### Board Meeting Minutes

**Monday, September 13, 2010**  
ISM Library  
1720 Yosemite Street, Seaside, CA 93955

#### 6:00-7:20  1. OPEN SESSION

<table>
<thead>
<tr>
<th>Time</th>
<th>Action Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:00</td>
<td>Call to order, roll call, establishment of quorum</td>
</tr>
<tr>
<td></td>
<td>Cristofer Cabanillas (CC)</td>
</tr>
<tr>
<td></td>
<td>Bobbie Infelise (BI)</td>
</tr>
<tr>
<td></td>
<td>Christine Reed (CR)</td>
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<td></td>
<td>Administrators:</td>
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</tbody>
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#### 6:00  1.2. Communications

1.2.1. Correspondence  
PG has been emailing with Diane Creasey to coordinate actions regarding Measure P. Ann Kilty (AK) to discuss.

1.2.2. Hearings and petitions  
The public may comment on items within the Board's jurisdiction but not on the agenda. The Board may not respond except to ask clarifying questions. The length of comments may be limited to 3 minutes by the Chair and total time allotted to non-agenda items will be 10 minutes. The public may comment on agenda items at the time each is considered by the Board with 10 minutes allotted per item.

Ann Kilty (AK), Director of the Monterey Adult School, talked about Measure P which is a $110M Bond that will be on the 11/2/10 ballot. This measure is aimed at improving all facilities in MPUSD including the Manzanita campus. The kickoff will be held at the Embassy Suites 9/4/10 at 5:30PM. Volunteers are needed for the phone bank. The funds (if approved) will be managed by a district oversight committee that will be comprised of local folks. PG voiced support. He and other ISM community members will be in attendance at the kickoff. PW asked who has voiced opposition. AK The Tax Payer Association. JT what are MPUSD’s expansion plans? AK Dr. Shepherd can answer this question at next upcoming roundtable.

#### 6:10  1.3. Consent

1.3.1. Approve minutes from August 9, 2010 meeting  
Motion to approve VJ. Seconded BI. Approved 9-0. AR abstaining as he did not attend the August meeting.

#### 6:15  1.4. Discussion & action items

SM due to MPUSD 9/13/10. Thanks to Tim Ruediger (former ISM board member & accountant) for his help. Staff and a consultant (who helped with the County Financial System) were involved too. The bottom line is we are in the black. A mark of success in a challenging financial year. The state continues to defer payments, which will continue to present a cash flow challenge.  
Motion to approve JT. Seconded CR. Approved unanimously.

1.4.2. Approve revised Health & Safety Policy  
SM the Health & Safety (H&S) Policy feeds to the charter petition. It incorporates existing/approved policies in a reformatted version. When writing the charter petition these policies were disjointed. From this point a Health & Safety plan must be drafted that builds from this policy. Lisa Burns will write this plan, due March 2011.  
AR What are the financial implications for this policy? Do we know the cost to the school? SM I didn’t create an analysis of costs as most of the content is not new, just collated and reformatted. If the board wants a cost analysis done, admin will do. It will be costly as a time requirement. AR as a board we said we wanted costs for anything new. SM can do. We will also include VJ on the H & S committee.  
CR How is it decided what’s in an H & S policy? I noticed the language included the word Internationalism. SM I took the existing policy pieces, referred to the Ed code, and other references. We agreed that all policies going forward would include internationalism.  
PG is this in the strategic plan? SM yes, part of looking at best practices.  
PG what are the physical plant limitations? Do we address an all-call system? SM Facilities must comply with the Ed Code. Since we don’t own the property, we can’t control. Compliance falls on MPUSD to meet the requirements.  
VJ Whooping cough vaccinations may be an amendment to our H & S policy. SM if it’s a widespread requirement we should be okay to add to our policy.

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The mission of the International School of Monterey is to educate all children toward becoming conscientious, compassionate, and responsible citizens of the world.

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<table>
<thead>
<tr>
<th><strong>1.4.3. Approve revised Admissions Policy &amp; Procedures</strong></th>
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<tbody>
<tr>
<td>SM this policy was written into the charter petition. It’s been reformatted, but the content is the same. If we opt to make substantial changes to the policy the charter petition would need to be amended. We can make changes, but they cannot be substantive content changes. Attention was paid to the language of our lottery preferences e.g. weight list preference which was already approved and in place, just formalized in this policy document. Special Education – we received the state mandate and approved language in 2009. This is now embedded in the charter petition and formalized in this policy.</td>
</tr>
<tr>
<td><strong>SR Are we obligated to take any student in Monterey County? If we wanted to add restrictions in the future, how? SM procedure we can amend, policy we cannot change without amending the charter. PG Did you address if an ISM student studies abroad for a year or needs to go to say ‘Chartwell’ they receive a pass for reentering the school? SM this was not built into the preferences. CR How do we incorporate change? SM If a state law is enacted for say ‘whooping cough vaccination’ the state law trumps the charter. If we do more we might seek counsel’s help. CR Maybe we add a contingency clause that the Board can approve substantive changes. Use explicit language. SM There maybe some language along this line. We could be more specific in future policies. BI this may be inferred. SM I recommend the board approve as is, as this policy is embedded in the charter renewal.</strong></td>
</tr>
<tr>
<td><strong>Motion to approve SR. Seconded LC. Approved unanimously.</strong></td>
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<tr>
<th><strong>6:30 1.5. Information/discussion items</strong></th>
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<tr>
<td><strong>1.5.1. Administration report</strong></td>
</tr>
<tr>
<td>JT is ADA income tracking? Karen Kushel (KK) that report isn’t finished yet, its due 9/14. PG What’s the waitlist quantity? SM 430, none for grade 8. CR who enters grade data? KK the teachers, they also report attendance. I run a PowerSchool report for the teachers to check accuracy. Tardies are entered by KK. The same kids that were consistently late last year are consistently late this year. EP to date we don’t have any Saturday class candidates.**</td>
</tr>
<tr>
<td><strong>SM Western Association of Schools &amp; Colleges and Council of International Schools special report addressing ISM Board focus on governance and stability of leadership received positive response. Modified Academic Plans (aka special education services) Nelly Volante (NV) zero IAPs to date, 12 IEPs. AR Are the numbers lower compared to previous years? NV yes. We are off to a positive school year. PG What’s the status of the PowerSchool implementation? NV parents are pleased to be able to see what’s going on. It’s a benefit to all. PG who trained the teachers? SM Charter School Management Corporation. JT the class websites need to be more robust. All class sites need to be linked to the ISM website. CR signed up for the PowerSchool email updates and loves it. PG anyone in need of Power School training see KK. SM the hope was we would have a CSUMB service learning student to help, to date no joy. EP but we do have 2 MIIS students. Teaching staff representation at Board meetings. SM recommended teaching staff have a representative at each board meeting. Teachers will have the opportunity to have questions addressed via the representative. SR this is a good idea and we should formalize the teacher representative questions &amp;/or report to the Board meeting agenda. Chantel Touryan (CT) was the representative for this meeting.</strong></td>
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<tr>
<td><strong>1.5.2. Charter renewal petition update</strong></td>
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<tr>
<td>SM Submitted 8/31/10. To date no response from MPUSD, but it’s a busy time. By referencing charter school advisory bodies, the Ed Code, and consultants, lots of additions were included in the charter renewal—better data, reformatting, expanded schoolwide outcomes (performance levels). API &amp; AYP data is not yet available, so 2010 test data was not included. We stayed true to our model demonstrating it is richer than just state standards. In the future we will assess performance of graduates. Currently this is qualitative information; for the future it will be quantitative data via ZOOM Data. Next charter renewal 2016. AR does the charter allow for year-over-year assessment against the strategic plan? SM yes. SM two teachers Suzy Shin-Ma and Josh Carr are keen to be involved in rolling out ZOOM Data (part of their professional growth plans). Training will be held October 2010. SM next step is a public hearing with the district. AK will confirm time and date, most likely October. PG thank you SM. SM thank you staff.**</td>
</tr>
<tr>
<td><strong>1.5.3. Budget and finance update</strong></td>
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<td>SM ISM will be benefitting from the Federal $1.2 billion funding in the form of $68K. This will be spent on jobs. This money won’t be available next year, so we will be cautious and not allocate it toward creation of new permanent positions.**</td>
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</table>
Audit – Tim Ruediger helped with the audit. Starting October financial reports will be supplied by CSMC’s Charter Vision.

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<tr>
<th>1.5.4. Foundation update</th>
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<tr>
<td>Report: SM to date we don’t have classroom participation numbers. From the report presented 1st month fundraising seems to follow the trajectory of previous years.</td>
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</table>

Grandparents/Grand Friends day: A tremendous success. We had the best turnout ever; 150 attended; only 40 RSVP’d. Going forward we will learn by addressing things that worked, and areas of improvement. Camilla Mann’s parents spoke about their donations to ISM. Isabella Reed (ISM student) spoke about how her grandparents support means so much to her. Lisa Wichel-Loomis (LWL) was the administration liaison and Wendy Bluhm the Family Association liaison. LWL will be taking on more special event handling. CT reported lots of interactive activities in the classrooms. The music presentation was excellent. LC (Board member, but doesn’t have kids at ISM) was unaware of the event. Invitations should be sent to Board members. SM This will be corrected in the future. Staff will be assigned to communicate events to the Board. SM did invite MPUSD Board and MCOE Board. Diane Creasey and Elizabeth Panetta attended.

Capital Investment Fund: Jennifer Stone will be inviting families that have paid their entire Family Share prior to October to her house on Oct 22. The emphasis will be to encourage those that can contribute more, to do so.

SR noted a jump in October giving last year. Is this due to the fund drive? SM yes. AR Why is the income raised from the Foundation separate from Grants? SM sees the Foundations efforts on seeking money from ISM families. Grants are separate. The Board’s job is to seek external ISM donors.

Donor’s Choose grant site Website for teacher’s requests. Some ISM teacher’s won grants when one Foundation funded all requests in Northern California. In the future, a more coordinated effort to request from ISM, as we can maybe gain a lot more than one-off requests.

| 6:50 |
| 1.6. Board training: Brown Act & Open Meetings Law |
| Information on Brown Act came from Middleton, Young, & Minney LLP. CR noted communications must be made public. AR a Board webpage or a blog open to the public should fulfill the request to make communications public. PG all issues must be on the agenda. SM we could maybe build a site. PG let’s keep this simple. Standing Committees must follow meeting rules i.e. Board meetings. SM we would need meeting agenda for standing committees and meeting minutes. The Board must agree how standing committees are handled. E.g. the strategic planning committee. SM if a subcommittee is less than a quorum, then no special communications required. An 8’ enclosed bulletin board will be erected outside the MUR. Agendas & minutes will be posted there. SR what about closed sessions? SM will review language. SR for Board members attending via teleconference call, the location must be posted on the agenda 72 hours in advance. What if a non-board member wishes to attend via teleconference, do they have a means of access? SM They are allowed to attend at any location on the agenda. SR public jurisdiction seems unclear. Why would people in Washington D.C. want or need an agenda or access to an ISM Board meeting? CR to investigate. CR The Brown act raises the issue of discussing Board issues outside a Board meeting. SM The goal of the act is to prohibit these discussions, unless they are open to the public. PW do Board members need to sign confidentiality agreements? SM by nature of the position you shouldn’t have to sign.

| 7:20 |
| 1.7. New business |
| None |

| 7:25 |
| 1.8. Public comments on closed session items |
| The public may comment on closed session agenda items listed. The Board may not respond except to ask clarifying questions. The length of comments shall be limited to 3 minutes by the Chair, and total time allotted to closed agenda items shall be 10 minutes. |

| 7:35-7:55 |
| 2. RECESS TO CLOSED SESSION |
| In accordance with Government Code, Sections 54950 - 54962, the Board must disclose the items to be discussed in closed session. This may be done by referring to the closed session agenda items as listed on the closed session agenda or by number on the agenda. After closed session, the Board shall report out actions taken in closed session as required by law, including members' vote and abstention. |

| 7:35 |
| 2.1. Conference with real property negotiators—Property: Manzanita Campus, 1720 Yosemite St., Seaside; Negotiator: Sean Madden; Negotiating Parties: ISM, MPUSD; Under Negotiation: use, lease |

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<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
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<tbody>
<tr>
<td>7:45</td>
<td>2.2. Public employment—2010-2011 staffing [Govt. Code Section 54957]</td>
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<tr>
<td>7:50</td>
<td>2.3. Public appointment—International School of Monterey Board of Trustees [Govt. Code Section 54957]</td>
</tr>
<tr>
<td>7:55-8:00</td>
<td>3. RECONVENE TO OPEN SESSION</td>
</tr>
</tbody>
</table>
| 7:55 | 3.1. Report of action taken in closed session, if any  
Unanimously approved part-time contract for Israel Ricardez as Recess Supervisor. |
| 8:00 | 4. ADJOURNMENT—NEXT REGULAR MEETING: OCTOBER 4, 2010 |

ISM works to make information and events accessible to all. Please direct requests for disability-related accommodation, including auxiliary aids or services, to info@ismonterey.org, 831-583-2165, or the school office.
Board Meeting

September 13, 2010
Discussion & Action Items
1.4.1. Unaudited Actuals

  - Timeline
    - Due to MPUSD September 13
      - Preliminary copy sent already
      - Approved copy to be sent following meeting
    - Due to MCOE September 15
  - Year-end close process team
    - ISM Director
    - ISM bookkeeper
    - Volunteer CPA
    - Consultant with specific knowledge of the Monterey County Financial Management System (FMS)
  - Bottom line
    - $31,055.95 net increase in fund balance
      - Below $106,209 in budget adopted in May 2009
      - Above -$12,355 projected in Second Interim Financial Report in March 2010
This charter school uses the following basis of accounting:

- **Accrual Basis** (Applicable Capital Assets/Interest on Long-Term Debt/Long-Term Liabilities objects are 6900, 7438, 9400-9499, and 9660-9669)
- **Modified Accrual Basis** (Applicable Capital Outlay/Debt Service objects are 6100-6170, 6200-6500, 7438, and 7439)

### Description | Object Code | Unrestricted | Restricted | Total |
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<tbody>
<tr>
<td><strong>A. REVENUES</strong></td>
<td></td>
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<tr>
<td>1. Revenue Limit Sources</td>
<td></td>
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<td>State Aid - Current Year</td>
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<td>State Aid - Prior Years</td>
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<td>Tax Relief Subventions (for revenue limit funded schools)</td>
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<td>County and District Taxes (for revenue limit funded schools)</td>
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<td>Miscellaneous Funds (for revenue limit funded schools)</td>
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<td>Revenue Limit Transfers (for revenue limit funded schools):</td>
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<td>PERS Reduction Transfer</td>
<td>8092</td>
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<td>Transfers to Charter Schools in Lieu of Property Taxes</td>
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<td>1,101,316.61</td>
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<td>Other Revenue Limit Transfers</td>
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<td>2. Federal Revenues (see NOTE on last page)</td>
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<tr>
<td>No Child Left Behind (incl. ARRA)</td>
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<td>Special Education - Federal</td>
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<td>Child Nutrition - Federal</td>
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<td>3. Other State Revenues</td>
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<td>Special Education - State</td>
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<td>All Other State Revenues</td>
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<td>5. TOTAL REVENUES</td>
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<td><strong>B. EXPENDITURES (see NOTE on last page)</strong></td>
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<tr>
<td>1. Certificated Salaries</td>
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<td>Certificated Teachers' Salaries</td>
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<td>Certificated Pupil Support Salaries</td>
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<td>Certificated Supervisors' and Administrators' Salaries</td>
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<td>Other Certificated Salaries</td>
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<td>2. Noncertificated Salaries</td>
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<td>Noncertificated Instructional Salaries</td>
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<td>Noncertificated Support Salaries</td>
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<td>Clerical and Office Salaries</td>
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<td>Other Noncertificated Salaries</td>
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<td>Total, Noncertificated Salaries</td>
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<td>486,485.94</td>
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## CHARTER SCHOOL UNAUDITED ACTUALS
### FINANCIAL REPORT -- ALTERNATIVE FORM

**July 1, 2009 to June 30, 2010**

**Charter School Name:** International School of Monterey  
**CDS #:** 27660926118962

### Description | Object Code | Unrestricted | Restricted | Total |
--- | --- | --- | --- | --- |
### 3. Employee Benefits  
STRS | 3101-3102 | 96,723.40 | 96,723.40 |  
PERS | 3201-3202 | 47,834.08 | 47,834.08 |  
OASDI / Medicare / Alternative | 3301-3302 | 60,645.84 | 60,645.84 |  
Health and Welfare Benefits | 3401-3402 | 341,345.31 | 341,345.31 |  
Unemployment Insurance | 3501-3502 | 8,287.79 | 8,287.79 |  
Workers’ Compensation Insurance | 3601-3602 | 38,563.30 | 38,563.30 |  
OPEB, Allocated | 3701-3702 | 0.00 | 0.00 |  
OPEB, Active Employees | 3751-3752 | 0.00 | 0.00 |  
PERS Reduction (for revenue limit funded schools) | 3801-3802 | 0.00 | 0.00 |  
Other Employee Benefits | 3901-3902 | 805.09 | 805.09 |  
**Total, Employee Benefits** | | 594,204.81 | 0.00 | 594,204.81 |
### 4. Books and Supplies  
Approved Textbooks and Core Curricula Materials | 4100 | 37,575.12 | 37,575.12 |  
Books and Other Reference Materials | 4200 | 0.00 | 0.00 |  
Materials and Supplies | 4300 | 5,227.05 | 5,227.05 |  
Noncapitalized Equipment | 4400 | 12,605.65 | 12,605.65 |  
Food | 4700 | 0.00 | 0.00 |  
**Total, Books and Supplies** | | 55,407.82 | 0.00 | 55,407.82 |
### 5. Services and Other Operating Expenditures  
Subagreements for Services | 5100 | 0.00 | 0.00 |  
Travel and Conferences | 5200 | 5,578.99 | 5,578.99 |  
Dues and Memberships | 5300 | 3,681.00 | 3,681.00 |  
Insurance | 5400 | 23,113.71 | 23,113.71 |  
Operations and Housekeeping Services | 5500 | 0.00 | 0.00 |  
Rentals, Leases, Repairs, and Noncap. Improvements | 5600 | 93,660.00 | 93,660.00 |  
Professional/Consulting Services and Operating Expend. | 5800 | 291,280.99 | 291,280.99 |  
Communications | 5900 | 3,232.74 | 3,232.74 |  
**Total, Services and Other Operating Expenditures** | | 420,547.43 | 0.00 | 420,547.43 |
### 6. Capital Outlay  
(Objects 6100-6170, 6200-6500 for modified accrual basis only)  
Land and Land Improvements | 6100-6170 | 0.00 | 0.00 |  
Buildings and Improvements of Buildings | 6200 | 0.00 | 0.00 |  
Books and Media for New School Libraries or Major Expansion of School Libraries | 6300 | 0.00 | 0.00 |  
Equipment | 6400 | 0.00 | 0.00 |  
Equipment Replacement | 6500 | 0.00 | 0.00 |  
Depreciation Expense (for accrual basis only) | 6900 | 0.00 | 0.00 |  
**Total, Capital Outlay** | | 0.00 | 0.00 | 0.00 |
### 7. Other Outgo  
Tuition to Other Schools | 7110-7143 | 0.00 | 0.00 |  
Transfers of Pass-Through Revenues to Other LEAs | 7211-7213 | 0.00 | 0.00 |  
Transfers of Apportionments to Other LEAs - Spec. Ed. | 7221-7223SE | 0.00 | 0.00 |  
Transfers of Apportionments to Other LEAs - All Other | 7221-7223AO | 0.00 | 0.00 |  
All Other Transfers | 7281-7299 | 0.00 | 0.00 |  
Debt Service:  
Interest | 7438 | 0.00 | 0.00 |  
Principal (for modified accrual basis only) | 7439 | 0.00 | 0.00 |  
**Total, Other Outgo** | | 0.00 | 0.00 | 0.00 |
### 8. TOTAL EXPENDITURES  
<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>2,887,609.52</td>
<td>0.00</td>
<td>2,887,609.52</td>
</tr>
</tbody>
</table>

### C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES  
BEFORE OTHER FINANCING SOURCES AND USES (A5-B8)  
|  |  |  |  
|---|---|---|---|
| **31,055.95** | 0.00 | **31,055.95** |
### Charter School Unaudited Actuals
#### Financial Report -- Alternative Form

**Charter School Name:** International School of Monterey  
**CDS #:** 27660926118962

<table>
<thead>
<tr>
<th>Description</th>
<th>Object Code</th>
<th>Unrestricted</th>
<th>Restricted</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>D. OTHER FINANCING SOURCES / USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Other Sources</td>
<td>8930-8979</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>2. Less: Other Uses</td>
<td>7630-7699</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>3. Contributions Between Unrestricted and Restricted Accounts (must net to zero)</td>
<td>8980-8999</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td><strong>4. TOTAL OTHER FINANCING SOURCES / USES</strong></td>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>E. NET INCREASE (DECREASE) IN FUND BALANCE (C+D4)</strong></td>
<td>31,055.95</td>
<td>0.00</td>
<td>31,055.95</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>F. FUND BALANCE, RESERVES</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Beginning Fund Balance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. As of July 1</td>
<td>9791</td>
<td>372,250.13</td>
<td>372,250.13</td>
</tr>
<tr>
<td>b. Adjustments/Restatements to Beginning Balance</td>
<td>9793, 9795</td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>c. Adjusted Beginning Balance</td>
<td></td>
<td>372,250.13</td>
<td>0.00</td>
</tr>
<tr>
<td>2. Ending Fund Balance, June 30 (E+F1c)</td>
<td></td>
<td>403,306.08</td>
<td>0.00</td>
</tr>
<tr>
<td>Components of Ending Fund Balance (Optional):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reserve for Revolving Cash (equals Object 9130)</td>
<td>9711</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Reserve for Stores (equals Object 9320)</td>
<td>9712</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Reserve for Prepaid Expenditures (equals Object 9330)</td>
<td>9713</td>
<td>37,313.36</td>
<td>0.00</td>
</tr>
<tr>
<td>Reserve for All Others</td>
<td>9719</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Reserve</td>
<td>9730</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legally Restricted Balance</td>
<td>9740</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designated for Economic Uncertainties</td>
<td>9770</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Designations</td>
<td>9775, 9780</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undesignated / Unappropriated Amount</td>
<td>9790</td>
<td>365,992.72</td>
<td>0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>G. ASSETS</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cash</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In County Treasury</td>
<td>9110</td>
<td>196,373.33</td>
<td>196,373.33</td>
</tr>
<tr>
<td>Fair Value Adjustment to Cash in County Treasury</td>
<td>9111</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>In Banks</td>
<td>9120</td>
<td>154,721.42</td>
<td>154,721.42</td>
</tr>
<tr>
<td>In Revolving Fund</td>
<td>9130</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>With Fiscal Agent/Trustee</td>
<td>9135</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Collections Awaiting Deposit</td>
<td>9140</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>2. Investments</td>
<td>9150</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>3. Accounts Receivable</td>
<td>9200</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>4. Due from Grantor Governments</td>
<td>9290</td>
<td>258,500.13</td>
<td>258,500.13</td>
</tr>
<tr>
<td>5. Stores</td>
<td>9320</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>6. Prepaid Expenditures (Expenses)</td>
<td>9330</td>
<td>37,313.36</td>
<td>37,313.36</td>
</tr>
<tr>
<td>7. Other Current Assets</td>
<td>9340</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>8. Capital Assets (for accrual basis only)</td>
<td>9400-9499</td>
<td>18,217.17</td>
<td>18,217.17</td>
</tr>
<tr>
<td><strong>9. TOTAL ASSETS</strong></td>
<td></td>
<td>665,125.41</td>
<td>0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>H. LIABILITIES</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accounts Payable</td>
<td>9500</td>
<td>181,819.33</td>
<td>181,819.33</td>
</tr>
<tr>
<td>2. Due to Grantor Governments</td>
<td>9590</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>3. Current Loans</td>
<td>9640</td>
<td>80,000.00</td>
<td>80,000.00</td>
</tr>
<tr>
<td>4. Deferred Revenue</td>
<td>9650</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5. Long-Term Liabilities (for accrual basis only)</td>
<td>9660-9669</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>6. TOTAL LIABILITIES</strong></td>
<td></td>
<td>261,819.33</td>
<td>0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>I. FUND BALANCE</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ending Fund Balance, June 30 (G9-H6) (must agree with Line F2)</td>
<td></td>
<td>403,306.08</td>
<td>0.00</td>
</tr>
</tbody>
</table>
CHARTER SCHOOL UNAUDITED ACTUALS
FINANCIAL REPORT -- ALTERNATIVE FORM

July 1, 2009 to June 30, 2010

Charter School Name: International School of Monterey
CDS #: 27660926118962

NOTE: IF YOUR CHARTER SCHOOL RECEIVED FEDERAL FUNDING, AS REPORTED IN SECTION A2, THE FOLLOWING ADDITIONAL INFORMATION MUST BE PROVIDED:

1. Federal Revenues Used for Capital Outlay and Debt Service
   Included in the Capital Outlay and Debt Service expenditures reported in sections B6 and B7 are the following amounts paid out of federal funds:

<table>
<thead>
<tr>
<th>Federal Program Name (Indicate if NONE)</th>
<th>Capital Outlay</th>
<th>Debt Service</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>$0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>b.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>c.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>d.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>e.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>f.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>g.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>h.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>i.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>j.</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

2. Community Services Expenditures
   Included in the expenditures reported in Section B are the following amounts expended for Community Services paid out of state and local funds:

<table>
<thead>
<tr>
<th>Objects of Expenditures</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Certificated Personnel Salaries</td>
<td>$</td>
</tr>
<tr>
<td>b. Noncertificated Personnel Salaries</td>
<td></td>
</tr>
<tr>
<td>c. Employee Benefits</td>
<td></td>
</tr>
<tr>
<td>d. Books and Supplies</td>
<td></td>
</tr>
<tr>
<td>e. Services and Other Operating Expenditures</td>
<td></td>
</tr>
<tr>
<td>TOTAL COMMUNITY SERVICES EXPENDITURES</td>
<td>0.00</td>
</tr>
</tbody>
</table>
1.4.2. Health & Safety

- Approve revised Health & Safety Policy
  - Part of regular policy review
  - Changes made to reflect changes in legal requirements and best practices
  - Policy sets framework for comprehensive procedures directed by the ISM Safety Committee and maintained by the ISM Operations & HR Manager
Comprehensive Health & Safety Policy

1. Purpose

1.1. ISM recognizes that students, staff, and all others have the right to a healthy, safe, and secure school workplace where—free from physical and psychological harm—they can thrive as partners in the teaching and learning process.

1.2. In keeping with the school’s mission to educate all students toward becoming conscientious, compassionate, and responsible citizens of the world, ISM maintains high expectations for student and employee individual conduct, responsible behavior, and respect for others as critical to a healthy, safe, and secure school workplace.

1.3. Recognizing the multiple dimensions and complexity of creating and sustaining a healthy, safe, and secure school workplace, ISM develops and maintains extensive related administrative policies, practices, procedures, and plans.

1.4. By establishing minimum expectations, this Comprehensive Health & Safety Policy serves as an underlying foundation and overarching framework for all related administrative policies, practices, procedures, and plans. Further, it ensures that ISM prioritizes the health and safety of its students and employees, and complies with all applicable health and safety laws.

2. Definitions

2.1. School workplace: any place where school work is performed; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school site when accommodating a school-sponsored or school-approved activity or function where students are under school jurisdiction; or any other place during any period of time when an employee is supervising students on behalf of the school or otherwise engaged in school business.

3. Comprehensive Health & Safety Plan

3.1. Building from this policy, the ISM Safety Committee shall develop a Comprehensive Health & Safety Plan relevant to the needs and resources of the school. (Education Code 32281)

3.1.1. The ISM Safety Committee shall be convened by and include the Operations & HR Manager and shall also include at least one representative from the following groups: certificated teachers, non-certificated school-day staff, special programs (e.g. after school) staff, students, and parents/guardians.

3.1.2. If ISM occupies facilities under the terms of Education Code Section 47614 or any related lease or facilities use agreement, then the Operations & HR Manager shall ask the provider of such facilities to designate a member of the ISM Safety Committee.

3.2. The Comprehensive Health & Safety Plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.
3.3. The Safety Committee shall review and update the Comprehensive Health & Safety Plan by March 1 each year. (Education Code 32286)

3.4. The Board of Trustees shall review the updated Comprehensive Health & Safety Plan at its regularly scheduled March meeting each year, and approve the plan at a regularly scheduled meeting no later than June 1 each year.

3.5. The Operations & HR Manager shall make the Comprehensive Health & Safety Plan available on ISM’s public website and as hard copy in the school office.

3.6. The Operations & HR manager shall maintain an updated file of all safety-related policies, practices, procedures, plans, and related materials, and shall make it readily available for inspection by the public. (Education Code 32282)

4. Immunizations

4.1. All enrolling students and staff shall provide records documenting immunizations to the extent required for enrollment in non-charter District schools.

4.2. To protect the health of all students and staff and to curtail the spread of infectious diseases, ISM shall cooperate with state and local health agencies to encourage immunization of all students against preventable diseases.

4.3. Students entering ISM shall present an immunization record that shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

4.4. Transfer students may be conditionally admitted for up to 30 school days while their immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by a physician, nurse, or clinic, showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until immunization requirements are met.

4.5. The Director or designee may arrange for qualified medical personnel to administer immunizations at school to any student whose parent/guardian has consented in writing. (Education Code 49403)

4.6. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to immunizations.

5. Blood-borne pathogens

5.1. The Comprehensive Health & Safety Plan shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV).

5.2. The Director or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials, and those employees shall be offered the hepatitis B vaccination.

5.3. The Director or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

5.4. Any employee not identified by the Director or designee as having occupational exposure may submit a request to the Director or designee to be included in the training and hepatitis B vaccination program.
5.4.1. The Director or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

5.5. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to bloodborne pathogens.

6. Student health screening

6.1. ISM recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

6.2. In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, ISM shall administer tests for vision, hearing, and scoliosis as required by law.

6.3. ISM shall provide an information sheet to parents/guardians of incoming seventh-grade students regarding Type 2 diabetes pursuant to Education Code Section 49452.7.

6.4. All students who participate as athletes in organized competitive sports shall first undergo and file with the school a current medical examination. Upon sustaining an injury or serious illness, ISM may require a student to have another examination before participating further.

6.4.1. This requirement does not apply to participants in occasional play or field day activities.

6.5. The Director or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

6.5.1. Reports regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

6.6. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to student health screening.

7. Employee health screening

7.1. All ISM employees shall submit tuberculosis examinations as described in Education Code section 49406.

7.2. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to employee health screening.

8. Administration of prescription drugs and other medicines

8.1. ISM recognizes that some students may need to take medication prescribed by a physician during the school day in order to be able to attend school. The Operations & HR Manager shall develop processes for the administration of medication to such students by school personnel.

8.2. Prescribed medication may be administered by designated school personnel authorized to administer medication (or to otherwise assist students with administration of medication) only when the school has received written statements from both a student's physician and parent/guardian. (Education Code 49423; 5 CCR 600)

8.3. Designated school personnel authorized to administer medication (or to otherwise assist students with administration of medication,) including epinephrine auto-injections, shall receive necessary training from qualified medical or nursing personnel on how such medication should be administered as well as training in the proper documentation and storage of the medication.
8.4. Designated school personnel authorized to administer medication or to otherwise assist students with administration of medication shall do so in accordance with administrative regulations and other applicable laws, and liability protection will be provided to such personnel to the extent permitted under the law.

8.5. If parents/guardians so choose, they may administer the medication to their children. In addition, parents/guardians may designate another individual who is not a school employee to administer medication to their children.

8.6. Upon written request by the parent/guardian and with the approval of the student’s physician, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

8.7. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to administration of prescription drugs and other medicines.

9. Emergency response training

9.1. Instructional and administrative staff shall receive training in emergency response, including appropriate “first responder” training or its equivalent.

9.2. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to emergency response training, including the delivery, schedule, and frequency of such training.

10. Emergencies and disaster preparedness

10.1. ISM recognizes that all staff and students must be prepared to respond quickly and responsibly to emergencies, disasters including fires and earthquakes, and threats of disaster.

10.2. School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

10.3. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to emergencies and disaster preparedness.

11. Health care and emergencies

11.1. ISM recognizes the importance of taking appropriate action whenever an emergency or accident threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

11.2. ISM shall provide first aid and medical attention as quickly as possible when student accidents and injuries occur and that parents/guardians are notified as appropriate.

11.3. The Director or designee shall require that parents/guardians provide emergency contact information in order to facilitate communication in the event of an accident or illness.

11.4. ISM staff shall appropriately report and document student accidents.

11.5. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to health care and emergencies.

12. Facilities safety and security

12.1. The facilities utilized by ISM shall comply with Education Code Section 47610 and 47610.5.

12.2. Such compliance shall be the responsibility of any school district providing facilities under the terms of Education Code Section 47614 or any related lease or facilities use agreement.
12.3. Such compliance shall be the responsibility of ISM for facilities not obtained under the terms of Education Code Section 47614 or any related lease or facilities use agreement.

12.4. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to facilities safety and security.

13. **Substance-free workplace**

13.1. Tobacco-free *school workplace*

13.1.1. Recognizing the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, ISM prohibits the use of tobacco products at any time in the *school workplace*. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

13.1.2. This prohibition applies to all employees, students, and visitors at all times.

13.2. Drug-free and alcohol-free school workplace

13.2.1. Believing that the maintenance of a drug-free and alcohol-free workplace is essential to student and employee health and safety, ISM prohibits use, possession, and being under the influence of alcohol and illicit drugs in the school workplace.

13.2.1.1. This prohibition applies to all employees, students, and visitors at all times.

13.2.1.2. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in 21 USC 81 in the school workplace.

13.2.2. The Operations & HR Manager shall ensure that employees receive notification of these prohibitions. (Government Code 8355; 41 USC 702)

13.2.3. Employees shall abide by the terms of this policy and notify the Operations & HR Manager, within five days, of any criminal drug or alcohol statute conviction received for a violation occurring in the workplace. (41 USC 702)

13.2.4. ISM may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011.

13.2.4.1. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, employment is no longer prohibited.

13.2.4.2. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

13.2.4.3. A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

13.2.4.4. The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

13.3. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to substance-free workplace.
14. Criminal background checks

14.1. Each employee of the school and each volunteer working directly with or around students shall submit to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237.

14.2. Applicants for employment

14.2.1. The Operations & HR Manager shall ensure that each person to be employed submits fingerprints through the Live Scan system for processing by the Department of Justice.

14.2.1.1. The Operations & HR Manager shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

14.2.2. The Operations & HR Manager shall ensure that no person is hired in a position requiring certification qualifications, supervising positions requiring certification qualifications, or working directly with students who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

14.3. Current Employees

14.3.1. ISM shall not retain in employment any current certificated employee, or non-certificated employee working directly with students, convicted of a violent or serious felony. (Education Code 44830.1)

14.3.1.1. When ISM receives written electronic notification of the fact of conviction from the Department of Justice, the Director or designee shall terminate that employee without regard to any other procedure for termination specified in the Education Code or school procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

14.3.1.2. If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Director or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

14.4. Volunteers

14.4.1. The Operations & HR Manager shall ensure that each volunteer working directly with or around students in the school workplace submits fingerprints through the Live Scan system for processing by the Department of Justice.

14.4.1.1. The Operations & HR Manager shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

14.4.2. The Operations & HR Manager shall ensure that no person who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c) shall serve as a volunteer working directly with or around students, unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

14.5. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to criminal background checks.
15. Employee and volunteer drivers

15.1. ISM shall adopt administrative policies, procedures, practices, and plans to ensure safe transportation of students.

15.2. These policies, procedures, practices, and plans may set driving safety standards and expectations that exceed those set by law and those set by individual parents and guardians when transporting their own children.

15.3. These policies, procedures, practices, and plans shall apply to all persons operating vehicles, either their own or those owned by ISM, to transport ISM students for any reason during hours of attendance and for ISM business.

15.4. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to employee and volunteer drivers.

16. Mandatory reporting of child abuse

16.1. ISM and its employees shall adhere to the requirements of California Penal Code Section 11164 and 11166 regarding mandatory reporting of child abuse.

16.2. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to mandatory reporting of child abuse.

17. Sexual nonharassment

17.1. ISM prohibits sexual harassment of employees and job applicants. ISM also prohibits retaliatory behavior or action against employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

17.2. The Director or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

17.2.1. Providing training to employees in accordance with law and administrative regulation

17.2.2. Publicizing and disseminating the school’s sexual nonharassment policy to staff

17.2.3. Ensuring prompt, thorough, and fair investigation of complaints

17.2.4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

17.2.5. All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR 4964)

17.3. ISM employees and job applicants who feel that they have been sexually harassed or who have knowledge of any incident of sexual harassment by or against another employee, a job applicant, or a student, shall immediately report the incident to their supervisor, the Operations & HR Manager, the Principal & Head of Academics, or the Director.

17.3.1. Employees should bypass their supervisors in filing a complaint when the supervisor is the subject of the complaint.

17.4. A supervisor or other school administrator who receives a harassment complaint shall promptly notify the Director or designee.

17.5. Complaints of sexual harassment shall be filed in accordance with AR 4031 Complaints Concerning Discrimination in Employment.
17.6. Any employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against an ISM employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

17.7. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to sexual nonharassment.

18. **Nondiscrimination and nonharassment**

18.1. ISM is committed to equal opportunity for all individuals in education. School programs and activities shall be free from discrimination and harassment based on gender, sex, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, sexual orientation, or the perception of one or more of such characteristics.

18.2. ISM shall promote programs which ensure that discriminatory and harassing practices are eliminated in all school activities.

18.3. School programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

18.3.1. The Director or designee shall ensure that the school provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

18.3.2. Individuals with disabilities shall notify the Director or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

18.4. ISM shall notify students, parents/guardians, employees, organizations, applicants for admission and employment, and sources of referral for applicants about ISM’s policy on nondiscrimination and nonharassment.

18.5. The Director or designee shall also provide information about related complaint procedures.

18.6. The Comprehensive Health & Safety Plan shall detail these and additional requirements along with school practices and procedures related to nondiscrimination and nonharassment.

19. **Consideration for internationalism standards**

19.1. In consideration of *Ethics*, this policy establishes a high standard of treatment of and respect for students and employees, and sets high expectations of students and employees in return.

19.2. In consideration of *Diversity*, this policy establishes the school’s commitment to nondiscrimination and nonharassment based on any individual’s characteristics or traits.

19.3. In consideration of *Communication*:

19.3.1. This policy defines the Comprehensive Health & Safety Plan as the primary means of ensuring that all members of the school community remain informed of school policies, practices, procedures, and plans establishing a healthy, safe, and secure school workplace.

19.3.2. ISM shall appropriately incorporate and reference this policy, the Comprehensive Health & Safety Plan, and related procedures and practices in the school's student and staff handbooks, which are made available each year.
19.3.3. ISM shall review this policy, the Comprehensive Health & Safety Plan, and related procedures and practices on an ongoing basis through staff development.

19.4. In consideration of Community, this policy establishes expectations, requirements, and practices for school workplace health, safety, and security that benefit all members of the school community including students and employees.

20. Confidentiality

20.1. All personal information acquired as a result of this policy, including student and employee health information, and criminal record histories, shall be kept secure and handled as confidential by ISM.

20.2. ISM shall ensure that any person given access to this information has signed a confidentiality agreement.

20.3. ISM shall use the information for the sole purpose of ensuring a healthy, safe, and secure school workplace.

20.4. In no event will ISM release this information to anyone not involved in the school health and safety process. Nor will anyone involved be permitted to discuss the information outside the school health and safety process.

21. Adoption and renewal

21.1. This policy was written by the ISM administration and adopted by the ISM Board of Trustees.

21.2. This policy shall become effective: September 13, 2010

21.3. This policy shall be assessed annually by March 1 to determine its effectiveness and appropriateness. This policy may be assessed before that time as necessary.
1.4.3. Admissions

- Approve revised Admissions Policy & Procedures
  - Part of regular policy review
  - Policy dictated by state and federal law
  - Minor changes made for clarification and to reflect current legal requirements
  - Embedded in the ISM Charter
  - Incorporates lottery procedures, which remain the same
Admissions Policy and Procedures

Applicability

This policy applies to all applicants to the International School of Monterey (ISM) and the administration of the school in charge of admissions.

Policy Statements

1. Diversity

The school strives to attract, enroll, and retain the broadest spectrum of students and families representative of the rich diversity existing in the County and its surrounding counties.

2. Affirmation of Nondiscrimination

The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations; the school will not charge tuition; and the school will not discriminate against any pupil on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

The school will ensure compliance with all provisions of Section 56040.1 of the California Education Code regarding least restrictive environment for individuals with exceptional needs.

3. Open Enrollment / Public Random Drawing

Admission is available to any student who wishes to attend the school. However, if the number of students who wish to attend the Charter School exceeds the school’s capacity, attendance, except for existing pupils of the school, shall be determined by a public random drawing. Pupils currently attending the Charter School shall be guaranteed placement for the subsequent year. Preference in the public random drawing shall be extended to the following preferences, in order of priority:

1) Students residing in Monterey County:
   a) Whose parents, legal guardians, or grandparents are members of the ISM Board of Trustees
   b) Whose parents or legal guardians are ISM employees
   c) Returning to ISM at the beginning of the school year from at least one academic year of study abroad
   d) Who are siblings of current ISM students
e) Who have reapplied for the next grade level above the grade level where they have been on the waitlist during the prior year (Note: ISM treats students who reapply for enrollment at the same grade level for which they were on the prior year waitlist equally with first-time applicants.)

2) All other Monterey Peninsula Unified School District residents
3) All others

4. Minimum Age

State Law requires a child to be five years of age by December 2 to start kindergarten. Students who have not reached the age of 5 by December 2 may start kindergarten upon turning 5 years old providing the Director determines that the admittance is in the best interests of the child, the parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance, and there is available space in kindergarten and parents sign a form to acknowledge that placement at midyear does not necessarily mean promotion to first grade at the end of the school year.

A student must be age 6 by December 2 (or have completed one year of kindergarten) to start first grade. The Director with the consent of a parent or guardian may deem a child enrolled in public or private kindergarten ready for first grade as long as the child is at least five years of age.

5. Immunizations

California law requires that an immunization record be presented to the school staff before a child can be enrolled in school. ISM requires that written verification from a doctor or immunization clinic of the following immunizations:

1) Diphtheria
2) Measles
3) Mumps, except for children who have reached the age of seven years
4) Pertussis (whooping cough), except for children who have reached the age of seven years
5) Poliomyelitis
6) Rubella
7) Tetanus
8) Hepatitis B
9) Varicella (chickenpox), (persons already admitted into California public or private schools at the kindergarten level or above before July 1, 2001, shall be exempt from the Varicella immunization requirement for school entry)

ISM verification of immunizations is to be by written medical records from your doctor or immunization clinic.

Exceptions are allowed under the following conditions:

1) The parent provides a signed doctor’s statement verifying that the child is to be exempted from immunizations for medical reasons. This statement must contain a statement identifying the specific nature and probable duration of the medical condition.

2) A parent may request exemption of their child from immunization for personal beliefs.

3) Pupils who fail to complete the series of required immunizations within the specified time allowed under the law will be denied enrollment until the series has been completed.
Any child leaving the United States for a short vacation to any country considered by the Center of Disease Control and Prevention (CDC) to have increased risk of TB exposure (such as Mexico, the Philippines, India or Southeast Asia) MUST call the County Tuberculosis Clinic, for a TB Screening upon return.

6. Physical Examinations

All pupils are to have completed a health screening examination on or before the 90th day after the pupil’s entrance into first grade or such pupils must have obtained a waiver pursuant to Health and Safety Code Section 124085. This examination can be obtained from a family physician or possibly through the services provided by a County Health Department. Information and forms are distributed to pupils enrolled in kindergarten.

Failure to obtain an examination for a child or a waiver will result in the child being denied enrollment. ISM recommends that children undergo a yearly speech, hearing, and eye examination.

If a child’s medical status changes, the parent/guardian should provide the teacher with a physician’s written verification of the medical issue, especially if it impacts in any way the child’s ability to perform schoolwork.

Procedural Requirements

The following procedures may be amended from time to time upon approval of the Board of Trustees without the need to amend the charter so long as the procedures comport with legal requirements and remain consistent with the other terms of the Admissions Policy and Procedures.

1) On an annual basis, ISM will determine its maximum capacity for student enrollment, if any.

2) An initial open enrollment period will be held annually, which is advertised within the school community so that all interested students may have an equal opportunity to apply for admission. A deadline for accepting applications will be clearly stated.

3) Enrollment forms will be sorted by grade, and counted.

4) In the event that capacity is not met at a certain grade level, all students applying for enrollment into that grade will be enrolled and shall be considered an “existing ISM student” for purposes of this procedure.

5) In the event that the number of enrollment applications exceeds capacity at any grade level, a random, public lottery will be held on a date and location that is published throughout the County and adjacent Counties. The lottery shall be conducted as follows:
   a) Should more than one grade require selection by lottery, the order that grades are filled is from the highest grade to the lowest.
   b) Enrollment for each grade will be determined in stages pursuant to the preferences in this policy until capacity is met as follows:
      i) Students residing in Monterey County:
         (1) Whose parents, legal guardians, or grandparents are members of the ISM Board of Trustees
         (2) Whose parents or legal guardians are ISM employees
         (3) Returning to ISM at the beginning of the school year from at least one academic year of study abroad
         (4) Who are siblings of current ISM students
(5) Who have reapplied for the next grade level above the grade level where they have been on the waitlist during the prior year (Note: ISM treats students who reapply for enrollment at the same grade level for which they were on the prior year waitlist equally with first-time applicants.)

c) Enrollment forms for each grade level will be separated into piles according to their stage/group and will be counted and numbered. If the number of enrollment forms in each stage would not exceed the grade’s capacity, all students applying for enrollment in that stage will be enrolled and shall be considered an “existing ISM student”. When a stage is reached where the number of enrollment forms would exceed the grade’s remaining capacity, the matching numbers assigned to the enrollment forms in that stage will be randomly sorted and drawn until capacity is reached. A student whose enrollment form number is drawn will be enrolled and shall be considered an “existing ISM student”.

d) Once all grades are filled to capacity, a waiting list will be drawn for each grade in case a vacancy should arise prior to or during the school year. The order of the waiting list will be determined in the same stages as outlined above (enrollment forms will be redistributed into stages as necessary to account for any students who may now be “a sibling of an existing student”) using an identical method of randomly sorting the matching numbers assigned to enrollment forms and drawing them until all enrollment forms have been ordered and placed on the waitlist.

e) If one sibling of a multiple birth (e.g. twins, triplets) is granted a spot either in a class or on the waitlist, the remaining multiple birth siblings will be given the successive spots.

6) Enrollment or waitlist confirmations will be mailed. Registration packets will also be mailed at this time and will consist of state-required information, such as immunizations and other school-generated forms.

7) If completed registration information is not submitted by the date required in the registration packet the slot will be forfeited.

8) Waitlists will be maintained for the current enrollment year only. Waitlists will not carry over to the following year and those applicants on the waitlist must reapply the following year. However, as stated above, preference shall be given to former waitlisted applicants for the following year in the public drawing.

9) Any enrollment forms received after the initial open-enrollment deadline shall be date and time stamped and either: (a) placed in the appropriate preference pool within a secondary enrollment window; or (b) if applying for enrollment in a grade that is not yet at capacity, the student will automatically be enrolled. Enrollment forms received after the second open-enrollment deadline shall only be accepted if applying for enrollment in a grade that is not yet at capacity or where the waitlist is less than ten students; in such cases, the student will be immediately enrolled or placed on the waitlist.

10) Once placed on a waitlist, a student will remain on the list until one of the following occurs:

a) The student is accepted into ISM as space becomes available and enrolls in ISM.

b) The parent/guardian requests that the student be removed from the waitlist.

c) The school year ends.

11) When a space becomes available in a grade level, the slot will be offered to the first name on the waitlist for that grade level if a waitlist exists for that grade level. The notification will be mailed to the address on the enrollment form and will consist of a written offer letter along with a response form for the parent to return to ISM.
12) It is the parent’s responsibility to update their contact information continuously with ISM. ISM shall not be responsible for failure to contact a waitlisted parent due to expired contact information. Once notified of an available slot, a parent/guardian will have the following options:
   a) Accept the available slot. ISM must receive the acceptance within fourteen (14) days of the date of the offer letter in order for the acceptance to be valid.
   b) Decline the available slot and be removed from the waitlist
   c) Decline the available slot and be placed at the end of the waitlist

   If the school does not receive a response form within thirty (30) days, ISM will deem the parent to have declined the available slot and remove the student from the waitlist.

13) If the slot is accepted, the parent/guardian has fourteen (14) more days to return a completed registration packet and schedule a parent orientation and start date for the student, or the slot will be forfeited.

14) If the slot is not accepted or a slot is forfeited due to late registration materials or scheduling of a family orientation and start date for the student, the slot will be offered to the next name on the list and the above procedure will continue until either the slot is filled or the waitlist is exhausted. Parents who have accepted enrollment but who have forfeited their “slot” due to late or missing registration materials or late scheduling of a parent orientation and start date for the student will have the opportunity to be placed at the end of the waitlist. If the spot has been declined, the child has been placed at the end of the waitlist, and the waitlist is exhausted, those having declined a spot do not retain their preference status, rather they revert to their preference prior to the lottery. If a spot becomes available and the waitlist has been exhausted, a subsequent open enrollment period will be held.

15) In the event a situation arises that is not covered by this procedure, the ISM Board of Trustees will determine the fairest method for resolution of the issue.

16) Prior to admission, the following must occur:
   a) If the child has not attended the school before, it is mandatory that the parents provide a birth certificate for the child.
   b) Parents shall attend a parent orientation.
   c) Registration packets must be submitted by the date required in the registration packet, including proof of immunizations and physical examination as required by this policy.
   d) The registration packet shall include authorization for the school to request and receive student records from schools the student has attended or is currently attending.
   e) The registration packet shall include full disclosure by the parents, current teacher, and current school of any specific needs of the child.
   f) A copy of any existing Student Study Team (SST) evaluations and recommendations for the student shall be provided.
   g) A copy of any existing Individual Education Program (IEP) for the student shall be provided.
   h) Applicable procedures for the transfer of program between SELPAs shall be followed.
Entrance Age and Student Placement

A child is accepted into the appropriate class if his or her birthday falls on or before December 2nd. Class ages are as follows:

1) Kindergarten 5 years old
2) 1st Grade 6 years old

The placement of individual students may be reviewed at any time during a six-week trial period at the request of the classroom instructor or a parent/guardian. The Principal shall recommend appropriate placement following the review; however, the parent/guardian reserves the right to placement based on age alone.

Student Records from Other Schools

ISM requests student records from the applicant's previous school(s) and reserves the right to contact the applicant's previous school.

Late Admissions

A student may be admitted to ISM at any time during the school year (if places are available).
Administration Report
Student Information

- Enrollment
  - Total enrollment as of September 10: 420
    - One spot open in grade 8
    - One student over in grades 1, 3, and 5 due to late staff enrollments
    - All others at target
Accreditation

- June 2010 special report to CIS accepted
  - CIS continuing accreditation confirmed through June 2013

- Next up will be our Five Year Report
  - Due 1 October 2011
Modified Academic Plans

- Special education services
  - Provided by MPUSD
  - 2 years or more below ability level
  - 14 students with Individualized Education Program (IEP)
    - 7 resource only; 5 speech and language only; 1 both; 1 hearing impaired
- Section 504 accommodation plans
  - Regular education program; no district involvement
  - 8 students with 504 Plan
- Student Study Team action plans (SSTs)
  - Regular education program; no district involvement
  - 15 students with action plan
- Individualized Action Plans (IAPs)
  - Regular education program; no district involvement
  - 0 students with IAPs
Charter Renewal

- **Status**
  - Submitted by email August 31 and hard copy September 1
  - No response yet from District regarding public hearing date

- **Summary**
  - Changes made to reflect school progress and current practices
  - Revisions fairly extensive due to changes in the law and expanding expectations for charter schools
  - Written to meet State Board of Education criteria for renewal

- **Process**
  - Drafted by director
  - Reviewed by admin and board subcommittee
  - Reviewed by counsel (two firms, two perspectives)
Budget & Finance Update
Federal Jobs Bill Fund

- **Fund amounts**
  - $1.2 billion for California
  - Approximately $190 per ADA for charter schools
  - Preliminary estimate of $75,591 for ISM
    - Initial 90 percent distribution of $68,032
    - Based on 2009-2010 second principal apportionment (P-2)

- **Fund purpose**
  - Intended to save or create K-12 jobs for the 2010-2011 school year
  - Must be spent on compensation, benefits, and support services
  - Must be used to retain existing or rehire/recall former employees, or hire new employees who provide Pre-K through Grade 12 educational services
  - May not be spent on general administrative expenses or other support services expenses
2009-2010 Audit

Progress

Timeline

- Request list received from BKP July 26
- Unaudited actuals completed September 15
- Requested materials to BKP by September 24
- ISM staff available to BKP Sept 27-Oct 8 & Oct 25-Nov 19
- First draft to ISM staff November 22
- Approved draft to ISM Audit Committee December 1
- Discussion at Audit Committee meeting December 6
- Approval at regular Board meeting December 13
- Submission by BKP to district, county, and state December 14

ISM team

- ISM Director
- ISM administrative staff
- Volunteer CPA
Foundation Update
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### 2010-2011 MONTHLY PLEDGES / PROJECTIONS

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### RUNNING TOTALS COMPARISON 2010-2011 TO 2009-2010

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Brown Act Training
Understanding the Brown Act

Presented by:

James E. Young, Middleton, Young & Minney
7 Parkcenter Drive, Sacramento, CA  95825 (916) 646-1400 jyoung@mymlaw.com

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Andrea C. Sexton, Middleton, Young & Minney
7 Parkcenter Drive, Sacramento, CA  95825 (916) 646-1400 asexton@mymlaw.com
The Brown Act

Purpose & scope of the Act

“...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 in remaining informed so that they may retain control over the instruments they have created.”
The Brown Act (Contd.)

What is a meeting?

- Any time a majority of the members of a legislative body meet to hear, discuss, deliberate, or take action on any item of school business.

Exceptions to definition

- Prohibition against serial meetings. A majority of the members of a legislative body shall not, outside a meeting authorized by the Brown Act, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.
Does it Apply to Committees?
Commisions, committees and boards or other bodies of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution or formal action of a legislative body are legislative bodies.

Exception: 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 unless it is a standing committee of the legislative body which has a continuing subject matter jurisdiction or a meeting schedule fixed by charter ordinance, resolution or formal action of the legislative body.

- Majority of the members of a legislative body may talk outside a properly noticed meeting so long as they never actually reach agreement to take any action that is within the jurisdiction of the local agency.
New Rules Pertaining to Communications Outside a Properly Noticed Meeting

SB 1732 (Effective January 1, 2009):

• Amends the Brown Act to prohibit a majority of the members of a legislative body, outside of a properly noticed meeting, from engaging in a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the jurisdiction of the legislative body.
Additional SB 1732 Requirement

- An employee or official of a local agency may engage in separate conversations or communications outside of a meeting authorized by the Brown Act with members of the legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.
What are the notice & agenda requirements?

- Regular meetings – Agenda posted 72 hours in advance
- Special meetings – Agenda posted 24 hours in advance
- Emergency Meetings – Agenda posted less than 24 hours in advance
What are the notice & agenda requirements?

- Posted in publicly accessible location for entire posting period within jurisdiction.
- Closed session agenda requirements
  1) Safe harbor language
  2) Public report of action taken in closed session and vote or abstention of every member.
The Brown Act (Contd.)

What are the public’s rights?

• Public testimony
  – Addressing angry speakers?
• Taping or broadcasting
• Conditions of attendance
• Non-discriminatory facilities
• Copies of agendas and other writings distributed to all, or a majority of all, of the members of a legislative body in connection with a matter subject to discussion or consideration at an open meeting of the body.
The Brown Act (Contd.)

What are the permissible closed sessions?

1. Personnel
   • 24 hour written notice to employee if complaints and/or charges will be heard.
   • Failure to provide notice = any action taken against employee in the closed session shall be null and void.
What are the permissible closed sessions? (Contd.)

2. Pending litigation
3. Real estate negotiations
4. Labor negotiations
5. Public security exception
6. Pupil discipline
Teleconferencing Requirements

1. All votes taken shall be by roll call.
2. Agenda must be posted at all teleconference locations and teleconference meetings must be conducted in a manner that protects the statutory and constitutional rights of the parties of the public appearing before the legislative body of the local agency.
Teleconferencing Requirements

3. Each teleconference location shall be identified in the notice and agenda of the meeting.

4. Each teleconference location shall be accessible to the public.
Teleconferencing Requirements

5. 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.

6. Members of the public shall have the right to address the legislative body directly at each teleconference location.
What are the penalties & remedies for violating the Act?

• Confidentiality requirement
  1) No Board member or staff member may disclose information from closed session without the authorization of the legislative body.
  
  2) Failure to comply for employee = disciplinary action and/or injunctive relief.

  3) Failure to comply for Board members = referral to grand jury and/or injunctive relief.
The Brown Act (Contd.)

What are the penalties & remedies for violating the Act?

• Criminal penalties & Civil remedies

1) Criminal penalties = prosecution for misdemeanor if a member of a legislative body attends the meeting of the 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.
What are the penalties & remedies for violating the Act?

2) Civil Remedies = Injunctive relief or court declaring action null and void after failure to cure violation.
What are the penalties & remedies for violating the Act?

- Notice & demand for cure
  1) Written demand must be made within 30 days if demand relates to agenda posting requirement and the action was taken in open session.
  2) Otherwise demand must be made within 90 days.
  3) Legislative body must cure within 30 days or notify the demanding party that it will not cure
  4) Demanding party can initiate litigation to compel compliance and if successful, may be awarded attorneys fees and court costs.
The Ralph M. Brown Act

California Government Code Sections
54950-54963

August 28, 2009

Please note the information contained herein is current as to the date above. Because the law is constantly changing, we do not recommend that you act on this information without consulting legal counsel. Additionally, the attached Government Code Sections have been scaled down to meet the needs of charter schools. Joint Powers Authorities, health insurance organizations, etc. should not rely upon this as a complete reproduction of the Brown Act.
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<td>[Section repealed 1994.]</td>
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<tr>
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<td>[Section repealed 1994.]</td>
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<td>Requirement that meetings be open and public; Teleconferencing; Teleconference meetings by health authority</td>
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<td>Rules for conduct of business; Time and place of meetings</td>
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<td>Closed sessions concerning pending litigation; Lawyer-client privilege</td>
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<td>Public report of action taken in closed session; Form; Availability; Actions for injury to interests</td>
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§ 54950  
**Declaration of public policy**  
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 of act**  
This chapter shall be known as the Ralph M. Brown Act.

§ 54951  
**“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.

§ 54951.1  
[Section repealed 1994.]

§ 54951.7  
[Section repealed 1994.]

§ 54952  
**“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, decision making 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.

<table>
<thead>
<tr>
<th>§ 54952.1</th>
<th>Conduct and treatment of electee</th>
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<tbody>
<tr>
<td>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.</td>
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<th>§ 54952.2</th>
<th>Specified communications of legislative body of local agency prohibited outside meeting thereof</th>
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<td>(a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.</td>
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<tr>
<td>(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.</td>
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(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

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

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

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

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

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

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

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

| § 54952.3 | [Section repealed 1994.] |
| § 54952.5 | [Section repealed 1994.] |
| § 54952.6 | “Action taken” |
| § 54952.7 | Copy of chapter |
| § 54953 | Requirement that meetings be open and public; Teleconferencing; Teleconference meetings by health authority |

(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.
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, except as provided in subdivision (d). 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.

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.

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

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.

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.

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.
Recording proceedings

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
Restrictions on broadcasts of proceedings

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
Access to meetings beyond minimal standards

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
Rules for conduct of business; Time and place of 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 an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

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

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

§ 54954.1
Request for notice; Renewal; Annual 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
Posting of agenda; Actions not on agenda

(a)
(1) 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.

(2) 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.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.
§ 54954.3  
**Public testimony at regular 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.

§ 54954.5  
**Description of closed session items**

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.)
<table>
<thead>
<tr>
<th>Section 54956.9</th>
<th>Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)</th>
</tr>
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<tbody>
<tr>
<td><strong>(d)</strong></td>
<td>With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:</td>
</tr>
<tr>
<td></td>
<td>LIABILITY CLAIMS</td>
</tr>
<tr>
<td></td>
<td>Claimant: (Specify name unless unspecified pursuant to Section 54961)</td>
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<td></td>
<td>Agency claimed against: (Specify name)</td>
</tr>
<tr>
<td><strong>(e)</strong></td>
<td>With respect to every item of business to be discussed in closed session pursuant to Section 54957:</td>
</tr>
<tr>
<td></td>
<td>THREAT TO PUBLIC SERVICES OR FACILITIES</td>
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<tr>
<td></td>
<td>Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)</td>
</tr>
<tr>
<td></td>
<td>PUBLIC EMPLOYEE APPOINTMENT</td>
</tr>
<tr>
<td></td>
<td>Title: (Specify description of position to be filled)</td>
</tr>
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<td>PUBLIC EMPLOYMENT</td>
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<td>Title: (Specify description of position to be filled)</td>
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<td></td>
<td>PUBLIC EMPLOYEE PERFORMANCE EVALUATION</td>
</tr>
<tr>
<td></td>
<td>Title: (Specify position title of employee being reviewed)</td>
</tr>
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<td></td>
<td>PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE</td>
</tr>
<tr>
<td></td>
<td>(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.)</td>
</tr>
<tr>
<td><strong>(f)</strong></td>
<td>With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:</td>
</tr>
<tr>
<td></td>
<td>CONFERENCE WITH LABOR NEGOTIATORS</td>
</tr>
</tbody>
</table>
Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

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

or

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

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

CASE REVIEW/PLANNING

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

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

REPORT INVOLVING TRADE SECRET

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

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

HEARINGS

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

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

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW
(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

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

CONFERENCE INVOLVING A JOINT POWERS AGENCY
(Specify by name)

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

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

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

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

AUDIT BY BUREAU OF STATE AUDITS

§ 54955
Adjournment of meetings
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
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
### Continuance of hearing

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; Notice**

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; Notice**

(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.

§ 54956.75 (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential
| **Closed session for response to final draft audit report** | final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.  
(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law. |
| **§ 54956.8**  
Closed sessions regarding 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. |
| **§ 54956.9**  
Closed sessions concerning pending litigation; Lawyer-client privilege | 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.

§ 54957

Closed session regarding public security, facilities, employees, national security, examination of witness

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 54957.2  
Minute book for closed sessions  

(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 writings as 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 an open 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, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

(b)

(1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1)
available for public inspection at a public office or location that the
agency shall designate for this purpose. Each local agency shall list
the address of this office or location on the agendas for all meetings
of the legislative body of that agency. The local agency also may post
the writing on the local agency's Internet Web site in a position and
manner that makes it clear that the writing relates to an agenda item
for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) 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.

(d) 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.

(e) This section shall not be construed to limit or delay the public's
right to inspect or obtain a copy of any record required to be
disclosed under the requirements of the California Public Records
Act (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 sessions regarding employee
matters

(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.

<table>
<thead>
<tr>
<th>§ 54957.7 Disclosure of items to be discussed at closed session</th>
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<tbody>
<tr>
<td>(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.</td>
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<tr>
<td>(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.</td>
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<tr>
<td>(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.</td>
</tr>
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</table>

§ 54957.9 In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting
| Authorization to clear room where meeting willfully interrupted; Readmission | The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law. |
| § 54958 Application of chapter | 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. |
| § 54959 Criminal penalty for violation of chapter | (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. |
| § 54960 Proceeding to prevent violation of chapter; Recording closed sessions; Procedure for discovery of tapes | (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

Proceeding to determine validity of action; Demand for correction

(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.

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<tr>
<th>§ 54960.5</th>
<th>Costs and attorney fees</th>
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<tr>
<td>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.</td>
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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.

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<tr>
<th>§ 54961</th>
<th>Meeting place with discriminatory admission policies; Identification of victim of sexual or child abuse</th>
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<tr>
<td>(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.</td>
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(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.

<table>
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<tr>
<th>§ 54962</th>
<th>Prohibition against closed sessions except as expressly authorized</th>
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<tr>
<td>Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.</td>
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<tr>
<th>§ 54963</th>
<th>Disclosure of confidential information acquired in closed session prohibited; Disciplinary action for violation</th>
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<tbody>
<tr>
<td>(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.</td>
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<tr>
<td>(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.</td>
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<td>(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:</td>
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<td>(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.</td>
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<tr>
<td>(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.</td>
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<tr>
<td>(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.</td>
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<tr>
<td>(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.</td>
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<td>(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:</td>
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(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.