ANALYSIS:

Unless otherwise indicated, all references are to the Government Code of California.

OPEN MEETING REQUIREMENT

The Brown Act (Secs. 54950 to 54961, incl.) requires that all meetings of the "legislative body" of a city, among others, be open and public and all persons be permitted to attend, with exceptions discussed later (Sec. 54953).

The right of the public to notice of and to attend meetings without restrictions has been jealously guarded.

A San Diego City Council rule was declared invalid which required citizens who desired to attend "Council conferences" to register with the City Clerk and identify the groups they represented, the agenda item in which they were interested, and whether they were trying to influence the passage or defeat of such legislation. Persons attending such "Council conferences" were required to agree to remain silent unless requested to speak (27 Ops. Cal.Atty. Gen. 123 - 1956). The State Legislature in 1957 amended the Act to conform to this opinion and to provide that a member of the public cannot be required as a condition to attending a meeting to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition which is a condition precedent to his attending the meeting (Sec. 54953.3).

All that is required under the Brown Act is that meetings be open and public and all persons permitted to attend. It does not explicitly or impliedly infer a right to broadcast meetings. It is within the discretion of a County Board of Supervisors to refuse to permit a radio station to broadcast its regular meetings (38 Ops. Cal. Atty. Gen. 52 - 1961).

A Council rule prohibiting the use of tape recorders or mechanical devices in the Council Chambers to obtain tapes or recordings of council proceedings was held to be invalid (Nevens v. City of Chino - 1965 - 233 CA 2d 775), the court noting that the device could be operated without noise or interference with council proceedings, and that the rule bars "what clearly should be permitted in making an accurate record of what takes place at such meetings."

The open meeting requirement extends beyond meetings of the city council. Since the Act was adopted in 1953, the definition of a "legislative body" has been expanded to include, in addition to the City Council, the following:

1. A planning commission, library board, recreation commission and other permanent city boards or commissions (Sec. 54952.5).

2. Any advisory commission, advisory committee or advisory board, whether created by charter, ordinance, resolution, or any similar formal action of the city council (Sec. 54952.3).

3. Any board, commission, committee, or other body on which city officers serve in their official capacity as members and which is supported in whole or in part by city funds, whether the particular body is organized and operated by the city or by a private corporation (Sec. 54952).

4. Any private nonprofit organization receiving public money pursuant to the Economic Opportunity Act of 1964 (Sec. 54951.1).

5. Any nonprofit corporation created by one or more public agencies who also appoint the board of directors and whose purpose relates to acquisition, construction, reconstruction, maintenance or operation of any public work project (Sec. 54951.7).

However, meetings of a committee composed solely of members of the governing body (City Council) which are less than a quorum of such governing body are excluded from the open meeting requirement (Sec. 54952.3).

Special provisions simplifying the operation of advisory committees should be noted. The procedural provisions of the Act (fixing time of meetings, notice of adjourned or special meetings, or continuance of hearings) do not apply to advisory committees. If regular meetings are held, it is only necessary to provide in the by-laws or in the committee rules for their time and place. The Act does not apply to committee meetings held outside of the City if necessary in order to gather facts or other information. In the absence of regular meetings notice of a meeting when held is required to be delivered personally or by mail twenty-four hours in advance to each person who has requested, in writing, such notice. The Act does not apply to advisory committees which are created informally (Sec. 54952.3).

Under the Civic Center Act (Education Code Sec. 16556, et seq) an organization using a public school facility may not exclude the general public or use the school facilities for private or closed meetings or recreational activities. The general public may not be excluded from attending and observing the meetings or recreational activities (52 Ops. Cal. Atty. Gen. 220 - 1969).

PENALTY AND REMEDIES FOR VIOLATION

It is important to determine whether the Brown Act applies to a particular meeting because of the penalty provided. Each member of the Council or of a board, commission, or committee, who attends

a meeting "where action is taken in violation of any provisions (of the Brown Act) with knowledge of the fact that the meeting is in violation thereof" is guilty of a misdemeanor (Sec. 54959). The term "action taken" is defined in Section 54952.6 to mean:

> "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."

The criminal penalty added in 1961 is limited to a meeting at which "action" is taken (Sacramento Newspaper Guild v. Sacramento County Board of Supervisors - 1968 - 263 CA 2d 41, 48 holding that "the misdemeanor penalty of the Brown Act is focused on the meeting where action is taken, not on the meeting confined to deliberation").

However, any interested person may commence a civil action in the Superior Court (Mandamus, Injunction or Declaratory Relief) to stop or prevent either a violation or a threatened violation of the Brown Act, or to determine whether the Act applies to "actions or threatened future action" (Sec. 54960).

The validity of the actions taken at a meeting claimed to have been held in violation of the Brown Act, nevertheless, have been held by the courts not to be affected.

Violations of the Brown Act even if true as charged would not invalidate a comprehensive zoning ordinance (Claremont Taxpayers Association v. City of Claremont - 1963 - 223 CA 2d 589, 593-594).

Even if a Police Commission regulation requiring police officers (off duty or on duty in civilian dress) to be equipped with a revolver was passed secretly, the regulation would not be invalidated (Stribling v. Mailliard - 1970 - 6 CA 3d 470, 474).

Answering claims that a violation of the Brown Act occurred by reason of telephone contact among the members of a Redevelopment Agency and holding of one or more meetings concerning qualifications of proposed redevelopers prior to a joint public study session of the Council and Agency, the Court (Old Town Development Corporation v. The Urban Renewal Agency of the City of Monterey - 1967 - 249 CA 2d 313, 329) after noting that there was no allegation that the "action taken" in adopting each resolution determining which was the qualified proposal and setting a hearing on land disposition was not at a public meeting, held:

"Insofar as the allegations suggest that there was 'a collective commitment or promise by a majority of the members of (the Agency) to make a positive or negative decision' on the matters in question, in violation of the Brown Act, it would not invalidate the action subsequently taken. ...(The) contentions regarding purported violations of the Brown Act . . . are unavailing, because, even if true, the ordinance would not be invalidated."

WHAT IS A MEETING?

As frequently pointed out, one of the problems connected with application of this Act is its failure to define the word "meeting" (36 Ops Cal Atty Gen 175 - 1960). Both Attorney General and the Courts have discussed what constitutes a "meeting".

Construed in the light of the Brown Act's objectives, the term "meeting" extends to informal sessions or conferences designed for the discussion of public business. By the specific inclusion of committees and their meetings, the Brown Act demonstrates its general application to collective investigatory and consideration activity stopping short of official action. (Sacramento Newspaper Guild v. Sacramento County Board of Supervisors - 1968 - 263 CA 2d 41, 49, 51 involving a luncheon meeting attended by the entire Board of Supervisors, other county officers, and members of the Central Labor Council AFL - CIO, at which the social workers union strike against Sacramento County was discussed, and to which newspaper reporters were denied admission. The Court held the luncheon to be a meeting within the meaning of the Act.)

The Brown Act does govern regularly held luncheon meetings by members of one or more City Councils with representatives of certain civic associations to discuss items of area importance (school and airport facilities, water supply, sewage disposal and beach erosion), and at which a City Council regularly schedules attendance as a group (43 Ops. Cal. Atty. Gen. 36 - 1964). The public is entitled to notice of and the right to attend such meetings because even though no decisions or agreements to make decisions were made at such informal luncheon sessions, the nature of such meetings and perhaps their true purpose and design was to provide a forum for the free exchange of information and ideas on items of area importance with a view toward obtaining a general consensus which in turn would provide the bases for fruitful "action" by the legislative bodies. However, mere social attendance by a majority of a Council at luncheons or dinners given by civic or fraternal organizations, such as the Rotary, Kiwanis, Lions, Optimists, Elks or Moose, does not constitute a meeting of the City Council subject to the Act.

The Brown Act does not apply to special committees or sub-committees consisting of less than a quorum of the members of the legislative body (e.g. City Council) which created them, because the necessity and opportunity for full public deliberation by the legislative body still remains. The Act does apply to a committee composed of a majority or more of the members of the legislative body (32 Ops. Cal. Atty. Gen. 240 - 1958).

The requirements of the Brown Act cannot be avoided by the use of the device commonly known as a "committee of the whole" (27 Ops. Cal. Atty. Gen. 123 - 1956).

In 1963 the Attorney General (42 Ops. Cal. Atty. Gen. 61) held that there is no statutory authority for excepting "informal sessions" from the application of the Brown Act. In holding that the public was entitled to notice of and to attend briefing sessions held in the City of Lodi 30 minutes prior to scheduled public meetings in the City Manager's conference chambers, the Attorney General noted that the requirement that meetings be open and public had been interpreted as including discussion sessions within the term "meetings". The right to notice and to attend a meeting is not dependent on whether "action" is taken or whether the members of the governing body do or do not intend to take action. The term "all meetings" previously was interpreted as encompassing more than just meetings at which formal action was taken. The references in the Brown Act concerning "action taken" relate only to the imposition of criminal penalties on the members of legislative bodies. These provisions are separate and distinct from those provisions giving the people the right to notice of and attendance at all meetings of the legislative body.

A hearing officer appointed under a grievance procedure established by an agreement to hear charges preferred against a city employee who demanded that the hearing be opened to the public is not required to conduct a public hearing.

The single "hearing officer" who functions by himself is not a "legislative body" nor is the hearing a "meeting" within the meaning of the Brown Act. "...a hearing conducted by a single individual (is not required to) be opened to the public..." under the Act. Sections of the Act defining "legislative body" use words all of which import the involvement of more than one person, and conventional definitions of "meeting" refer to the presence of more than one person (Wilson v. San Francisco Municipal Railway - 1973 - 29 CA 3d 870, 876-881).

A meeting of a local admissions committee of the County Superintendent of Schools' office to review the application of an educationally handicapped child to attend special education classes is not subject to the Brown Act because the committee is not a legislative body of a local agency within the meaning of the Act by reason of being an advisory arm or adjunct to a single county officer (56 Ops. Cal. Atty. Gen. 14, 16 - 1973).

The earliest California appellate court decision interpreting what is a meeting under the Brown Act, as well as other of its provisions, was Adler v. City Council of the City of Culver City (1960) 184 Ca 2d 763. It is not referred to in this opinion because it is largely outdated. As the Attorney General (42 Ops. Cal. Atty. Gen. 61 - 1963) has noted, "at the legislative sessions immediately following the Adler case, the Legislature enacted many amendments to the Brown Act plainly designed to counteract and overcome . . . aspects of the decision in Adler . . .". The District Court of Appeal in 1968 (Sacramento Newspaper Guild v. Sacramento County Board of Supervisors - 263 CA 2d 41, 47) stated:

> "Instead of appraising the accuracy of Adler as an interpretation of the pre-1961 law and analyzing the 1961 amendments so far as they bear upon Adler, we prefer to interpret the public meeting provision (of the Brown Act) by examining the current enactment of which it forms a part."

EXCEPTIONS TO THE OPEN MEETING REQUIREMENT

There are several exceptions to the strict rule of the Brown Act that all meetings shall be open and public, and all persons be permitted to attend. These exceptions appear in the Brown Act itself or have been created by interpretation of both the appellate courts and the Attorney General.

An executive session may be held during a regular or special meeting

1. with the Attorney General, district attorney, sheriff or chief of police, or their deputies, "on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities; or

2. to consider the appointment, employment or dismissal of a public officer or employee, or to hear complaints or charges brought against an officer or employee, unless the officer or employee requests a public hearing (Sec. 54957).

A board, commission, committee, or other body organized and operated by a private corporation on which city officers serve in their official capacity as members and which is supported in whole or in part by city funds, may hold executive sessions concerning:

1. Matters affecting the national security, or

2. The appointment, employment or dismissal of an officer or employee or to hear complaints or charges brought against an officer or employee, unless the officer or employee requests a public hearing (Secs. 54952, 54957).

In either of the foregoing cases during the examination of a witness, any or all other witnesses in the matter being investigated may be excluded whether the meeting is being conducted as a public or private one.

The City Council may hold an executive session with its City Attorney to discuss litigation pending, proposed, or anticipated. The authorities are cited under the topic "Litigation".

A City Council may hold executive sessions with its designated representatives prior to and during consultations and discussions with employee organization representatives concerning salaries, salary schedules or compensation paid in the form of fringe benefits in order to review the city's position and instruct its representatives (Sec. 54957.6).

A city council may negotiate and discuss with representatives of employee organizations during an executive session held after the intervention of a state labor conciliator as authorized by law without violating the Brown Act, because the records of the Department of Industrial Relations are confidential. If the confidentiality required by law is to be maintained, the deliberations which the records memorialize must also be privileged and confidential. The purpose of the statute (Labor Code Sec. 65) is to prevent the disclosure of what transpires during conciliation proceedings. (51 Ops Cal Atty Gen 201 - 1968). The labor negotiations exception appearing in the Brown Act (Sec. 54957.6) refers to a city council holding executive sessions with its representatives. The most recent exception found by the Attorney General refers to an executive session with representatives of the employees.

EXECUTIVE SESSIONS

The right to hold an executive session to consider "personnel" matters is described as a narrow exception and certain rules have been laid down.

An executive session may be held only during a regular or special meeting for which adequate notice has been given as required by the Brown Act (43 Ops. Cal. Atty. Gen. 79 - 1964).

The appointment of a Councilman to fill an existing vacancy during an executive session following which no public vote is taken by the Council in connection with the appointment is proper because executive sessions may be held to consider the appointment of a public officer, among other things. The word "consider" includes the right to act in the matter of appointment of an officer (40 Ops. Cal. Atty. Gen. 4 - 1962).

The right to hold an executive session for the appointment of a public officer extends to the choosing by a public body of its own officers and is not restricted to the appointment of some person to a separate position or group (Edgar v. Oakland Museum Advisory Commission - 1973 - 36 CA 3d 73, 76).

Neither members of the press nor any other individuals who are not witnesses in the matter being investigated may be admitted to an executive session because the Brown Act "does not permit exceptions to be made for one or members of the press or for any other member of the public". There is no authorization for a "semi-executive" session to which only particular members of the public, selected or approved by the public body are permitted to attend. The entire purpose for authorizing executive sessions, namely, secrecy, confidentiality, and absence of publicity, would be rendered nugatory by permitting individuals other than members of the public body involved to attend executive session (46 Ops. Cal. Atty. Gen. 34 - 1965).

The Brown Act permits a closed session to consider the dismissal of an officer or employee unless such officer or employee requests a public hearing. In a dismissal matter the Council's action was sufficient even though not done in an open public meeting (Cozzolino v. City of Fontana - 1955 - 136 CA 2d 608, 612).

The Brown Act does not require publication of a detailed agenda specifying termination of an employee's contract as a matter to be considered at an executive session (Lucas v. Board of Trustees of Armijo Joint Union High School District - 1971 - 18 Ca 3d 988,992).

The general rule is that an employee may request a public hearing rather than an executive session. The employee has no right to require a closed meeting. Unless the employee has asked for a public meeting the discretion lies with the governing body as to whether the hearing shall be public or private. (44 Ops. Cal. Atty. Gen. 147 - 1964).

Minutes of executive sessions concerning discussions or action on personnel matters are not available for public inspection. They may be made public by the determination of a majority of the governing body to make all or any portion of the minutes of an executive session public as they deem appropriate regardless of the concurrence of the parties involved. To require that the minutes of an executive session must be open to public inspection would destroy the very purpose of the exception contained in the Brown Act (44 Ops. Cal. Atty. Gen. 147 - 1964).

When a school district employee requested a public hearing in a personnel matter and the governing board held an executive session prior to the second public hearing in order to review the answers given during the first public hearing, the employee claimed that since he had requested a public hearing it was improper to consider any phase of the matter in an executive session. The court held

that if there was a technical violation of the Brown Act, it in no way prejudiced the employee's rights and did not invalidate the Board's action because the Board did not take any action or hear any additional evidence (Huntington Beach Union High School Dist. v. Collins - 1962 - 202 CA 2d 677, 682).

A discussion during an executive session of the qualifications of two persons to continue as radiologists which was followed by an open meeting during which one agreement relating to radiology services was terminated and another approved, was held not to violate the Brown Act because the discussion during an executive session of the personal qualifications of the two men in question came within the "closed session exception" provided in the Brown Act (Letsch v. Northern San Diego County Hospital Dist. - 1966 - 246 CA 2d 673, 677-678).

LITIGATION

Meetings of a City Council with its City Attorney for the purpose of general discussion and consideration of problems confronting the Council, including legal problems, are subject to the Brown Act. The holding of an executive session with the City Attorney to consider litigation pending or threatened originally was approved by the Attorney General.

The public interest with which the Brown Act is concerned does not require conferences between a City Council and its City Attorney held solely to discuss litigation (including condemnation of property) pending, proposed or anticipated, to be open to the public where a public discussion of such matters would redound to the benefit of the city's adversary and to the detriment of the public (36 Ops. Cal. Atty. Gen. 175 - 1960). The Attorney General was quick to point out that ". . . in the normal relation between a City Council and its City Attorney where the City Council seeks the legal advice of the City Attorney as to the legal effect of matters pending before the City Council, such meetings must be open to the public.".

This opinion was reinforced in 1963 when the Attorney General (42 Ops. Cal. Atty. Gen. 61) stated that meetings of a City Council with the City Manager, City Attorney, and Planning Director are subject to the open meeting requirements of the Brown Act unless the subjects under discussion involve matters within the executive session exception (Sec. 54957), or are the subject of then current or pending litigation within the narrow limits carefully outlined in the 1960 opinion.

The first judicial sanction of this exception came in a case in which the District Court of Appeal permitted a Board of Supervisors to confer with its attorney under conditions in which the lawyer-client privilege would obtain (Sacramento Newspaper Guild v. Sacramento County Board of Supervisors - 1967 - 255 CA 2d 51).

However, the definitive approval of a public body's right to meet with its attorney in an executive session under the appropriate circumstances came one year later in Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 CA 2d 41, 52-55. A privilege attaches to confidential lawyer-client communications which is just as available to public agency clients and their lawyers as to their private counterparts. The Evidence Code distinctly includes public agencies among the clients who may assert this privilege. The privilege serves a policy assuring private consultation. If client and counsel must confer in public view and hearing, both privilege and policy are stripped of value. After noting that the statutory lawyer-client privilege of public agencies actually predates the Brown Act, the Court concluded that the public meeting requirement in the Brown Act did not abrogate by implication the statutory policy assuring opportunity for private legal consultation by public agency clients. Government should have no advantage in legal strife; neither should it be a second-class citizen.

PROCEDURAL RULES CONCERNING MEETINGS

A meeting is not required to be held within the boundaries of the territory over which a particular public body exercises jurisdiction unless the law under which the City or other local public agency was formed provides otherwise (Sec. 54954).

The Merced City Charter requires that all City Council meetings be held in the Council Chambers in the City Hall (Merced Charter Sec. 409). Notwithstanding that notice was given of Council dinner meetings held in local restaurants and which were attended by the press, such meetings at which there was a discussion or deliberation concerning public business, were held to be a violation of the Brown Act. While the Charter requirement concerning the place of holding meetings was controlling, it should be noted that such gatherings were held to be "meetings" within the decision of the Sacramento Newspaper Guild case discussed previously. Meetings of Councilmen with other municipal, county or statewide legislative bodies or officials for the discussion of matters of common interest, wherever held, were excepted (Linton v. City Council - 1968 - Merced County Superior Court No. 37039).

A number of procedural rules also are laid down in the Brown Act. It requires that the time and place of regular meetings be set by ordinance, resolution, or by-laws. A regular meeting falling on a holiday is to be held on the next business day. In case of an emergency, the presiding officer may designate another meeting place (Sec. 54954). Any type of meeting may be adjourned to a time and place specified, or by the clerk or secretary in the absence of all members, in which case written notice must be given in the same manner as provided for special meetings. A copy of the order or notice of adjournment is required to be posted at the place where the meeting

was held within 24 hours thereafter. If the order 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 (Sec. 54955). A hearing may be continued in the same manner as a meeting may be adjourned, but if it is continued less than 24 hours after the time specified in the order or notice of hearing, a copy of the continuance order or notice must be posted immediately following the meeting (Sec. 54955.1).

Notice of a special meeting, which may be called by the presiding officer or a majority of the members, is required to be delivered personally or by mail to each member and to each local newspaper, radio, or television station which has requested notice in writing, at least 24 hours prior to the time of the special meeting. The business to be transacted must be specified in addition to the time and place, and no other business may be considered. Written notice may be dispensed with as to any member who files a written waiver of notice at or prior to the time of the special meeting. Any waiver may be given by telegram. Written notice may be dispensed as to any member who is actually present when the meeting convenes (Sec. 54956).

The required notice to news media of special meetings must be actually delivered at least 24 hours before the time of such meeting to those media who have requested notice in writing. Deposit of such a notice in the mail is not sufficient (53 Ops. Cal. Atty. Gen. 246 - 1970).

Any property owner within a District (but not a city) may request in writing mailed notice of every regular or special meeting (Sec. 54954.1). The detailed requirements to be complied with by the District are set forth in the statute.

The right to notice of special meetings has been strongly upheld. As early as 1858 the State Supreme Court (County of Eldorado v. Reed - 11 C 130) held that the business of the Supervisors is required to be transacted at the regular meetings provided by law, and the public is entitled to notice of the business proposed to be transacted at special meetings.

The press may require twenty-four hours advance notification of any special meeting of the whole public agency, but such notice is not required as to any regular or adjourned regular meeting. The minutes of a regular or special meeting of the legislative body of a local public agency are public records open to inspection (32 Ops. Cal. Atty. Gen. 240 - 1958).

MISCELLANEOUS PROVISIONS

In 1970 the State Legislature added several provisions to the Brown Act.

Every local agency within the purview of the Brown Act is forbidden from conducting any meeting, conference, or other function 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 (Section 54961).

"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. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting" (Section 54957.9.).

BROWN ACT - Council Meetings
(Government Code)

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

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

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

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

54951.1. For the purposes of this chapter, and to the extent not inconsistent with federal law, the term "local agency" shall include all private nonprofit organizations that receive public money to be expended for public purposes pursuant to the "Economic Opportunity Act of 1964".

54951.7. "Local agency" includes any nonprofit corporation, created by one or more public agencies, whose board of directors is appointed by such public agencies and which is formed to acquire, construct, reconstruct, maintain or operate any public work project.

54952. As used in this chapter, "legislative body" means the governing board, commission, directors or body of a local agency, or any board or commission thereof, and shall include any board, commission, committee, or other body on which officers of a local agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.

54952.3. As used in this chapter, "legislative body" also includes any advisory commission, advisory committee or advisory body of a local agency, created by charter, ordinance, resolution, or by any similar formal action of a governing body of a local agency.

Meetings of such advisory commissions, committees or bodies concerning subjects which do not require an examination of facts and data outside the territory of the local agency shall be held within the territory of the local agency and shall be open and public, and notice thereof must be delivered personally or by mail at least 24 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting.

If the advisory commission, committee or body elects to provide for the holding of regular meetings, it shall provide by bylaws, or by whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. No other notice of regular meetings is required.

"Legislative body" as defined in this section does not include a committee composed solely of members of the governing body of a local agency which are less than a quorum of such governing body.

The provisions of Sections 54954, 54955, 54955.1, and 54956 shall not apply to meetings under this section.

54952.5. As used in this chapter, "legislative body" also includes, but is not limited to, planning commissions, library boards, recreation commissions, and other permanent boards or commissions of a local agency.

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

54953. 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.

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

54954. The legislative body of a local agency shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time for holding regular meetings. Unless otherwise provided for in the act under which the local agency was formed, meetings of the legislative body need not be held within the boundaries of the territory over which the local agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the legislative body.

54954.1. The legislative body of any district which is subject to the provisions of this chapter shall give mailed notice of every regular meeting, and any special meeting which is called at least one week prior to the date set for the meeting, to any owner of property located within the district who has filed a written request for such notice with the legislative body. Any mailed notice required pursuant to this section shall be mailed at least one week prior to the date set for the meeting to which it applies except that the legislative body may give such notice as it deems practical of special meetings called less than seven days prior to the date set for the meeting.

Any request for notice filed pursuant to this section shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for notice shall be filed within 90 days after January 1 of each year. Any request for notice, or renewal request, filed pursuant to this section shall contain a description of the property owned by the person filing the request. Such description may be in general terms but shall be sufficient enough to readily identify such property.

The legislative body may establish a reasonable annual charge for sending such notice based on the estimated cost of providing such a service.

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

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. 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 personally or by mail written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meetings 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. No other business shall be considered at such meetings by the legislative body. Such written notice may be dispensed with as to any member who at or prior to the time and meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions with the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities, or from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

Nothing in this chapter shall be construed to prevent any board, commission, committee, or other body organized and operated by any private organization as defined in Section 54952 from holding executive sessions to consider (a) matters affecting the national security, or (b) the appointment, employment or dismissal of an officer or employee or to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

54957.6. Notwithstanding any other provision of law, a legislative body of a local agency may hold executive sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees in order to review its position and instruct its designated representatives.

54957.9. In the event that any meeting is wilfully 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 wilfully 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. Duly accredited 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 wilfully disturbing the orderly conduct of the meeting.

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

54959. Each member of a legislative body who attends a meeting of such legislative body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

54960. 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.

54961. No local agency shall conduct any meeting, conference, or other function 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. This section shall apply to every local agency as defined in Section 54951.