License/Permits (§ 54956.7)
⇒ Applicant(s): (Specify number of applicants)

Conference with Real Property Negotiations (§ 54956.8)
⇒ Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property)
⇒ Agency Negotiation: (Names of negotiators attending the closed session) (if specified negotiator can’t attend – announce who will attend at the open session)
⇒ Negotiating Parties: (Specify name of Party (not agent))
⇒ Under Negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

Conference with Legal Counsel – Existing Litigation (§ 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 § 54956.9(b): (Specify number of potential cases)
⇒ The agency may also have to provide additional info on the agenda

-or-
⇒ In an oral statement prior to the closed session pursuant to (B) to (E) of 54956.9(b)(3)
⇒ Initiation of litigation pursuant to § 54956.9(c): (Specify number of potential cases)

Liability Claims
⇒ Claimant: (Specify name unless unspecified pursuant to § 54961)
⇒ Agency claimed against: (Specify name)

Threat to Public Services or Facilities (§ 54957)
⇒ Consultation with: (Specify name of law enforcement agency and title of officer)

Public Employee Appointment (§ 54957)
⇒ Title: (Specify description of position to be filled)

Public Employment (§ 54957)
⇒ Title: (Specify description of position to be filled)

Public Employee Performance Evaluation (§ 54957)
⇒ Title: (Specify position title of employee being reviewed)

Public Employee Discipline/Dismissal Release (§ 54957)
(No additional information is required)

Conference with Labor Negotiators (§ 54957.6)
⇒ Agency designated representatives: (Specify names of designated representatives attending the closed session) (If designated representative can’t attend, announce who will attend at open 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)

For more information on these principles www.ca-ilg.org/transparency-strategies
OPEN SESSIONS

Teleconferencing (§ 54953)
⇒ Record notice has been posted and that a quorum participated from locations within the jurisdiction

Meeting Outside Jurisdiction
⇒ Record reason under section § 54954

Action on non-agenda items (§ 54954.2)
⇒ Emergency - majority vote to invoke emergency; description of emergency
⇒ Immediate need - that 2/3 vote taken and grounds articulated by council for invoking the rule
⇒ Adjourned meetings § 54955
⇒ Special meetings (Waiver of Notice) § 54956
⇒ Emergency meetings § 54956.5 – special requirements for posting the minutes

Pre-closed Sessions – Announcements
Record that open session announcement was made § 54957.7
⇒ Content: may be a reference to the item as listed on the agenda; may be made at the location of the closed session as long as the public is allowed to be present
⇒ Real Property – record that special announcement was made § 54956.8
  • Special Announcement: identify negotiators, the real property and whom the negotiations are with
⇒ Pending Litigation – State on agenda or announce subdivision of 54956.9 that authorized the closed session

Post Closed Session Announcements (§ 54957.1)
⇒ Real Estate Negotiations – Record announcement
⇒ Pending Litigation – Record announcement
⇒ Personnel Actions – Identify title of position
⇒ Labor Negotiations
  • Report on agreement when final
    ◦ Identify item approved (e.g., the MOU)
    ◦ Identify other party

CONFLICTS OF INTEREST

Conflicts of Interest Under the Political Reform Act
⇒ Permissive – Record announcement if made § 18702.1(a)(5)
  • Local rules may require disclosure/more specificity
⇒ Quorum – Disqualified official does not count
⇒ Mandatory Disclosure/Identification § 87105/18702.5
⇒ § 87200 Filers only
⇒ Content: Enough specificity as to each involved economic interest to be understood by the public
⇒ Timing: Made orally when agenda item is called
⇒ Record: In the official record (minutes)
⇒ Recusal/Leave Room – except consent
⇒ Exceptions:
  • Consent – announce, don’t leave
  • Closed Sessions – make disclosure at open session
  • Absences – no identification/disclosure required
⇒ Example of entry in the minutes:
  • “Immediately following the announcement of Agenda Item 4.17, Councilmember Dillon announced she would be stepping down from the dais due to a conflict of interest which arises because she lives within 500’ of the proposed project. Councilmember Dillon then left the dais and the council chambers.”
⇒ Legally Required Participation – § 18708
  • Must be in minutes – see § 18708(b)(4)(A)

Conflicts of Interest Under Government Code (§ 1090)
⇒ Remote Interests § 1091 – Record in minutes
  • The interest must be disclosed to the board of which the officer is a member and noted in the official records – applies to all remote interests
⇒ Non-Interests – § 1091.5 – Record in minutes
  • Three of the eleven non-interest categories require disclosure and recordation, as above, - best to record any announcement in the minutes