4, Chapter 14; and the Deferred Compensation Plan “Plan Document” as adopted by the Board. The Board’s duties and responsibilities are outlined as follows:
- 1) Administer and exercise its authority under the Plan for the exclusive benefit of Plan participants and their beneficiaries.
 - 2) Rule on all questions arising out of the administration, interpretation and application of the Plan, which determination shall be conclusive and binding on all Participants, except as provided by Charter Section 245, which allows the Los Angeles City Council to veto a decision of the Board and remand it back to the Board for reconsideration.
 - 3) Provide a diverse array of investment options providing Plan participants opportunities to devise investment strategies appropriate for their individual investment objectives and risk tolerance.
 - 4) Exercise prudence and diligence in the selection of contractors providing support services to the Plan and in seeking legal, regulatory or interpretive advice regarding the proper administration of the Plan.
 - 5) Exercise prudence and diligence in all matters regarding the collection of and expenditure of participant fees.
 - 6) Adopt and administer a Plan Document which shall provide for the appropriate administration of the Plan consistent with Internal Revenue Code Section 457, the regulations promulgated thereunder, and other applicable and related portions of Federal and State law and City regulations.
- B. The duty to act for the exclusive benefit of Plan participants and their beneficiaries shall take precedence over any other duty.
- C. In governing the Plan, the Board is committed to acting in strict accordance with its fiduciary duties, including those of prudence, loyalty and care. Consistent with their fiduciary duties, Board members will strive to meet the highest standards of ethical conduct consistent with the City's Code of Ethics the Governmental Ethics Ordinance (Municipal Code Chapter IV, Article 9.5) and Executive Directive No. 1 – Ethics in Government.
- D. Developing and Adopting Policies

- 1) Review the Board Deferred Compensation Administration Governance Policies/Bylaws and Administrative Policies Manual at least every three years to ensure that the policies continue to effectively meet the needs of the Board and the Plan.
- 2) Approve and amend as necessary policies to ensure appropriate administration of the Plan.
- 3) Delegate the execution of established Board policies to staff and contracted agents.

E. Reviewing and Evaluating Performance

Monitor no less frequently than quarterly the performance and institutional viability of its various investment providers, incorporating where applicable appropriate performance benchmarks and peer comparisons.

F. Other Board Responsibilities include:

- 1) At all times meet high ethical standards that exceed legal minimums.
- 2) Be responsible and accountable to Plan participants.
- 3) Effectively and proactively communicate with Plan participants to advise them of the rules, benefits and features of the Plan.
- 4) Provide for the elections of constituent representatives on the Board in accordance with the governance requirements set forth in LAAC Division 4, Chapter 14.
- 5) Establish standing and ad hoc Committees as appropriate to facilitate the consideration of matters under the jurisdiction of the Board.
- 6) Create and maintain an atmosphere that encourages frank and collegial discussions both at the Board and Committee level and as between the Board and staff. The Board strives to achieve a governing style that emphasizes:
 - a. An outward vision with a focus on the future
 - b. Being proactive
 - c. Respect for diversity of viewpoints
 - d. Governance by consensus
 - e. A partnership with staff

- f. Ethical conduct of Board business to avoid actual or apparent impropriety

2.2 Staff

Staff duties and responsibilities are outlined as follows:

- A. Provide oversight of and facilitate all aspects of employee participation in the Plan, including but not limited to enrollment, contributions to and withdrawals from individual accounts, rollovers and transfers, hardships, loans, account separations due to divorce, records requests, payroll corrections, and all other participant-related functions and processes.
- B. Provide the Board with information, analysis and recommendations related to policies, procedures and issues related to the Board's proper administration of the Plan.
- C. Develop a proposed annual budget for Plan revenues and expenses and recommend to the Board quarterly reimbursements for expenses incurred by the City in support of the administration of the Plan.
- D. Under the direction of the Board, coordinate and administer procurement processes for all services related to administration of the Plan, including but not limited to investment management, consulting, and third-party-administrative services.
- E. Under the direction of the Board, coordinate and administer the Board's review of investment options offered by the Plan.
- F. Under the direction of the Board, draft, execute and monitor all Plan contracts for services.
- G. Coordinate with the City Clerk to facilitate all elections on behalf of the Plan for the Board of Deferred Compensation Administration.
- H. Provide recommendations as necessary to update the Plan Document.
- I. Review, monitor and execute Plan administrative processes to ensure they are compliant with applicable law and regulations.
- J. Oversee development, and ensure effectiveness and accuracy, of all participant communications, including group meeting presentations, newsletters, Plan websites, forms, and educational materials.
- K. Schedule, coordinate and develop agendas for all Board and Committee meetings, including recurring presentations from the Board's investment managers, consultants, and third-party-administrator.

- L. Participate to the extent possible in associations, educational forums, and similar organizations/events outside the City's Plan for the purpose of information gathering/sharing and creating strategic alliances that inure to the benefit of the Plan.
- M. Act as liaison to Board Counsel and contractors for all administrative, regulatory, technical and legal issues affecting the Plan.
- N. Review and monitor proposed and enacted Federal, State and City legislation that may impact the Plan and its participants.
- O. Exercise all other directives of the Board as well as obligations mandated by Federal/State/Local law, the Plan Document, or other applicable policies or procedures.

2.3 Board Counsel

The duties and responsibilities of Board Counsel are outlined as follows:

- A. Attend all Board and Committee meetings to ensure compliance with applicable public meeting laws and relevant Federal/State/Local laws and Board policies.
- B. Provide the Board with information, analysis and advice related to all regulatory matters and legislative changes that may affect the Plan.
- C. Review all documents related to Plan procurement and contracting, including but not limited to investment management, consulting, and third-party-administrative services.
- D. Provide recommendations as necessary to update the Plan Document.
- E. Facilitate employee participation in the Plan related to those functions and participant services (including but not limited to account separations due to divorce, beneficiary claims, and death claims) requiring legal review.
- F. As and when appropriate, seek outside legal services provided the Board has agreed in advance as to funding the cost of such services.
- G. Carry out all other directives of the Board as well as obligations mandated by Federal/State/Local law, the Plan Document, or other applicable policies or procedures.
- H. Provide advice and guidance on conflicts of interest to Board members, staff and contractors and consultants.
- I. Defend the Board and staff in legal actions regarding the Plan and other matters under the jurisdictions of the Board as allowed by Federal/State/Local law.

3. GOVERNANCE AND ADMINISTRATION OF MEETINGS

3.1. Board Officers - The Board shall elect a Chair, Vice-Chair, and First, Second, and Third Provisional Chairs at its first meeting following the first day in January of every even numbered year; or in the event one of the individuals holding one of these titles separates from the Board, at the earliest possible meeting following that individual's separation. Presiding over meetings shall be the responsibility of the Chair; or, in the absence of the Chair, the Vice-Chair; or, in the absence of both the Chair and Vice-Chair, each Provisional Chair in numerical ranking assuming the absence of all those higher in the successive order. That successive order shall be as follows:

- (1) Chair
- (2) Vice Chair
- (3) First Provisional Chair
- (4) Second Provisional Chair
- (5) Third Provisional Chair

This same successive order would apply in the event that attendance of a Board representative is required at a meeting of the Los Angeles City Council, a City Council Committee, or other similar event.

3.2. Chair Duties and Responsibilities - The Chair will exercise the powers and will perform the duties and functions as specified herein:

- A. Recommend to the Board for its consideration the formation, or dissolution of standing committees;
- B. Form and dissolve ad hoc committees;
- C. Appoint members to each standing or ad hoc committee; and
- D. Preside at all Board meetings, ensuring that such meetings are conducted in an efficient manner and in accordance with the City Charter and LAAC, applicable public meeting laws including the Ralph M. Brown Act, and relevant Board policies, including utilizing Robert's Rules of Order as a guideline in conducting meetings.

3.3. Vice-Chair & Provisional Chairs Duties and Responsibilities - The Vice-Chair, or in the absence of the Vice-Chair, the Provisional Chairs in successive order as outlined in 3.1, will exercise the powers and perform the duties and function as specified herein:

- A. Assume the duties of the Chair when the Chair is absent, or when the Chair shall designate the Vice-Chair/Provisional Chairs to act; and

- B. Assume the duties of Chair for the balance of the Chair's term or until a majority of the Board elects a new Chair in the event of the death, resignation, removal from office, expiration of term, or permanent incapacity of the Chair.

3.4. Meetings

- A. The Board will hold regular meetings on the third Tuesday of each month at 9:00 AM and will be located at 700 E. Temple Street, Room 350 Los Angeles, CA 90012. The approximate length of meetings will be three hours. Meetings may be cancelled at the direction of the Chair or staff, or if a quorum is not met. Special meetings may be called by the Chair or by staff.
- B. All meetings of the Board shall be open to the public and held in conformance with the requirements of the Ralph M. Brown Act.
- C. The Chair shall determine all questions of procedure and order and may seek guidance from the Board Counsel. Parliamentary formality shall not be required; however, Robert's Rules of Order shall be utilized as a guideline to resolve any procedural questions. Any issues involving a potential conflict of interest of a Board member may be referred to the Board Counsel for advice and guidance.
- D. Board members are expected to attend all Board and assigned Committee meetings. Staff will provide the Board with an annual report indicating the attendance of each Board member during the prior year.

3.5. Agendas, Minutes, and Meeting Materials

- A. Staff shall prepare the agenda for each Board and Committee meeting.
- B. The Board Chair or appropriate Committee Chair and staff have the authority to place items on the Board or Committee agenda. Any Board member may propose items for future agendas. Board members proposing items may do so by making a request through the Board or Committee Chair or making a request at a Board or Committee meeting. Emergency items may be considered by the Board in accordance with the Ralph M. Brown Act.
- C. Agendas shall be posted online and in accordance with the Ralph M. Brown Act.
- D. Every agenda for a regular Board or committee meeting shall provide the public an opportunity to address the Board or committee on any item under the subject matter jurisdiction of the Board. With respect to any item on the agenda, the public will be given the opportunity to comment before or during the Board or Committee's consideration of the item. The public shall also be given an opportunity to comment on closed session items prior to adjournment into closed session. Where a member of the public raises an issue not yet before the Board or a Committee, the matter may be briefly discussed but no action may be taken on it at that meeting. To ensure the

efficient conduct of Board and Committee business, there shall be a 5-minute limit on public comment by a member of the public per agenda item or new matter which is to be enforced by the Chair.

- E. Board meeting materials will be provided to Board members within a reasonable number of days in advance of meetings such that Board members will have sufficient time to review and consider the materials. Committee meeting materials will also be provided electronically to Committee members within a reasonable number of days in advance of Committee meetings. Meeting materials provided to Board members will be posted on the Personnel Department Deferred Compensation Plan website and made available at the same time they are provided to Board members.
- F. Minutes for each Board and Committee meeting shall be prepared, which provide a summary of all business conducted and a disposition of all motions, and shall be presented to the appropriate body for approval. Once approved, the minutes shall form part of the permanent records of the Board and will be posted on the Personnel Department Deferred Compensation Plan website.

3.6. Quorum, Voting Requirements, & Staff Attendance

- A. The Board shall exercise its conferred powers by order or resolution adopted by a majority of its members.
- B. To provide a clear record of Board actions, roll call votes shall be taken when the vote is not unanimous.
- C. The Board shall consist of nine members as described in the LAAC Sec. 4.1407. Five Board members shall constitute a quorum for meetings of the Board.
- D. Staff shall attend all Board and Committee meetings. No action shall be taken without staff being allowed an opportunity to participate in the discussion.

3.7. The Board has the authority to amend its bylaws by a majority vote consistent with LAAC 21.16.

3.8. Resignations – Any elected or appointed Board member who becomes ineligible to serve based on an inability to meet the eligibility requirements of the position, or incapacity to attend meetings and participate fully in the Board's deliberations, may resign from the Board by informing the Board or staff, preferably in writing, of the effective date of his/her resignation. An elected or appointed Board member who chooses to resign for any other reason may similarly submit a letter to the Board Chair indicating the effective date of his/her resignation.

4. COMMITTEE OPERATIONS & GOVERNANCE POLICY

4.1. Operational Rules

- A. The purpose of the Board's committees is to review items that have been referred by the full Board and propose recommendations to the full Board.
- B. The Board Chair may establish ad hoc Committees or recommend to the Board the formation of standing Committees deemed necessary to support the Board in carrying out its responsibilities.
- C. The Board has established two standing Committees: the Investments Committee, which is responsible for examining issues related to the investments options made available under the Plan; and the Plan Governance & Administrative Issues Committee, which is responsible for examining issues related to Plan oversight, ethics, surveys, fees and other issues of a non-investment nature delegated for consideration by the full Board.
- D. The Board Chair will appoint the members of each standing and ad hoc Committee. The Board Chair will also appoint the Chair of each Committee.
- E. No Committees shall be comprised of a quorum of the Board or greater.
- F. Committee Members may be removed or replaced by the Board Chair by his/her own act.
- G. In determining the members and chairs of each Committee, the Board Chair shall consider:
 - 1) The need to maintain a level of continuity in Committee membership
 - 2) The need to ensure to the extent possible that Board members' Committee appointments reflect their areas of interest and experience; and
 - 3) The need to ensure that Board members gain experience on different Committees.
- H. A minimum of two Committee members are required to conduct a Committee meeting and take Committee actions.
- I. Committees shall make recommendations to the full Board by order adopted by a majority of Committee members present at the Committee meeting.
- J. The Chair of each Committee shall preside at all meetings of the Committee. In the absence of the Committee Chair, the remaining members of the Committee will elect a temporary chair.

- K. Any Board member may attend, and participate in discussions of, any meeting of any committee of the Board; however, at any committee meeting (or at any committee meeting that has become a Special Meeting of the Board due to the presence of a quorum of the Board), only members of the Committee may vote on matters before the Committee. Unless otherwise provided herein, no actions taken by a Committee shall constitute a final action of the Board.
- L. All motions approved by a committee are subject to Board approval, unless the Board has delegated to the Committee specific authority to act on its own (e.g. actions pertaining to the Committee's own operation such as approving agenda, meeting schedules, etc.)
- M. Following assignment of an issue or issues to a Committee, Committee meetings shall be called by the Committee Chair in coordination with staff.
- N. Committees shall utilize Robert's Rules of Order as a guideline unless otherwise specified by statute, Board action, or these bylaws.
- O. Committees shall adhere to the same public notification and meeting requirements as the Board.
- P. Committees shall communicate with the Board in the form of Report(s) to the Board, offering recommendations and discussion upon referred matters for the Board's consideration.
- Q. Staff shall provide, in a timely manner prior to the meeting, agendas and the appropriate documents for conduct of a committee meeting.

5. FISCAL ADMINISTRATION POLICY

Pursuant to LAAC Division 5, Chapter 92, a “Deferred Compensation Plan Trust Fund” has been established for the receipt and retention of fees charged to Plan participants to provide funding for the administration of the Plan. In addition, the Board maintains an account with its third-party-administrator which functions as a repository for administrative fees collected in order to meet the Plan’s contractual fee obligations to the third-party-administrator. Monies maintained in either Fund shall be used to pay for all administrative and operating costs generated by the Plan, as approved by the Board, and under no circumstances may be used for any purpose other than that which accrues to the benefit of Plan participants and their beneficiaries.

- 5.1. On a quarterly basis Personnel Department staff will reconcile the revenues, expenditures, assets and liabilities of the Fund and submit to the Board for approval such fund transfers as may be necessary to reimburse the Personnel Department, and the Office of the City Attorney for their operational expenses in administering the Plan. In its quarterly reports Personnel Department staff will provide and update 5-year projections for Plan revenue/expenses.
- 5.2. At the beginning of each calendar year staff will present, for adoption by the Board, a recommended budget for the Trust Fund for that Plan Year. The Board, in structuring this budget, will maintain a long-term balance between revenues and expenditures that is consistent with avoiding volatility in the collection of participant fees. In furtherance of that objective, the Board shall maintain a prudent reserve in the Trust Fund to protect against fluctuations in Plan assets. The Board’s Plan Year budgets shall be consistent with ongoing 5-year revenue/expense reviews as described in Section 5.1.

6. CODE OF ETHICS

- 6.1. Members of the Board and staff must at all times meet high ethical standards that exceed legal minimums as mandated in State ethics laws, the City Ethics Ordinance and Code of Ethics, and Mayoral Directives. Individual Board members and staff shall avoid favoritism, conflict and disclosure of privileged information at all times and shall act in the best interest of the Plan consistent with their fiduciary duties.
- 6.2. Board members and staff shall conduct themselves with integrity and dignity, strive to understand the Plan's objectives, and exercise care, prudence and diligence in handling confidential information.
- 6.3. Board members and staff shall not seek nor accept any compensation or political contributions that would violate California law, including without limitation the Political Reform Act of 1974 and City Ethics Ordinance.
- 6.4. Board members and staff shall comply with gift restrictions and travel advancement/reimbursement requirements set forth in State law and City regulations and policy.
- 6.5. Board members and staff shall take positive steps to prohibit breaches of duty (through negligence or intentional action), unauthorized communication with individuals seeking to influence the Board, and unauthorized communication with individuals who may receive personal gains as a result of Board actions, such as, but not limited to, the conducting of serial meetings and discussion with any respondents to any procurement process concerning issues directly related to the matter while the procurement process is underway.
- 6.6. Board members and staff shall not act or participate in any manner on matters on which they may have a conflict of interest or an appearance of a conflict of interest as set forth in California law and City regulations and policy. As soon as a Board member or staff member becomes aware of a potential conflict of interest, he/she shall immediately consult with the Board Counsel for guidance. A Board member or staff member who has a conflict of interest or an appearance of a conflict of interest on any matter shall comply with the rules regarding recusal.
- 6.7. Board and staff members shall not request, receive or agree to receive anything of value or other advantages in exchange for a decision or influence on a decision. As soon as a Board member or staff member becomes aware of a potential breach of this obligation, he/she shall immediately consult with the Board Counsel and staff.
- 6.8. Board members and staff shall not communicate with current or prospective vendors or their representatives, or any other person or organization, for the purpose or intent of having a particular vendor secure or maintain a contract or business with the City's Plan, or otherwise realize financial gain from the City's Plan. As soon as a Board member or staff member becomes aware of a potential breach of this obligation, he/she shall immediately consult with the Board Counsel and Plan staff.

6.9. Board members and staff recognize that all Plan business transactions are to be based on integrity, competence, financial merit and benefit to Plan participants and their beneficiaries, and not on personal relationships.

7. PROCUREMENT PROCESSES AND CONTRACTING

7.1. Pursuant to the obligations and expectations outlined in Section 6, Code of Ethics, the Board and staff recognize that it is imperative during all procurement and contracting processes to safeguard the trust of the City of Los Angeles Deferred Compensation Plan participants, assure the integrity of the process, meet their fiduciary obligations as members of the Board and staff, provide a fair and equitable process for interested vendors, efficiently consider the broadest pool of potential providers, and make decisions which are based strictly on what is in the best interests of the Plan and its participants. Towards that end, all members of the Board and staff agree to conduct themselves in the highest ethical manner before, during and following a procurement process, to include the following:

- A. Board members and staff agree not to meet privately with employees, representatives or registered lobbyists of any actual or potential respondents in the twelve months prior to scheduled initiation of a procurement process, nor within any time period following the initiation of a procurement process and up until the final contract award, with the purpose or result of engaging in a conversation materially related to the vendor's securing business from the City's Plan. Should a Board member engage in such a meeting, he/she shall, apart from any potential sanctions under the Ethics Ordinance, be disqualified from voting on or taking any other action in regard to the selection of the contractor. Should a staff member engage in such a meeting, he/she shall, apart from any potential sanctions under the Ethics Ordinance or disciplinary action, be disqualified from participating directly or indirectly in the evaluation of RFP responses. The date, location, and substance of the matters discussed in such meetings as described above shall be disclosed in writing and submitted to staff for distribution to the Board and made available for public review. Nothing in this section shall prohibit staff members from communicating with actual or potential respondents to an RFP as provided for in the rules for communication as set forth in a given RFP, nor shall it restrict communications with incumbent vendors for the purpose of ongoing administration of the City's Plan.
- B. No member of the Board shall participate directly in the development, review, evaluation, negotiation, or recommendation process of responses to RFPs or any other requests award of a contract, contract amendment, or change order involving the Board except as provided in Los Angeles Municipal Code Section 49.5.17 "Commissioner Participation in Contracting Process". All such reviews shall be conducted by the Board's staff, consultant, and/or other members of a review committee established by the Board for each RFP.
- C. This section is not intended to prohibit contact with potential candidates for award of a contract at group social events, educational seminars, conferences, or charitable events so long as there is no direct marketing, and there are no discussions about the contract or the process to award it.

Appendix A

THE RALPH M. BROWN ACT

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THE RALPH M. BROWN ACT

54950. Policy declaration

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

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.

54950.5. Title

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

54951. Definition of local agency

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

54952. Definition of legislative body

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

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

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

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

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

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

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

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

54952.1. Definition of member of a legislative body

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

54952.2. Definition of meeting

(a) As used in this chapter, "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

(b) Except as authorized pursuant to Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

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

(1) Individual contacts or conversations between a member of a legislative body and any other person.

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

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

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among

themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

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

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

54952.6. Definition of action taken

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

54952.7. Copies of Act; Distribution

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

54953. Open meetings required; Teleconferencing; Secret ballots

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

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

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

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

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

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

54953.2. Meeting; Disability rights

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

54953.1. Grand jury testimony by members

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

54953.3. Conditions to attendance at meetings

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

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

54953.5. Recording meetings

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

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

54953.6. Broadcasting meetings

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

54953.7. Greater access to meetings permitted

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

54954. Notice of regular meetings; Boundary restrictions for all meetings

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

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

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

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

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

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

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

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

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

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

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

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

(3) Interview a potential employee from another district.

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

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

54954.1. Agenda information provided by mail; Fee

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

54954.2. Agenda requirements; Regular meetings

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

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

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

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

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

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

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

54954.3. Public's right to testify at meetings

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

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

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

54954.4. Reimbursement of costs

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

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

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

54954.5. Safe harbor agenda for closed sessions

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

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

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

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

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

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

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

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

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

or

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

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

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

LIABILITY CLAIMS

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

Agency claimed against: (Specify name)

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

THREAT TO PUBLIC SERVICES OR FACILITIES

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

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

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

CONFERENCE WITH LABOR NEGOTIATORS

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

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

or

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

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

CASE REVIEW/PLANNING

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

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

REPORT INVOLVING TRADE SECRET

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

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

HEARINGS

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

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

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY
FEDERAL LAW

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

54954.6. New taxes and/or assessments; Procedural requirements

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

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

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

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

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

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

(E) Standby or immediate availability charges.

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

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new

or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

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

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

(B) The activity to be taxed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The property owners subject to the assessment.
- (2) The voters within the local agency imposing the tax or assessment.

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

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

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

54955. Adjournment

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

54955.1. Continuance

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

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

54956. Special meetings

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

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

54956.5. Emergency meetings

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

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

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

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

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

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

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

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

54956.6. Fees

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

54956.7. Closed session; License application of rehabilitated criminal

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not

be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.8. Closed session; Real property negotiations

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

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

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

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

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

54956.86. Closed session; Health claims

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

54956.87. Record exempt; Closed session; County health plan

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board

of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (c) of Section 32106 of the Health and Safety Code, shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

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

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

54956.9. Closed session; Pending litigation

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

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

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

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

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

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

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

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

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

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

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

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

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

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

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

§ 54956.95. Closed session; Insurance liability

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

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

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

54957. Closed session; Personnel and threat to public security

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security

operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

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

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

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

§ 54957.1. Report at conclusion of closed session

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54957.2. Minutes of closed session

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

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

54957.5. Agendas and other materials; Public records

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

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

(c) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. Closed session; Labor negotiations

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

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

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

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

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

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

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

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

54957.7. Announcement prior to closed sessions

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

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

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

54957.8. Closed session; Multijurisdictional drug enforcement agency

Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional drug law enforcement agency, or an advisory body of a multijurisdictional drug law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal

investigation of the multijurisdictional drug law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

“Multijurisdictional drug law enforcement agency,” for purposes of this section, means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, which provides drug law enforcement services for the parties to the joint powers agreement.

The Legislature finds and declares that this section is within the public interest, in that its provisions are necessary to prevent the impairment of ongoing law enforcement investigations, to protect witnesses and informants, and to permit the discussion of effective courses of action in particular cases.

54957.9. Disruption of meeting

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

54957.10. Closed session; Deferred Compensation Plan; Early withdrawal

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

54958. Act supercedes conflicting laws

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

54959. Violation of Act; Criminal penalty

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the

public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. Violation of Act; Civil remedies

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

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

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

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

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

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

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

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

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

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

(5) Nothing in this section shall permit discovery of communications which are protected by the attorney-client privilege.

54960.1. Violation of Act; Actions declared null and void

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54960.5. Costs and attorney fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

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

54961. Discrimination; Disabled access; Fees for attendance; Disclosure of victims

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

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

54962. Closed session; Express authorization required

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

54963. Closed session; Disclosure of confidential information

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

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

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

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

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

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

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

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

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

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

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

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

Appendix B

**City of Los Angeles
CODE OF ETHICS**

**STATEMENT OF APPROVED PRINCIPLES FOR PUBLIC SERVICE
IN THE GOVERNMENT OF THE CITY OF LOS ANGELES**

Adopted by Council Resolution, July 21, 1959 and Amended August 23, 1979 by Council resolution

I

General Rule with Respect to Conflicts of Interest

Persons in the public service shall not engage in nor shall they have any interest, direct or indirect, in any business or transaction, nor incur obligation which is in substantial conflict with the proper discharge of their official duties in the public interest or which impairs their independence of judgment in the discharge of such duties.

II

Actions and Conduct Designed to build Public Confidence

Persons in the public service shall not only be ever conscious that public service is a public trust but also shall be impartial and devoted to the best interests of the City, and shall so act and conduct themselves, both inside and outside the City's service, as not to give occasion for distrust of their impartiality or of their devotion to the city's best interests.

III

Acceptance of Favors and Gratuities

Persons in the public service shall not accept money or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, gratuities or favors of any kind which might reasonably be interpreted as an attempt to influence their actions with respect to City business.

IV

Use of Confidential Information

Persons in the public service shall not disclose confidential information acquired by or available to them in the course of their employment with the City, or use such information for speculation or personal gain.

V

Use of City Employment and Facilities for Private Gain

Persons in the public service shall not use, for private gain or advantage, their City time or the City's facilities, equipment or supplies, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

VI

Contracts With the City

Persons in the public service shall not exercise any discretionary powers for, or make any recommendations on behalf of or to the City or any department or officer thereof with respect to any contract or sale to which the City or any department thereof is a party and in which such persons shall knowingly be directly or indirectly financially interested.

VII

Outside Employment Impairing Service to the City

Persons in the public service shall not engage in outside employment or business activity which involves such hours of work or physical effort that it would or could be reasonably expected to substantially reduce the quality or quantity of work or interfere with such persons' giving a full day's labor for a full day's pay.

VIII

Outside Employment Incompatible With Official Duties

Persons in the public service shall not engage in any outside employment which involves the performance by them of any work which will come before them as officers or employees of the City, or under their supervision, for approval or inspection; provided that nothing in this paragraph shall be taken to limit in any manner the outside employment of such persons where the interests of the City

are protected under Section 222 of the Charter and ordinances adopted thereunder.

IX

Personal Investments

Persons in the public service shall not make personal investments in enterprises which they have reason to believe may be involved in decisions or recommendations to be made by the, or under their supervision, or which will otherwise create a substantial conflict between their private interests and the public interest. If, however, persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall disqualify themselves from any participation therein.

X

Discussion of Future Employment

Persons in the public service shall not negotiate for future employment outside the City service with any person, firm, or organization known by such persons to be dealing with the City concerning matters within such persons' areas of responsibility or upon which they must act or make a recommendation,

XI

Conduct with Respect to Performance on the Job

Persons in the public service shall perform their duties earnestly, economically and efficiently.

XII

Activities Incompatible With Official Duties and the Reporting of Improper Government Activities

Persons in the public service shall not engage in any improper governmental activity or in any actions or practices which should interfere with the proper performance of the duties of others. Persons in the City service are strongly encouraged to fulfill their own moral obligations to the City by disclosing to the extent not expressly prohibited by law, improper governmental activities within their knowledge. No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

XIII

Loyalty

Persons in the public service shall uphold the Federal and California State Constitutions, laws and legal regulations of the United States, the State of California, the City of Los Angeles, and all other applicable governmental entities therein.

XIV

Equal Employment Opportunity

Persons in the public service shall not, in the performance of their service responsibilities, discriminate against any person on the basis of race, color, national origin, ancestry, sex (including sexual harassment and gender identity or expression, which includes actual or perceived transgender status), sexual orientation, age, religion, creed, marital status, disability, medical condition (cancer or genetic characteristics), HIV/AIDS (acquitted or perceived) or retaliation for having filed a discrimination complaint or participating in a protected activity; and they shall cooperate in achieving the equal employment opportunity goals and objectives of the City.

Appendix C



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE DIRECTIVE NO. 1

Original issue date: July 5, 2005
Re-issued: October 20, 2005

Subject: Ethics in Government

As public servants to the residents of Los Angeles, we must commit ourselves to a standard of conduct that maintains and enhances the public's trust in our local government. To fulfill this mandate, our individual and collective decision making processes must be based upon the highest possible ethical standards.

Mandatory Annual Ethics Training

City officials and staff members must be fully informed of the provisions of all existing ethics laws if we are to achieve compliance with the law. In recognition of the complex and evolving nature of ethics regulations, Board and Commission members, General Managers, Directors and Administrators of Departments, Offices, and Agencies, and staff of the Office of the Mayor shall attend an annual ethics training conducted by the City Ethics Commission, in partnership with the Office of the City Attorney. These training sessions shall be structured to assure that each participant has the knowledge to comply fully with all of the relevant ethics laws governing their service to the City of Los Angeles. The City Ethics Commission shall be responsible for reporting any non-compliance with this section to the Office of the Mayor.

Strict Enforcement of Recusal Laws and Regulations

City and State laws strive to ensure that public officials do not participate in matters in which they may have a conflict of interest. These laws typically may require that individuals recuse themselves from matters where they have an actual or perceived conflict of interest.

In addition, Charter Section 707 requires Commission or Board members to divest any investment, interest, or source of income that results in a significant and continuing conflict of interest. In order to achieve compliance with Section 707, the City must track when these recusals occur and the extent to which they

impair a Commissioner or Board Member's ability to fulfill his or her public duties. Consequently, each Board or Commission member shall disclose, to the Office of the Mayor and City Ethics Commission, any conflicts by completing and submitting a recusal notice for any matter in which they are disqualified from participating, or would have been disqualified from participating had they been in attendance.

Timely and Complete Filing of All Disclosure Forms

It is essential to ensure transparency in government by achieving complete and timely filing of all City officials' disclosure forms, such as economic interest statements and city-related business disclosures, as required by City and State law. Each individual required to file these forms is responsible for doing so in a complete and timely manner. Any failure to meet these requirements may result in corrective action by the City Ethics Commission, Fair Political Practices Commission, and/or the Office of the Mayor.

Posting of the City of Los Angeles' Code of Ethics

As a constant reminder of the importance of ethical conduct, all General Managers, Directors and Administrators of Departments, Offices and Agencies and Boards and Commissions of City Government shall post in all workplaces a current copy of the "City of Los Angeles' Code of Ethics". This document outlines the principles that should guide the actions of all City employees and its prominent display will reinforce these values. The City Ethics Commission shall be responsible for reporting non-compliance with this requirement to the Office of the Mayor.

Summary of Required Actions


Pursuant to this Executive Directive, the following instructions shall be implemented:

1. All Board and Commission members, General Managers, Directors and Administrators of Departments, Offices, and Agencies, and staff of the Office of the Mayor shall attend an annual ethics training conducted by the City Ethics Commission, in cooperation with the Office of the City Attorney.
2. Each Board or Commission member shall disclose to the Office of the Mayor and the City Ethics Commission, any conflicts by completing and submitting a recusal notice for any matter in which they are disqualified from participating, or would have been disqualified from participating had they been in attendance
3. All disclosure forms required by City and State law, such as economic interest statements and city-related business disclosures, shall be filed in

a complete and timely manner by the relevant City officials and employees.

4. All General Managers, Directors and Administrators of Departments, Offices and Agencies and Boards and Commissions of City Government shall be required to post in all workplaces a current version of the "City of Los Angeles' Code of Ethics".

Executed this 20th day of October, 2005.



ANTONIO R. VILLARAIGOSA
Mayor

Attachment

COMMISSIONER ETHICS PLEDGE

ETHICS PLEDGE

I support Mayor Villaraigosa's commitment to the highest standards of ethics, honesty, and integrity, and I pledge to adhere consistently to these values. I further agree to abide by the principles and restrictions stated below throughout my service to the City of Los Angeles.

I PLEDGE TO:

- 1) Act solely in the public interest.
- 2) Not participate in any paid lobbying activities to influence a City of Los Angeles decision or matter.
- 3) Avoid actual and perceived conflicts of interest at all times during my service to the City of Los Angeles.
- 4) Take full responsibility for learning and complying with all laws and rules governing the standards of conduct for public officials, including gift restrictions, disclosure requirements, and campaign finance limitations.
- 5) Disclose to the Counsel to the Mayor and/or the City Attorney, on request, any information necessary to establish my ongoing compliance with this Ethics Pledge or otherwise relevant to the Mayor's commitment to the highest ethical standards in government.
- 6) Waive my right to any compensation for service on a part-time commission.

ACKNOWLEDGEMENT

As a condition of my appointment as a Commissioner or Board Member, I acknowledge and agree to comply with this Ethics Pledge throughout my term of service with the City of Los Angeles. I further understand that any violation of this Ethics Pledge may result in my immediate removal and that I serve at the pleasure of Mayor Antonio Villaraigosa.

Date: _____

PRINT NAME _____

SIGNATURE _____

GENERAL MANAGER ETHICS PLEDGE

ETHICS PLEDGE

I support Mayor Villaraigosa's commitment to the highest standards of ethics, honesty, and integrity, and I pledge to adhere consistently to these values. I further agree to abide by the principles and restrictions stated below throughout my service to the City of Los Angeles.

I PLEDGE TO:

- 1) Act solely in the public interest.
- 2) Avoid actual and perceived conflicts of interest at all times during my service to the City of Los Angeles.
- 3) Take full responsibility for learning and complying with all laws and rules governing the standards of conduct for public officials, including gift restrictions, disclosure requirements, and campaign finance limitations.
- 4) Disclose to the City Ethics Commission and/or Office of the City Attorney, on request, any information necessary to establish my ongoing compliance with this Ethics Pledge or otherwise relevant to the Mayor's commitment to the highest ethical standards in government.

ACKNOWLEDGEMENT

I agree to comply with this Ethics Pledge. I further understand that any violation of this Ethics Pledge may result in corrective action being taken by Mayor Antonio Villaraigosa.

Date: _____ PRINT NAME _____

SIGNATURE _____

MAYORAL STAFF ETHICS PLEDGE

ETHICS PLEDGE

I support Mayor Villaraigosa's commitment to the highest standards of ethics, honesty, and integrity, and I pledge to adhere consistently to these values. I further agree to abide by the principles and restrictions stated below throughout my service to the City of Los Angeles.

I PLEDGE TO:

- 1) Act solely in the public interest.
- 2) Avoid actual and perceived conflicts of interest at all times during my service to the City of Los Angeles.
- 3) Take full responsibility for learning and complying with all laws and rules governing the standards of conduct for public officials, including gift restrictions, disclosure requirements, and campaign finance limitations.
- 4) Disclose to the Counsel of the Mayor, on request, any information necessary to establish my ongoing compliance with this Ethics Pledge or otherwise relevant to the Mayor's commitment to the highest ethical standards in government.

ACKNOWLEDGEMENT

I agree to comply with this Ethics Pledge. I further understand that any violation of this Ethics Pledge may result the termination of my employment with the Office of the Mayor.

Date: _____ PRINT NAME _____

SIGNATURE _____

Appendix D

DEFERRED COMPENSATION PLAN ACCOUNTABILITY SUMMARY

This Exhibit of the Deferred Compensation Plan Governance Policies/Bylaws provides a summary of essential duties and obligations of those entities involved in administering and providing services for the City's Deferred Compensation Plan ("the Plan."). This document is intended to be descriptive, not proscriptive. It is a summary of these duties and obligations as established by applicable law, the Plan's governing documents and/or service contracts. Any conflicts between the information provided in this document and applicable law, Plan governing documents and/or service contracts, shall be resolved in favor of the latter.

Accountability Category: **PLAN AUTHORITY**
Responsible Entity: **LOS ANGELES CITY COUNCIL**
Documentary/ Legal Authority(ies): - **City of L.A. Administrative Code, Div. 4, Chapter 14**

Responsibility and/or Authority To:

- Establish and terminate the Plan "The Plan may be amended or terminated by the City at any time." (LAAC Div. 4/Chapter 14, Sec. 4.1409).
 - Establish and amend the governance structure (LAAC Div. 4/Chapter 14, Sec. 4.1407).
 - Establish participation eligibility (LAAC Div. 4/Chapter 14, Sec. 4.1402).
 - Establish satisfaction of Federal Trust requirement for Internal Revenue Code Section 457 plans (LAAC Div. 4/Chapter 14, Sec. 4.1404).
 - Authorize the establishment, powers and authority to amend the Plan Document by the Board (LAAC Div. 4/Chapter 14, Sec. 4.1400).
 - Establish rights of Plan Participants (LAAC Div. 4/Chapter 14, Sec. 4.1408).
-

Accountability Category: **PLAN GOVERNANCE**
Responsible Entity: **BOARD OF DEFERRED COMPENSATION
ADMINISTRATION**
Documentary/ Legal Authority(ies): - **City of L.A. Administrative Code, Div. 4, Chapter 14**
- **Plan Document**
- **Board Bylaws**

Responsibility and/or Authority To:

- Administer the Plan: "Have the sole authority for the operation of the Plan in accordance with its terms and shall rule on all questions arising out of the administration, interpretation and application of the Plan, which determination shall be conclusive and binding on all Participants." (LAAC Div. 4/Chapter 14, Sec. 4.1407(a)).
- Contract for Plan services: "One or more organization(s) shall be selected and contracted with by the Board to assist the Board in the administration of the Plan and to provide Plan investment options, Plan consulting services, Plan auditing services, and other services related to the administration of the Plan. The contractor(s) shall be governed by the Board." (LAAC Div. 4/Chapter 14, Sec. 4.1407(b)).
- Create and modify as appropriate the Plan Document: "The City of Los Angeles Board of Deferred Compensation Administration shall prepare and adopt a Plan Document which together

with the provisions of (LAAC Div. 4/Chapter 14) shall be the governing document for the Plan.” (LAAC Div. 4/Chapter 14, Sec. 4.1400).

- Create and establish Board Bylaws for the purpose of establishing rules governing the conduct of the Board, its Committees, Board meetings, oversight of the Deferred Compensation Plan Trust Fund, staff and counsel responsibilities, procurement procedures and ethics responsibilities: “(The Board... shall promulgate rules and bylaws for the conduct of its meetings within the Deferred Compensation Plan Document.” (LAAC Div. 4/Chapter 14, Sec. 4.1407(e)(9)).
- “The Board shall also report annually to the City Council and to all Plan Participants concerning the administration and financial condition of the Plan.” (LAAC Div. 4/Chapter 14, Sec. 4.1407(d)).

Accountability Category: **PLAN ADMINISTRATION**
Responsible Entity: **GENERAL MANAGER PERSONNEL DEPARTMENT**
Documentary/ Legal Authority(ies): - **City Charter, City of L.A. Administrative Code**

Responsibility and/or Authority To:

- Provide staffing to the Plan: “The General Manager of the Personnel Department... shall coordinate and/or disseminate rulings and responses necessitated by Board actions; and shall, through his/her Office, provide staff assistance and support to the Board.” (LAAC Div. 4/Chapter 14, Sec. 4.1407(e)(1)).
- Provide direct operational oversight to the Plan’s contracted service providers.
- Facilitate all aspects of employee participation in the Plan.
- “Appoint, discharge, suspend, or transfer...employees...issue instructions to employees, in the line of their duties... expend the funds of the department or bureau in accordance with the provisions of the budget...” (City Charter Section 509 (b) (c) (d))

Accountability Category: **LEGAL COUNSEL**
Responsible Entity: **OFFICE OF THE CITY ATTORNEY**
Documentary/ Legal Authority(ies): - **City Charter, City of L.A. Administrative Code**

Responsibility and/or Authority To:

- Advise the Board regarding the conduct of its meetings, legal and regulatory matters, and administrative/policy issues relating to the proper administration of the Plan.

Accountability Category: **BOARD ELECTIONS**
Responsible Entity: **OFFICE OF THE CITY CLERK**
Documentary/ Legal Authority(ies): - **City Charter, City of L.A. Administrative Code**

Responsibility and/or Authority To:

- Administer elections for the Board of Deferred Compensation Administration in accordance with applicable City rules and procedures – “The Office of the City Clerk shall administer... elections.” (LAAC Div. 4/Chapter 14, Sec. 4.1407(e)(9)).

Accountability Category: **THIRD PARTY ADMINISTRATION**
Responsible Entity: **CONTRACTED PROVIDER(S)**
Documentary/ Legal Authority(ies): - **Applicable Contract(s)**

Responsibility and/or Authority To:

- Administer enrollment, distribution, loan processing, transfers/rollovers, investment and account recordkeeping, and all other aspects of employee participation in the Plan.
- Provide counseling and educational services to Plan participants.
- Facilitate investment in core menu of investment options (as selected by the Plan) and provide a Self-Directed Brokerage Option (SDBO).

Accountability Category: **TRUSTEE SERVICES**
Responsible Entity: **CONTRACTED PROVIDER(S)**
Documentary/ Legal Authority(ies): - **Applicable Contract(s)**

Responsibility and/or Authority To:

- In accordance with Federal law, hold Plan assets in trust for the exclusive benefit of Plan participants.

Accountability Category: **INVESTMENT MANAGEMENT**
Responsible Entity: **CONTRACTED PROVIDER(S)**
Documentary/ Legal Authority(ies): - **Applicable Contract(s)**

Responsibility and/or Authority To:

- Invest participant assets in accordance with applicable mutual fund prospectus or investment management services agreement, and in compliance with all applicable laws, regulations and rules pertaining thereto.

Accountability Category: **CONSULTING SERVICES**
Responsible Entity: **CONTRACTED PROVIDER(S)**
Documentary/ Legal Authority(ies): - **Applicable Contract(s)**

Responsibility and/or Authority To:

- Monitor, advise and report to the Board regarding the performance, organizational structure, investment process, and all other matters relevant to oversight of the Plan's current and prospective investment options.
- As directed by the Board, facilitate investment manager procurements and advise the Board regarding the selection, retention, and elimination of current and prospective investment providers.
- Monitor, advise and report to the Board regarding all applicable laws, regulations and rules pertaining to the proper administration of the City's Plan.
- As directed by the Board, monitor, advise and report to the Board regarding policy and administrative issues pertaining to the proper administration of the City's Plan.