



TYPE: Regular Board Meeting

DATE: 9/14/2022 **TIME:** 6:00 PM

CODE: Simulcast via Zoom Teleconferencing

LOCATION: Assembly Hall 1935 Bohemian Highway, Occidental, CA 95465

Closed session begins at 6 pm; open session at 7 pm. All documents relating to the following agenda items are available for public review in the Administrative Office of the Harmony Union School District during office hours at least 72 hours prior to the scheduled Board meeting. The Harmony District Board of Education meetings are open to the public, except for certain subjects that are addressed in closed session in accordance with the Ralph M. Brown Act. If anyone wishes to attend and requires special accommodations due to a handicapping condition, as outlined in the Americans with Disabilities Act, please contact the superintendent at least two working days prior to the meeting.

1.0 Call to Order

2.0 Pledge of Allegiance

3.0 Approval of the Agenda

4.0 Public Comment

- 4.1 For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures. Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting. Info

5.0 Closed Session

- 5.1 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA Info/Action
- 5.2 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6 - Personnel Info
- 5.3 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA Info/Action
- 5.4 With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957: Superintendent Contract Info

6.0 Reconvene to Open Session

- 6.1 Report out on any action taken during closed session Info

7.0 Communication

- A) Reports

- 7.1 HUTA Report
- 7.2 ARK Report
- 7.3 Student Report
- 7.4 Board Member Reports
- 7.5 Superintendent/Principal's Report
- 7.6 Pathways Director Report
- B) Public Comment
 - 7.7 For Closed Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures. Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.

C) Correspondence

8.0 Consent Agenda	Action
8.1 Vendor Warrants	Action
8.2 Approve the disposal of surplus property- textbooks and technology	Action
8.3 6th Grade Field Trip to Pinnacles National Park- 10/25-10/27 2022	Action
8.4 6th grade Overnight in Sandy Flats with possible hike to CYO for campfire	Action
8.5 2nd/7th Field Trip to Salmon Creek Beach	Action
8.6 Approve the Consent Agenda	Action
9.0 Information/Correspondence/Discussion	
9.1 Public Hearing: The public will have the opportunity to comment on the joint sunshine openers for the District and Harmony Union Teacher's Association (HUTA).	Info
9.2 Public Hearing- Sufficient Instructional Materials	Info
9.3 Election Update	Info
9.4 Discussion topic to set timetable for Reserve Account Review and Assignment	Info
9.5 Construction Update	Info

- | | | |
|-----|--|------|
| 9.6 | Calkids!- New program from State of California for low income, foster and homeless students. | Info |
| A) | Board Member Development | |
| 9.7 | The Brown Act | |

10.0 Action Items

- | | | |
|------|---|--------|
| 10.1 | Consideration of the joint sunshine openers from the District and Harmony Union Teachers Association (HUTA) | Action |
| 10.2 | Board to consider Resolution 2022/23-3 declaring that the District has sufficient textbooks and instructional materials for students. | Action |
| 10.3 | Consideration of adoption of HUSD Wellness Policy | Action |
| 10.4 | Consideration of Unaudited Actuals for 2021-2022 | Action |
| 10.5 | Consideration of Gann Limit Resolution 2022/23-4 | Action |
| 10.6 | Consideration of appointment of new staff: Garden Assistant, Monique Garrett; Paraeducator, Shell Brandt; Cafeteria Assistant, Hunter Bryson. | Action |

11.0 Next Board Meeting

12.0 Adjournment

Agendas have been posted at the Harmony School public bulletin board and the Harmony Union School District Website at www.harmonyusd.org.



Meeting Date: 9/14/2022 - 6:00 PM

Category: Public Comment

Type: Info

Subject:

4.1 For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.

Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

Background Information:

Fiscal Implications:

Recommendation:

Approvals:


Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Closed Session
Type:	Info/Action
Subject:	5.1 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	-
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal




Meeting Date:	9/14/2022 - 6:00 PM
Category:	Closed Session
Type:	Info
Subject:	5.2 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6 - Personnel
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Closed Session
Type:	Info/Action
Subject:	5.3 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	-
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Closed Session
Type:	Info
Subject:	5.4 With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957: Superintendent Contract
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Reconvene to Open Session
Type:	Info
Subject:	6.1 Report out on any action taken during closed session
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	none- information only

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date: 9/14/2022 - 6:00 PM

Category: Reports

Type: Info

Subject: 7.1 HUTA Report

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

**Background
Information:**

Fiscal Implications:

Recommendation:

Approvals:



Harmony Union School District

AGENDA ITEM

Meeting Date: 9/14/2022 - 6:00 PM

Category: Reports

Type: Info

Subject: 7.2 ARK Report

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

**Background
Information:**

Fiscal Implications:

Recommendation:

Approvals:

Recommended
By:

A handwritten signature in black ink that reads "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.3 Student Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.4 Board Member Reports
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.5 Superintendent/Principal's Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.6 Pathways Director Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 220914 HUSD Board Report (1).pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	
Approvals:	

HUSD Board Report
Susan Takami | Pathways Executive Director
September 2022

Budget: Our current year surplus remains at approximately \$200,000.

Enrollment: Our enrollment has been volatile and lower than previous years. In early August we had enrollment of 330, however as of September 14, our enrollment is at 310. While it is typical for enrollment to grow over the first month of school, we are also seeing lower levels of interest. Our current budget has some buffer as we balance our enrollment capacity with current staffing (see below).

Staffing:

At the end of last school year:

- Sonoma Center Manager and one Solano teacher: resigned for new positions
- One Sonoma teacher retired

We rearranged teacher schedules and provided stipends for teachers' to take on additional duties for the current school year. We continue to advertise to replace the Solano teacher, with some interest and interviews, but no new hire to-date.

To date this school year:

- Main office Registrar and one Sonoma teacher resigned for new positions
- Sonoma-based ELD teacher resigned for new position

We have hired a new bi-lingual (Spanish) Registrar, who is scheduled to begin before the end of September. Our ELD teacher is available to continue testing and teaching duties on an on-call basis as we advertise for a part-time replacement.

Audit: We have our annual audit on October 28th.

ESSER II & III Plans: Our finance committee will begin reviewing a draft of our ESSER III Expenditure Plan and meets once a month on Fridays beginning Friday, September 16th.

Pathways' Board Meeting, September 14, 2022

We have a full board in place and the Board goals include updated Board training for all members. Both our Finance Committee and Safety Committee have Board representation.

In August, the Board approved a 3% COLA increase for staff, as well as approval for stipends and hourly increases for staff taking on additional duties. We will seek approval to promote the current Solano Center Manager to Senior Center Manager at the September Board meeting.

Executive Director approval for the 3% COLA increase requires Board approval, however, the current Executive Director will decline this increase at the September Board meeting.

The Executive Director's goals include:

- Staff appreciation
- Balancing staff changes/workload and low enrollment with budget
- Marketing, web-site redesign, recruitment for both staff and students pending balance with staff workload and budget



Meeting Date: 9/14/2022 - 6:00 PM

Category: Public Comment

Type: Info

Subject:

7.7 For Closed Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.

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Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

Background Information:

Fiscal Implications:

Recommendation:

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.1 Vendor Warrants
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Approve through the consent agenda

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.2 Approve the disposal of surplus property- textbooks and technology
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 Inventory List of Items to Dispose_.pdf
Description:	
Background Information:	<p>The Board of Trustees recognizes its fiscal responsibility to maximize the use of district equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective district operations. When the Board, upon recommendation of the Superintendent or designee, declares any district-owned personal property unusable, obsolete, or no longer needed, the Board shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.</p>
Fiscal Implications:	
Recommendation:	approve through the consent agenda
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal

Inventory List of Items to Dispose:

Technology:

Numerous out of date or broken Chromebooks, Apple iPads, Macbooks, headphones, charger cords


Text Books- no longer using in the classroom: History, Social Studies, Science

Furniture- broken desks, tables, chairs, misc items



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.3 6th Grade Field Trip to Pinnacles National Park- 10/25-10/27 2022
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 Pinnacles 23.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Approve through the consent agenda

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

FIELD TRIP PLANNING/APPROVAL FORM

B

Teacher: Park Guthrie

Class or Group: 6th Grade

Objectives of Field Trip: Enliven earth history + ecology curriculum

Date of Trip: Tuesday 10.25 to Thursday 10.26

Time Leaving: 9:00 AM 10/25

Time Returning: Between 2:00 and 3:00 PM on 10/26

Destination: Pinnacles National Park

Other places you may go during the Field Trip: _____

Bus required? Yes _____ No Number of Students 23

Parents driving? Yes No _____ Cost to ^{District} Student? \$88/student


If sack lunches are required [notify kitchen at least 5 days before trip], how many? _____

Requested by: Park Guthrie Date: _____

Approved by: _____ Date: _____
Principal

(For trips requiring overnight travel or accommodations only)

Additional insurance is needed for overnight field trips. Please see Ann Hayes-Stern or Missy Calvi

APPROVED BY:  Date: 8/31/2012
Superintendent


Reminders:

1. This form must be completed by teacher and have final approval **before** any letters are sent home or any final arrangements completed. Requests must be submitted **at least 10 days before the Field Trip**. Requests for Field Trips requiring overnight travel or accommodations must be submitted to the Governing Board no less than 120 days prior to the trip.
2. The principal should approve all letters prior to sending them home.
3. All arrangements should be completed at least three days before the field trip, so that there is reasonable time to cancel, if necessary.
4. Refer to AR 6153 to insure that all appropriate forms are completed.
5. If there are any special factors about the field trip, please use the back of this form.
6. **Notify food services before the trip.** If sack lunches are needed, a specific number must be ordered at **least five days prior** to the field trip.
7. If requesting a bus for the field trip, obtain the "Request for Transportation Service" form in the district office.
8. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.4 6th grade Overnight in Sandy Flats with possible hike to CYO for campfire
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 Paleo 22.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Approve through consent agenda

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

FIELD TRIP PLANNING/APPROVAL FORM

B

Teacher: Park Guthrie

Class or Group: 6th Grade

Objectives of Field Trip: Enliven history + science curriculum, bonding

Date of Trip: Wed. 9/28 - Thursday 9/29 - overnight in Sandy Flats

Time Leaving: N/A

Time Returning: N/A

Destination: Sandy Flats with possible hike to CYO for a campfire

Other places you may go during the Field Trip: CYO camp

Bus required? Yes No Number of Students 23

Parents driving? Yes No Cost to Student? ~~\$150~~

If sack lunches are required [notify kitchen at least 5 days before trip], how many? Breakfast on Thursday 9/29

Requested by: Park Guthrie

Date: 8/31, 2022

Approved by: _____
Principal

Date: _____

(For trips requiring overnight travel or accommodations only)

Additional insurance is needed for overnight field trips. Please see Ann Hayes-Stern or Missy Calvi

APPROVED BY: 
Superintendent

8/31/2022
Date

Reminders:

1. This form must be completed by teacher and have final approval **before** any letters are sent home or any final arrangements completed. Requests must be submitted **at least 10 days before the Field Trip**. Requests for Field Trips requiring overnight travel or accommodations must be submitted to the Governing Board no less than 120 days prior to the trip.
2. The principal should approve all letters prior to sending them home.
3. All arrangements should be completed at least three days before the field trip, so that there is reasonable time to cancel, if necessary.
4. Refer to AR 6153 to insure that all appropriate forms are completed.
5. If there are any special factors about the field trip, please use the back of this form.
6. **Notify food services before the trip.** If sack lunches are needed, a specific number must be ordered at **least five days prior** to the field trip.
7. If requesting a bus for the field trip, obtain the "Request for Transportation Service" form in the district office.
8. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.



Harmony Union School District


AGENDA ITEM

Meeting Date: 9/14/2022 - 6:00 PM
Category: Consent Agenda
Type: Action
Subject: 8.5 2nd/7th Field Trip to Salmon Creek Beach

Strategic Plans:

Policy:

Enclosure

File Attachment:  0377_001.pdf

Description:

**Background
Information:**

Fiscal Implications:

Recommendation: Approve through the consent agenda

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

FIELD TRIP PLANNING/APPROVAL FORM

B

Teacher: Figueroa/Collins

Class or Group: 2nd & 7th

Objectives of Field Trip: buddy bonding

Date of Trip: 11/1/2022

Time Leaving: 9:00

Time Returning: 2:30

Destination: Salmon Creek Beach

Other places you may go during the Field Trip: NA

Bus required? Yes No Number of Students 40

Parents driving? Yes No Cost to Student? 0

If sack lunches are required [notify kitchen at least 5 days before trip], how many? _____

Requested by: Deather Sig Date: 9/9/2022

Approved by: _____ Date: _____
Principal

(For trips requiring overnight travel or accommodations only)

Additional insurance is needed for overnight field trips. Please see Ann Hayes-Stern or Missy Calvi

APPROVED BY: _____ Superintendent _____ Date _____

Reminders:

1. This form must be completed by teacher and have final approval **before** any letters are sent home or any final arrangements completed. Requests must be submitted **at least 10 days before the Field Trip**. Requests for Field Trips requiring overnight travel or accommodations must be submitted to the Governing Board no less than 120 days prior to the trip.
2. The principal should approve all letters prior to sending them home.
3. All arrangements should be completed at least three days before the field trip, so that there is reasonable time to cancel, if necessary.
4. Refer to AR 6153 to insure that all appropriate forms are completed.
5. If there are any special factors about the field trip, please use the back of this form.
6. **Notify food services before the trip.** If sack lunches are needed, a specific number must be ordered at **least five days prior** to the field trip.
7. If requesting a bus for the field trip, obtain the "Request for Transportation Service" form in the district office.
8. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.



Harmony Union School District

AGENDA ITEM

Meeting Date: 9/14/2022 - 6:00 PM
Category: Consent Agenda
Type: Action
Subject: 8.6 Approve the Consent Agenda

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

The Consent Agenda, sometimes called the Consent Calendar, is for routine items that require Board action. Board members may request that any consent item be removed for purposes of discussion, and then acted upon as a separate item.

Background Information:

Fiscal Implications:

Recommendation:

That Board approves the consent agenda as shown.

Approvals:


Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.1 Public Hearing: The public will have the opportunity to comment on the joint sunshine openers for the District and Harmony Union Teacher's Association (HUTA).
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	None
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.2 Public Hearing- Sufficient Instructional Materials
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	

Description: In the Process of assuring the Harmony and Salmon Creek Elementary Schools have sufficient instructional materials for each student and each classroom, a Public Hearing of the Harmony Union School District Board of Education will be held. This notice is posted in compliance with Education Code 60119. At this meeting it is the intention of the HUSD Board to further assure that the materials used are aligned to the content standards pursuant to EC 60605 or 60605.8 and 60119 and are consistent with the content and cycles of the California curriculum frameworks in reading/language arts, mathematics, science, and history/social studies.

Background Information:

Fiscal Implications:

Recommendation: None

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.3 Election Update
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	None- Information only

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.4 Discussion topic to set timetable for Reserve Account Review and Assignment
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	None- discussion only

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM


Meeting Date:	9/14/2022 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.5 Construction Update
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	None- discussion only

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.6 Calkids!- New program from State of California for low income, foster and homeless students.
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 0369_001.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Information only.

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal



SCHOLARSHARE INVESTMENT BOARD

915 Capitol Mall, Room 590
Sacramento, CA 95814
p (916) 651-6380
f (916) 589-2835
scholarshare@treasurer.ca.gov
www.treasurer.ca.gov/scholarshare



MEMBERS

FIONA MA, CPA, CHAIR
State Treasurer

JOE STEPHENSHAW
Director
Department of Finance

BROOKS ALLEN
Executive Director
State Board of Education

HAL GEIOGUE
Governor Appointee
CA Student Aid Commission

PAUL MARTIN
Governor Appointee
Member at Large

DAVID C. LIZARRAGA
Speaker Appointee

ANGELA ACOSTA-SALAZAR
Senate Rules Committee
Appointee

EXECUTIVE DIRECTOR
Julio Martinez

September 1, 2022

Harmony Union Elementary
Attention: Board of Education
1935 Bohemian Hwy
Occidental, CA 95465-9100

Dear Members of the Board,

I am pleased to share a new and exciting program from the State of California – CalKIDS! The recently launched California Kids Investment and Development Savings Program (CalKIDS) provides a minimum of **\$500 in a college savings account** for eligible low-income public school students, with additional financial awards for students identified as foster youth and/or homeless.

This statewide initiative administered by the ScholarShare Investment Board, an agency of the state of California and chaired by the State Treasurer, will make college or career training a reality for millions of children throughout our state. To ensure all eligible families are aware of this important program, we seek your help in sharing this valuable information with families in your district, campus, and communities.

Studies have shown that children with up to \$500 designated for college savings are three times more likely to enroll in college and four times more likely to graduate than children with no savings¹. Knowing the positive difference higher education and career development can have in their lives, it is vital that our students feel supported in their pursuit of these goals. CalKIDS builds on this research to provide families a starting point for building assets and working to make higher education attainable.

\$500
Every eligible low-income public school student in grades 1-12 will have a CalKIDS account created in their name with a deposit of \$500.

Plus \$500
Eligible students identified as foster youth will receive an additional one-time \$500 deposit.

Plus \$500
Eligible students identified as homeless will receive an additional one-time \$500 deposit.

That's up to \$1,500 in free money for college!*

CalKIDS
The first step toward college.

*California public school students identified as low-income by the Local Control Funding Formula (LCFF) on Fall Academic Census Day who are enrolled in 1st through 12th grades during the 2021-2022 academic year and, beginning in fall 2022, all incoming low-income LCFF public school 1st graders identified on Fall Academic Census Day will be automatically enrolled in CalKIDS. Final seed deposits and financial incentives are determined by state law and are subject to change.

¹Elliott, W., Song, H-a, Nam, I. (2013), Small-dollar children's saving accounts and children's college outcomes by income level. Children and Youth Services Review, Vol. 35, Is. 3, pp. 560-571

To access their CaKIDS account, eligible low-income students, their parents, or legal guardians must register their account at the official CaKIDS website, CaKIDS.org. The simple and easy registration process requires key information, including the child's Statewide Student Identifier (SSID) **or** a unique code that is included in a CaKIDS notification letter that the family will receive soon. **To ensure all eligible students have what they need to access their CaKIDS account, we encourage your school district and individual campuses to make SSIDs widely accessible to parents and students.**

I welcome your support and hope you can help in sharing this important program with your campus community. To assist with disseminating Program information, we have made available our comprehensive online marketing toolkit which contains various materials, in English and Spanish, for use. The toolkit can be accessed on the Partners tab at CaKIDS.org. If you have additional questions or would like further details, contact CaKIDS staff directly at CaKidsAdmin@calkids.org or (916) 651-6380.

Thank you for your assistance in ensuring that all eligible families know about this exciting new program.

In Peace and Friendship,


A handwritten signature in black ink, appearing to read 'Fiona Ma', with a stylized flourish at the end.


FIONA MA, C.P.A.
California State Treasurer



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Board Member Development
Type:	Info
Subject:	9.7 The Brown Act
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:

 Brown_Act_Summary (1).pdf

 THE BROWN ACT - 2020
Edition [FINAL]
(00712953.DOCX_2).pdf

Description:**Background
Information:****Fiscal Implications:**

Recommendation: Discussion only

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

SUMMARY OF THE BROWN ACT*



FIRM OVERVIEW

Practice Areas

Administrative Hearings
Charter School
Community College
Facilities & Business
Governance
Investigations
Labor & Employment
Litigation
Municipal
Public Finance
Public Safety
Special Education
Student
Technology & Innovation
Title IX

Statewide

Sacramento
Walnut Creek
Fresno
Monterey
Bakersfield
San Luis Obispo
Los Angeles
San Diego

The Brown Act is the most important open-meetings law for local governments in California. Compliance with the Brown Act is a critical role for the governing body. *Note: This is only a summary of key provisions of the Act, rather than a detailed overview of all its requirements.

APPLICATION

The Brown Act applies to all “legislative bodies.”

“Legislative body” means:

- > **Governing Bodies:** The governing body of a local agency or any other local body created by state or federal statute.
- > **Subcommittees and Commissions:** All subcommittees and commissions created by formal action of the legislative body, whether temporary, decision making, or advisory. There is one exception for ad hoc advisory committees consisting solely of less than a quorum of the legislative body.

MEETINGS

Definition

A meeting is any congregation of a majority of the legislative body that meets at the same time and place to hear, discuss, or deliberate upon any item within the body’s subject matter jurisdiction. A “meeting” includes any use of direct communication, intermediaries, or technological devices such as e-mail.

Types of Meetings

A regular meeting is the fixed formal meeting of the legislative body. Agendas must be posted at least 72 hours in advance of the meeting.

A special meeting may be called at any time either by the presiding officer or a majority of the legislative body by delivering a written notice to each member and to each local newspaper of general circulation and radio or television station requesting such notice. The notice must be delivered and the agenda posted at least 24 hours before the meeting.

AGENDAS

Agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. All agendas must be posted in a location at the agency offices that is freely accessible to the public, and also on the agency’s website.

School districts must allow members of the public to place matters directly related to school district business on the agenda. The school district can reasonably control when and how the item is placed on the agenda.

Action

A legislative body may not take action on an item not appearing on the agenda, except:

- > To respond to statements made or questions posed by the public during the public comment section;
- > To ask questions of staff or the public for clarification;



- > To ask staff to report back on an item not appearing on the agenda at a subsequent meeting; or
- > To make a brief announcement.

Public Comment

Each *regular meeting* agenda must provide an opportunity for public comment on any agenda item and on any item of interest to the public within the subject matter jurisdiction of the legislative body. For *special meetings*, the agenda must provide an opportunity for members of the public directly to address the legislative body concerning any item on the agenda; comments on items not on the agenda need not be allowed.

Inspection

Writings distributed to all or to a majority of the legislative body by any person for consideration at a public meeting are public records. Documents distributed to all or a majority of the legislative body less than 72 hours before a regular meeting must be made publicly available without delay. Writings given to the legislative body at the meeting by staff must be available at the meeting, and writings distributed at the meeting by others must be available after the meeting. The terms “writing” and “document” include electronic records such as e-mail.

In addition, every agenda must state the location of an office at the agency where members of the public may inspect these documents. The agency may also post the documents on the agency’s Internet Web site in a position and manner that makes it clear that the documents relate to an agenda item for an upcoming meeting.

CLOSED SESSIONS

Closed sessions are meetings conducted in private without the attendance of the public. They are permitted for specific purposes; courts construe the statutory basis for closed sessions narrowly. Generally, to preserve the confidentiality of closed sessions, only essential staff should attend a closed session.

Primary Types of Closed Sessions

- > To instruct negotiators on real property transactions
- > To instruct labor negotiators
- > To discuss “pending litigation” with agency attorneys
- > To consider the appointment, employment, evaluation, discipline, or dismissal of a public employee
- > Employee Complaints or Charges

Before holding a closed session to hear complaints or charges brought against an employee, the employee must be delivered written notice of his or her right to have the complaints or charges heard in open session at least 24 hours before the meeting.

- > Meetings regarding threats to security of public buildings or essential public services
- > Meetings among Joint Powers Agencies formed for insurance pooling and local agency Self-Insurance Authorities to consider liability issues
- > Student matters such as discipline or records challenges

Announcements from Closed Session

- > After each closed session, the legislative body must report in open session certain actions taken in closed session, and the vote of each member, including:
 - > Approval of an agreement concluding real estate negotiations
 - > Approval for legal counsel to defend, initiate, or settle litigation
 - > Disposition of claims
 - > Action to appoint, employ, dismiss, release, accept resignation of, or affect the status of any employee
 - > Approval of labor negotiation agreements

Reporting out may be deferred under certain circumstances, usually because it is contingent upon approval by another party.

Closed Session Confidentiality

No person may disclose confidential information that has been acquired by being present in an authorized closed session to unauthorized persons, unless the legislative body formally authorizes disclosure of confidential information. “Confidential information” means a communication made in a closed session that is specifically related to the basis for the closed session.

Penalties and Enforcement

A member who attends a meeting where action is taken in violation of the Brown Act, and where the member intends to deprive the public of information which the member knows or has reason to know the public is entitled, is *guilty of a misdemeanor*.

For legal advice on a particular Brown Act issue, or for any questions, please contact us at clientservices@lozanosmith.com or 559.431.5600.



Lozano Smith
ATTORNEYS AT LAW

2020



Prepared by Lozano Smith's Governance Practice Group
February 2020

THE BROWN ACT HANDBOOK

*As updated through the 2019 Legislative Session**

**Includes Appendices on Open Government & Fairness Rules*

Sacramento | Walnut Creek | Fresno | Monterey | Bakersfield | Los Angeles | Mission Viejo | San Diego

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2020 Lozano Smith Brown Act Handbook

Welcome to the 2020 edition of Lozano Smith’s Brown Act Handbook. The 2020 edition reflects new legislation, cases, and Attorney General Opinions and makes editorial changes. Two sections were added to the Brown Act and there were a few significant cases. New cases and statutes, along with corresponding text changes to the Handbook, are discussed below.

1. Legislation to Address California’s New Public Banking Laws. In 2019, the Legislature approved AB 857 authorizing local agencies to organize a public bank. The stated purpose is to allow the creation of banks that will leverage their deposit base and lending power to benefit the public by focusing on pressing local needs, like affordable housing, small business loans, and public infrastructure projects. To address this new legislation, the Legislature amended the Brown Act to include Government Code sections 54956.97 and 54956.98. Those sections authorize the governing board of a public bank, or a committee of the governing board, to hold closed sessions in specified circumstances, identify who may attend the closed session, and specify the disclosure limitations on information obtained in closed session. These new sections were added to Appendix 2 of the Handbook and corresponding changes were made to Appendix 4 Sample Closed Session Agenda Descriptions.
2. Court Reaffirms Importance of Describing Agenda Items in a Clear and Unambiguous Manner. In *Olson v. Hornbrook Community Services District* (2019) 33 Cal.App.5th 502, the court reaffirmed the general requirement that agenda items be described in a clear and unambiguous manner so that the public knows the essential nature of the business to be considered by the agency. In *Olson*, the Court focused specifically on consent calendar agenda items, in this case the approval of bills and authorization to pay warrants for a specified time period. The Court found that a description generally describing the approval of warrants for a specified time period is sufficient, but if the agenda describes an exhaustive list of specific payments to specific vendors, the addition of a new vendor violates the clear agenda description requirement.
3. Agencies Can Limit Public Comment on Agenda Items to the Time When the Agenda Item is Considered. In *Olson, supra*, the District held a general public comment period, as required by the Brown Act, at the beginning of each meeting. Mr. Olson wanted to comment about an item on the agenda during this general public comment period. The Board president deferred comment until the Board considered the item. Mr. Olson claimed this violated the Brown Act. The Court upheld the agency’s practice, holding that the legislative body may require that comments specific to items on the agenda be made at the time when the item is being considered, and not during the general public comment period. This practice ensures that the legislative body has a clear and complete understanding of the public concern regarding an item of business at the time the item is being discussed. Text has been added at page 13 of the Handbook to reflect this decision. It should be noted that in an unpublished portion of the *Olson* case, the Court granted a

rare award of attorney's fees to a public agency as a result of the plaintiff's filing of a frivolous Brown Act lawsuit.

4. The Public Comment Exception Where the Public Had a Right to Comment at a Committee Meeting Composed Entirely of Members of the Legislative Body Does Not Apply to Special Meetings. The Brown Act requires that the public be given an opportunity to comment on any item on the agenda, before or during consideration of the item, including closed session agenda items. There is an exception where the public already had been afforded the right to address a committee composed entirely of members of the legislative body on that topic before or during the time in which the committee heard the item. In *Preven v. City of Los Angeles* (2019) 31 Cal.App.5th 925, the court held that this exception does not apply to special meetings of the legislative body. Text has been added at page 13 of the Handbook to reflect this decision.

5. Court Reaffirms that 24 Hour Employee Notice Relating to Charges or Complaints Does Not Apply to Meetings to Approve the Charges or Complaints. In *Ricasa v. Office of Administrative Hearings* (2019) 31 Cal.App.5th 262, the governing Board of the Southwestern Community College District was presented with charges that an employee committed acts in violation of Education Code section 87732 relating to immoral or unprofessional conduct or conviction of a felony or moral turpitude crime. The Education Code required that the Board approve charges and intended discipline before providing the employee with an evidentiary appeal hearing. Ms. Ricasa contended that the Board's consideration of, and decision to accept, the charges violated her right under the Brown Act to receive 24 hour written notice of her right to have the complaints or charges heard in open session. The Court held that the presentation of charges and recommendation to the Board by the District president did not transform the closed session into an evidentiary hearing requiring the 24 hour notice. Nor did the length of the closed session, the lack of a post-session announcement, or the closed session debate as to whether the facts sufficed to impose discipline. Text has been added at page 24 of the Handbook to reflect this decision.

Please refer to Lozano Smith Client News Brief Number 14 from February 2019, for additional information about this case.

6. Court Upholds Agency Response to a Cease and Desist Letter as a Viable Remedy. The Brown Act allows the district attorney or any interested person to bring an action to address past violations of the Brown Act by a public agency. Before initiating such an action, the district attorney or interested person must submit a cease and desist letter to the clerk or secretary of the legislative body setting forth the alleged violation. The letter must be sent within nine months of the alleged violation and the legislative body then has 30 days to provide an unconditional commitment to cease, desist from, and not repeat the past action that is an alleged violation of the Brown Act. The legislative body need not admit a violation.

In *TransparentGov Novato v. City of Novato* (2019) 34 Cal.App.5th 140, the court approved the viability of this remedy. In this case, a group of city residents filed a lawsuit against the City of Novato. Before filing suit, the group sent a letter to the City

alleging a Brown Act violation after councilmembers discussed a controversial project which was not on the agenda, and subsequently voted to establish a subcommittee to consider the project at a future meeting. In a responding letter, the City promised that going forward it would only create subcommittees if the item is on an agenda. The City also amended its own policy manual requiring all requests for future agenda items to be in writing. The residents filed suit after the City issued the letter and amended its policy. The Court found that the underlying basis for the lawsuit had been resolved because the City had amended its policy and provided the required unconditional commitment to cease, desist from, and not repeat the allegedly wrongful past action. The court was persuaded by the unequivocal nature of the City's new policy to support its conclusion that there was "no reasonable basis to believe that [the] past action would be repeated." Text has been added at page 27 of the Handbook to reflect this decision.

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OVERVIEW OF THE BROWN ACT

I. INTRODUCTION

The Brown Act, Government Code section 54950 et seq., regulates many aspects of local public agency meetings in both open and closed sessions. The companion statute for state agencies is the Bagley-Keene Act, Government Code section 11120 et seq. The Brown Act and Bagley-Keene Open Meeting Act require that all meetings of legislative bodies be open to the public, except for authorized closed sessions.

The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964, and substantially overhauled the Brown Act in 1993. The Legislature periodically makes substantive and technical changes to the Brown Act. These materials address the Brown Act and include all revisions through the 2017 Legislative session.

On November 2, 2004, the voters approved Proposition 59 which amended Section 3 of Article 1, of the California Constitution to mandate that the Brown Act, Bagley-Keene Open Meeting Act, and the California Public Records Act (Government Code § 6250 et seq.) be broadly construed in furtherance of the public's "right of access to information concerning the conduct of the people's business." Proposition 59 made no substantive changes to these Acts. (*Sutter's Place Inc. v. Superior Court* (2008) 161 Cal.App.4th 1370.)

On November 4, 2014, the voters approved Proposition 42 which again amended Section 3 of Article 1, of the California Constitution. Proposition 42 expands upon the constitutional mandate of Proposition 59 by making compliance with both the Brown Act and the Public Records Act mandatory even if the State Legislature suspends reimbursable mandates for compliance with those laws. As with Proposition 59, Proposition 42 made no substantive changes to these Acts.

The Brown Act is essentially a body of rules designed to ensure open government and fairness. Other open government and fairness rules often intersect with the Brown Act. The two most common sets of additional rules are the California Public Records Act and the rules governing ethics in public service. Because of the importance of these additional rules, beginning with the 2011 edition of this handbook, two appendices were added: Public Records Act Fundamentals and Ethics in Public Service Fundamentals. The two appendices are not designed to provide a comprehensive review of the laws, as with the Brown Act, but rather are designed to remind public officials who use this handbook of these additional and very important open government and fairness rules.

II. THE BROWN ACT APPLIES TO ALL MEETINGS OF LOCAL PUBLIC AGENCY LEGISLATIVE BODIES

A. LEGISLATIVE BODIES

1. Legislative Body Is Broadly Defined and Includes Decision Making and Advisory Bodies.

The definition of “legislative body” means:

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

b. Subcommittees and Commissions. All subcommittees and commissions created by formal action of the legislative body, whether temporary, decision making, or advisory. Formal action is interpreted broadly and would likely include the appointment by the legislative body of members to a committee established at the administrative level, for example a committee created by the superintendent or city manager.

There is one exception to subcommittees being subject to the Brown Act: ad hoc advisory committees consisting of less than a quorum of members of the legislative body. The following rules apply: (1) the committee must be purely an advisory committee with no decision making authority; (2) the committee must be composed solely of less than a quorum of members of the legislative body (two members for a five-member body, three members for a seven-member body); (3) the committee must not have continuing subject matter jurisdiction; and (4) the committee must not have a meeting schedule fixed by formal action of the legislative body.

Fact finding committees consisting of less than a quorum of members from two or more agencies, even if appointed by the legislative bodies, have been held to fall within this exception provided the committee does not meet on a recurring or ongoing basis and provided representatives from each agency independently report back information to their respective governing bodies, not as a joint recommendation.

In addition to the express exception, provisions in the Educational Employment Relations Act, which exempt school district labor negotiation meetings from the Brown Act, will apply to subcommittees created for the purpose of furthering collective bargaining, such as a health benefits committee.

(Education Code § 35147; *Golightly v. Molina* (2014) 229 Cal.App.4th 1501; *Californians Aware v. Joint Labor/Management Benefits Committee* (2011) 200 Cal.App.4th 972; *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799; 64 Ops.Cal.Atty.Gen. 856 (1981).)

c. Private Entity Created by Legislative Body or Funded by a Local Agency. A board, commission, committee, or other multi-member body that governs a private corporation, limited liability company, or other entity that is either: (1) 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 or entity; or (2) 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.

d. Hospital Lessee. 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.

(Government Code § 54952; Education Code § 35147; *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354; *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123; *Epstein v. Hollywood Entertainment District II Business Improvement District* (2001) 87 Cal.App.4th 862; *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781; 92 Ops.Cal.Atty.Gen. 102 (2009).)

2. Member of Legislative Body Includes Newly Elected and Appointed Officials Prior to Assuming Office.

The definition of “member of legislative body of a local agency” includes persons who have been elected but have not yet assumed the duties of office. While the Brown Act refers specifically to elected officials, presumably the Legislature intended the rule to apply to appointed officials. These persons must conform their conduct to the requirements of the Brown Act, and they are individually liable for violating the Brown Act prior to assuming office. This does not mean that newly elected or appointed members are authorized to attend closed session meetings of the legislative body prior to assuming the duties of office. Newly elected or appointed members may only attend closed session meetings if they have an official or essential role to play in the closed session.

(Government Code § 54952.1; 88 Ops.Cal.Atty.Gen. 16 (2005); 86 Ops.Cal.Atty.Gen. 210 (2003).)

B. MEETINGS

1. Meetings Occur Whenever the Majority of a Legislative Body Meets to Discuss Agency Business.

a. General Definition. Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body of the local agency to which it pertains.

(Government Code § 54952.2(a).)

2. Meetings Can Occur Through the Use of Intermediaries.

A “meeting” includes any use of direct communication, personal intermediaries, or technological devices, such as e-mail, that are employed by a majority of the members of the legislative body to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body. A “collective concurrence” is not necessary to be considered a meeting. Agency employees and officials can still provide information to and answer questions of legislative body members, provided that the employee or official does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(Government Code § 54952.2(b); *Golightly v. Molina* (2014) 229 Cal.App.4th 1501; *Page v. MiraCosta Community College District* (2009) 180 Cal.App.4th 471; *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533, overruled in part by SB 1732; 84 Ops.Cal.Atty.Gen. 30 (2001).)

3. Meetings Do Not Include:

a. Individual Contact. Individual contacts or conversations between a member of a legislative body and any other person.

b. Public Conferences. Attendance of a majority at conferences that are open to the public and involve a discussion of general interest to the public or public agencies of that agency’s type, provided the majority does not discuss local agency business among themselves, other than as part of the scheduled program.

c. Community Meetings. Attendance of a majority at a publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided the majority does not discuss local agency business among themselves, other than as part of the scheduled program.

d. Other Local Agency Meetings. Attendance of a majority 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 the majority does not discuss local agency business among themselves, other than as part of the scheduled meeting.

e. Social Gatherings. Attendance of a majority at a purely social or ceremonial occasion, providing that no local agency business is discussed.

f. Standing Committees. Attendance of a majority at an open and noticed meeting of a standing committee of the legislative body provided that the members of the legislative body who are not members of the standing committee attend only as observers.

g. Staff Meetings. Meetings among staff members are not subject to the Brown Act, provided a majority of the legislative body members are not in attendance, as staff members do not constitute a legislative body.

h. Confirming Availability for a Meeting. Discussions among staff and legislative body members solely to determine availability for a regular or special meeting or coordinating the scheduling of a meeting is not “hearing, discussing, or deliberating on agency business,” as set forth in Government Code § 54952.2, and is therefore not considered a meeting. Additionally, Government Code § 54956 specifically authorizes a special meeting to be called by a majority of the legislative body. The merits of any agenda items should not be discussed.

(Government Code §§ 54952.2(c), 54956; 89 Ops.Cal.Atty.Gen. 241 (2006); see also California Attorney General’s Office, *The Brown Act*, 2003, p. 12 and League of California Cities, *Open and Public IV; a Guide to the Ralph M. Brown Act*, 2nd Edition 2010, p.18.)

4. When Necessary Meetings May be Held by Teleconference.

The Brown Act permits meetings to be held by teleconferencing provided all requirements of the Brown Act are met. Teleconferencing means a meeting in different locations connected by electronic means through either audio or video, or both. During the teleconference, at least a quorum of the members of the legislative body must participate from locations within the boundaries of the local agency and each location must be accessible to the public. Each agenda for teleconferencing meetings must be posted at each location and provide an opportunity for members of the public to address the legislative body directly at each teleconference location. All votes taken during a teleconferenced meeting must be by roll call. Sample teleconference agenda language and sample teleconference script is contained in Appendix 3.

(Government Code § 54953(b).)

5. Simultaneous or Serial Order Meetings.

When a legislative body also sits as the legislative body of another agency, for example members of a city council also serving as members of a local public financing authority, prior to holding a simultaneous or serial meeting of the subsequent legislative body, the clerk or a member of the legislative body must orally announce before the meeting commences the amount of extra compensation or stipend that any member receives from convening the simultaneous or serial meeting, unless the amount of compensation is prescribed by statute.

(Government Code § 54952.3.)

III.

LOCATION, NOTICE, AGENDA, PUBLIC PARTICIPATION ACCESSIBILITY, AND OTHER MEETING REQUIREMENTS

A. LOCATION OF MEETINGS

1. All Local Agencies Must Meet Within the Jurisdictional Boundaries With Specified Exceptions.

The law requires that meetings of the “legislative body” be held within the territory of the local agency except that meetings may be outside the local agency:

- a. To meet requirements of state or federal law or court order, or to attend a judicial or administrative proceeding to which the agency is a party;
- b. To inspect real or personal property that cannot be brought conveniently to the local agency, provided that the topic of the meeting is limited to items directly related to the real or personal property;
- c. To participate in meetings or discussions of multi-agency significance held within the jurisdiction of one of the participating local agencies and open and noticed by all participating local agencies as required by the Brown Act;
- d. To meet in the closest meeting facility if none is available inside the local agency boundaries or at the principal office of the local agency if located outside its boundaries;
- e. To meet with elected or appointed officials of the United States or the State of California, where a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the local agency. A report of the substance and outcome of the meeting must be given at the next regular or special meeting held by the local agency;
- f. To meet at a facility owned by the local agency where the topic of the meeting is limited to items directly related to the facility; and,
- g. To hold a closed session at the office of legal counsel on pending litigation, if the meeting reduces legal costs and if the meeting is noticed as a special meeting.

2. School Districts May Meet Outside of the Jurisdictional Boundaries to Interview Employee Candidates.

Governing boards of school districts may also meet outside of their jurisdictional boundaries to:

- a. Attend a conference on non-adversarial collective bargaining techniques.
- b. Interview members of the public residing in another district to consider potential employment of an applicant for the position of the superintendent of the district.
- c. Interview a potential employee from another district.

3. Joint Powers Authority Must Meet Within Territory of a Member Agency.

A joint powers authority ordinarily must meet within the territory of one member agency, but if members are from throughout the state, it can meet anywhere in the state.

4. Emergency Meetings May Occur Outside of Regular Meeting Place.

If an emergency makes it unsafe for a legislative body to meet at the regular place, the presiding officer may designate a place and notify local media by the most rapid means available.

(Government Code §§ 54954; Education Code § 72000; 94 Ops.Cal.Atty.Gen. 15 (2011); 94 Ops.Cal.Atty.Gen. 33 (2011).)

B. NOTICE AND AGENDA REQUIREMENTS

1. A Schedule for Regular Meetings Must Be Set by Official Action and Each Regular Meeting Requires 72 Hours Notice.

The Brown Act requires each legislative body of a local agency, except for advisory committees or standing committees, to provide the TIME AND PLACE for regular meetings by ordinance, resolution, bylaws, or other rule. In addition, seventy-two (72) hours notice, with the posting of an agenda, is required for a regular meeting. The posting must occur in a place that is freely accessible to the public and on the agency's Internet Website. A touch screen electronic kiosk may take the place of the paper posting.

Beginning January 1, 2019, the internet posting must be on the agency's primary Internet Web site homepage and accessible through a prominent, direct link to the current agenda. Additionally, the agenda must be posted in an open format that allows the agenda to be retrievable, downloadable, indexable, and electronically searchable. Agencies may utilize an integrated agenda management platform to meet these requirements.

Meetings of advisory or standing committees are generally considered regular meetings of the legislative body for which an agenda must be posted at least 72 hours in advance of the meeting. Weekend hours may be counted as part of the 72-hour period.

(Government Code § 54954, 54954.2(a); Education Code §§ 35140, 35145; 99 Ops.Cal.Atty.Gen. 11 (2016); 88 Ops.Cal.Atty.Gen. 218 (2005); 78 Ops.Cal.Atty.Gen. 327 (1995).)

2. Special Meetings May Be Called at Any Time and Require 24 Hours Notice.

A special meeting may be called at any time, including Saturdays, Sundays, and holidays, either by the presiding officer or a majority of the members of a legislative body by delivering a written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting such notice. The notice may be delivered personally or by any other means.

The notice must be received at least twenty-four (24) hours before the time of the meeting set forth in the notice. The notice must also be posted twenty-four (24) hours before the meeting in a location that is freely accessible to the public and posted on the agency's Internet Website.

The notice must include the time and place of the meeting and identify the business to be transacted or discussed. Only the business set forth in the notice may be considered at the meeting. A special meeting may not be called to consider the salaries, salary schedules, or compensation in the form of fringe benefits of a local agency chief executive officer or department head.

The notice must provide an opportunity for members of the public to directly address the legislative body about any item described in the notice prior to or during consideration of that item.

(Government Code §§ 54954.3(a) 54956; Education Code § 35144.)

3. The Media and Members of the Public May Request Special Notice of Meetings.

Upon written request by the media, or any member of the public, the agenda and all documents constituting the agenda packet shall be mailed to the person making the request at the time the agenda is posted or upon distribution to all, or a majority of all, of the members of the legislative body, whichever occurs first. If requested, the agenda and documents in the agenda package must be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the ADA. Written requests are good for the calendar year 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 may not exceed the cost of providing the service. A failure of the requesting person to receive the agenda or agenda packet is not grounds for invalidation of any action taken by the legislative body.

(Government Code § 54954.1.)

4. Meetings May Be Adjourned to Dates and Times Certain Provided the Adjourned Meeting is Posted as Such.

Regular or special meetings, including meetings with noticed public hearings, may be adjourned to a specified date, time, and place. Less than a quorum can adjourn a meeting. If all members are absent, the clerk or secretary to the legislative body may adjourn the meeting or public hearing to a specified date, time, and place. Notice of the adjourned meeting must be posted on or near the door of the meeting within twenty-four (24) hours after the adjournment.

(Government Code §§ 54955, 54955.1.)

5. All Meetings Must Have an Agenda and the Agenda Must Include a Description of Each Item on the Agenda.

The Brown Act requires the preparation of a written agenda for all meetings. Sample agendas are included in Appendix 3. The agenda must contain a brief description of each individual item of business on the agenda, but generally need not exceed twenty (20) words, and must be written in clear and unambiguous terms so that members of the public are aware of

what business the agency intends to transact. Items to be discussed in closed sessions are disclosed on the agenda.

Although not specifically required by the Brown Act, the agenda descriptions outlined in Appendix 4 for closed session items provide a “safe harbor” for legislative bodies and elected officials. If legislative bodies or elected officials provide this “safe harbor” information on the agenda (regardless of the specific format), they cannot be held in violation of the agenda requirements of Government Code section 54954.2.

California courts have interpreted the agenda description requirement as an “elastic standard”, not subject to absolute precision. To ensure compliance, the following guidelines should be followed:

- The description must give fair notice of the essential nature of the business to be considered.
- The public must be provided with more than just clues from which they must then guess or surmise the essential nature of the business to be considered.
- The agenda must not be confusing, misleading or unfairly opaque.

Technical errors or immaterial omissions will not prevent the agency from acting. The agency fulfills its agenda obligations so long as it substantially complies with statutory requirements.

Upon request, the agenda must be made available in alternative formats to persons with a disability as required by Section 202 of the ADA. To implement this requirement, the agenda must include information regarding how, to whom, and when a request for disability related modification or accommodation, including auxiliary aid 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. Appendix 3 contains sample agenda language.

As noted, agendas must be posted 72 hours in advance of a regular meeting and 24 hours in advance of a special meeting in a place that is freely accessible to the public, and on the agency’s Internet Web site. Every agenda must list the location of an office at the agency where members of the public may inspect documents distributed to all or a majority of the members of the legislative body. This provision is designed to provide public access to items submitted to the legislative body after the agenda is posted (distributed less than 72 hours prior to a regular meeting).

(Government Code §§ 54954.2, 54954.5, 54955, 54957.5; Education Code § 35145; *Olson v. Hornbrook Community Services District* (2019) 33 Cal.App.5th 502; *San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal.App.5th 637; *San Joaquin Raptor Rescue Center v. County of Merced* (2013) 216 Cal.App.4th 1167; *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904.)

6. Agenda Packages and Other Legislative Body Materials Must be Made Available to All Legislative Body Members at the Same Time.

When distributing agenda packages and other materials to members of the legislative body, those materials should be provided to all members at the same time. This rule arises from provisions of the California Public Records Act, which require that whenever the local agency is providing a public record to a member of a legislative body in the administration of the member's duties, the local agency shall not discriminate between or among any of the members as to which record is made available or when it is made available.

In some contexts, there may be a mandatory duty to provide public comments to the legislative body prior to consideration of the matter. For example, planning agency staff must collect and compile public comments regarding a general plan housing element and provide those comments to each member of the legislative body before adoption of the housing element.

(Government Code §§ 6252.5, 6252.7, 65585.)

7. Emergency Meetings Are Permissible.

An exception to the twenty-four (24) hour notice requirement for special meetings is allowed in the case of an emergency situation involving matters that require prompt action due to the disruption or threatened disruption of public facilities and services. Except in "dire emergencies," attempts must be made to contact the media by telephone at least one hour before the meeting, unless the telephones are not working. A "dire emergency" is defined as a crippling disaster, mass destruction, terrorists 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 may endanger the public health or safety. For dire emergencies, attempts to contact the media must be made at or near the time that members of the legislative body are notified of the emergency meeting.

Closed sessions are permissible during emergency meetings if agreed to by a two-thirds (2/3) vote of the members present or by unanimous vote if less than two-thirds (2/3) of the members are present.

Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in a public place.

(Government Code § 54956.5.)

8. Members of the Public May Have a Right to Place Items on the Agenda.

School districts are expressly required to allow members of the public to place matters directly related to school district business on a regular meeting agenda. However, governing boards have discretion to determine whether a proposed agenda item is directly related

to district business. Although there is no similar statutory requirement for cities and counties, most agencies have a process where members of the public may request that items within the subject matter jurisdiction of the public agency be placed on the agenda.

Regardless of whether a statutory requirement or local requirement, local agencies can reasonably control when the item is placed on the agenda. Further, legislative bodies need not allow public comment on whether to place an item on the agenda.

(Education Code § 35145.5; *Mooney v. Garcia* (2012) 207 Cal.App.4th 229; *Coalition of Labor, Agriculture & Business v. County of Santa Barbara* (2005) 129 Cal.App.4th 205; *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781.)

9. The Legislative Body May Act on Items Not on the Agenda to Address Emergency Situations, Subsequent Need Items, and Held-Over Items. The Legislative Body May Also Respond to Public Comments and Make Announcements.

Generally, the legislative body may not discuss or take action on any item that does not appear on the posted agenda. There are, however, exceptions to this general rule.

a. “Emergency Situation.” An “emergency situation” is defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety, or a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril to the public health and/or safety. Before proceeding to act upon an emergency item not appearing on the agenda, the legislative body must, by a majority vote, determine an emergency situation exists and that prompt action is required by the legislative body.

b. “Subsequent Need” Items. The legislative body may act upon an item not appearing on a regular agenda upon a finding that there is a need for immediate action and the need for action came to the attention of the local agency after the agenda was posted. The legislative body must make that finding by a two-thirds (2/3) vote of the members present or by unanimous vote if less than two-thirds (2/3), but more than a quorum, of its members are present.

c. Held-Over Items. Items may be acted upon at a meeting if:

- (1) The item appeared on a properly posted agenda for a previous meeting;
and
- (2) The previous meeting occurred not more than five (5) calendar days prior to the date of the meeting at which the item is proposed to be considered;
and
- (3) The item was continued from the previous meeting to the meeting at which action is proposed to be taken.

d. Response to Public Comments: Announcements. Members of the legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code section 54954.3. Members of the legislative body or its staff may also make a brief announcement, make a brief report on his or her own activities, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the legislative body at a subsequent meeting concerning any matter. The legislative body or any of its members may also direct staff to place a matter of business on a future agenda.

(Government Code §§ 54954.2, 54954.3, 54956, 54956.5.)

10. Chief Executive Officer and Department Head Salaries and Contracts.

Chief executive officer contracts must be ratified in open session of the legislative body at a regular meeting and reflected in the minutes. In addition, prior to taking final action on the “salaries, salary schedules, or compensation paid in the form of fringe benefits for a local agency executive,” the legislative body must orally report a summary of a recommendation during the open meeting in which final action is to be taken. Local agency executives are defined as employees not subject to the Meyers-Milias-Brown Act (essentially unrepresented employees) and who are either: (a) the chief executive officer, deputy chief executive officer, or an assistant chief executive officer; (b) a department head; or (c) a position held by employment contract.

As a practical matter, what this means is that contracts and salary setting for high ranking local officials should be approved in open session at a regular meeting and not be placed on the consent calendar. Further, the legislative body should receive an oral presentation on the item before taking action. Closed session negotiations with unrepresented employees prior to approval are still permissible.

(Government Code §§ 3511.1, 53262, 54953, 54956.)

11. Substantial Compliance Satisfies the Brown Act’s Agenda Posting Requirements.

Minor violations of the Brown Act’s agenda posting and notice requirements will not automatically result in an illegal meeting provided the agency has otherwise substantially complied with the requirements. The key determination is whether the meeting notice or agenda might have misled or confused members of the public. Whether substantial compliance exists in any given circumstance will depend on the specific facts.

(Government Code § 54960.1(d)(1); *San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal.App.5th 637; *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196; 99 Ops.Cal.Atty.Gen 11 (2016).)

C. PUBLIC PARTICIPATION

1. For Regular Meetings the Public Must Be Provided an Opportunity to Address Not Only Any Item on the Agenda but Any Item Within the Subject Matter Jurisdiction of the Agency.

Each agenda for a regular public meeting must provide the public with an opportunity to address the legislative body on any item on the agenda, before or during the legislative body's consideration of the item, and on any item of interest to the public that is within the subject matter jurisdiction of the legislative body. The legislative body may require that comments specific to items on the agenda be made at the time when the item is being considered, and not during the general public comment period. This practice ensures that the legislative body has a clear and complete understanding of the public concern regarding an item of business at the time the item is being discussed.

The public comment right includes a right to comment on closed session agenda items prior to the legislative body going into closed session. Only one public comment period is required, even if a meeting carries over to a second day. The legislative body may not take action on any item raised by the public if that item did not appear on the agenda, unless allowed as set forth in Government Code section 54954.2(b).

The agenda does not, however, have to provide the public with an opportunity to address the legislative body on an item if:

- The public already had the right to address a committee composed entirely of members of the legislative body on that topic before or during the time in which the committee heard the item. This exception does not apply to special meetings; and
- The item being considered was not substantially changed since it was last considered by the legislative body.

It is always best to facilitate broad public comment consistent with the intent of the Brown Act regardless of the exceptions.

(Government Code § 54954.3(a); *Olson v. Hornbrook Community Services District* (2019) 33 Cal.App.5th 502; *Preven v. City of Los Angeles* (2019) 31 Cal.App.5th 925; *Mooney v. Garcia* (2012) 207 Cal.App.4th 229; *Galbiso v. Orosi Public Utility District* (2008) 167 Cal.App.4th 1063; *Chaffee v. San Francisco Library Commission* (2004) 115 Cal.App.4th 461.)

2. For Special Meetings, the Public Must Be Provided an Opportunity to Address Any Item on the Agenda.

Every notice for a special meeting must 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 prior to or during consideration of that item.

(Government Code § 54954.3(a).)

3. Reasonable Time Limitations May Be Placed on Public Comment.

The legislative body may place reasonable time limitations on public comment during an open meeting so that meetings can be concluded within a reasonable time. Those time limits may be shorter than time allowed for agency staff or invited speakers. When the legislative body limits the time for public comment, the legislative body must provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body. The requirement for additional allotted time does not apply if the local agency utilizes translation equipment in a manner that allows the legislative body to hear the translated public testimony simultaneously.

(Government Code § 54954.3(b); *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150; *Chaffee v. San Francisco Library Commission* (2004) 115 Cal.App.4th 461.)

4. The Legislative Body May Not Prohibit Public Criticism.

The legislative body may not prohibit the public from criticizing the “policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body” regardless of whether it implicates the performance of one or more of its employees.

(Government Code § 54954.3(c); *Perry Educational Association v. Perry Local Educators Association* (1983) 460 U.S. 37, 60; *Leventhal v. Vista Unified School District* (1997) 973 F.Supp. 951; *Baca v. Moreno Valley Unified School District* (1996) 936 F.Supp. 719; *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150; 90 Ops.Cal.Atty.Gen. 47 (2007).)

5. Members of the Public Cannot be Required to Give Names or Sign a Register as a Condition of Attendance.

Members of the public cannot be compelled to provide their name or sign a register as a condition of attendance at a meeting. If a register is provided, it must state clearly that signing the register is voluntary and that all persons may attend the meeting regardless. While it is unclear whether attendance also means participation, it is recommended that providing a name or address not be mandated to speak unless providing that information is directly relevant to the item being discussed. Even under those circumstances, if a member of the public wishes to speak anonymously, the legislative body should consider allowing them to speak, but otherwise give the weight or credibility that such anonymous comments are due.

(Government Code § 54953.3.)

6. The Media and Public May Record and Broadcast Meetings.

The Brown Act allows recording of meetings by still or motion picture camera in addition to audio or video recording, unless the legislative body makes a reasonable finding that the recording cannot continue without noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. Any recording made at the discretion of the local agency becomes a public record and may not be destroyed for thirty (30) days after the recording and is subject to public inspection.

The Brown Act also provides that a legislative body may not prohibit or otherwise restrict broadcast of its open proceedings unless it makes 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. Radio and television stations are expressly permitted to broadcast and telecast open meetings.

(Government Code §§ 6091, 54953.5, 54953.6.)

7. Documents Distributed in Connection with an Open Session Meeting Are Public Records.

Writings distributed to all or a majority of the members of a legislative body by any person, including staff, a member of the legislative body, or a member of the public, for consideration at a public meeting, are public records. Such writings must be made available for inspection and copying “without delay.” Public records made available to one or more members of the legislative body should be made available to all members of the legislative body at the same time.

With respect to a regular meeting, if writings are distributed to all or a majority of the members of a legislative body less than 72 hours prior to the meeting, these writings must be made available to the public without delay. In addition, the agenda must state the location of an office at the agency where members of the public may inspect these documents.

If writings are distributed during a meeting, they must be available for public inspection immediately if prepared by the local agency, 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 ADA.

Ordinary copying fees may be charged for these public records, except that the agency may not impose a surcharge on persons with disabilities in violation of Section 202 of the ADA.

Writings distributed for closed session are exempt from public disclosure if otherwise exempt under the Public Records Act. The Brown Act does not abrogate the attorney-client privilege applicable to written communications.

(Government Code §§ 6252.7, 54957.5; *St. Croix v. Superior Court* (2014) 228 Cal.App.4th 434.)

8. Minutes of Meetings Must Be Kept.

The Brown Act does not require that minutes of local agency meetings be kept. However, other statutory provisions generally require that minutes of open meetings be kept. For example, Education Code section 35145 requires that minutes be kept for school board meetings, and Government Code sections 36814 and 40801 require that minutes be kept for city council meetings. Local agencies have the option of taking minutes for closed session meetings and if they decide to do such, they are considered confidential and not subject to disclosure. Closed session minutes, however, may be subject to disclosure if there is a Brown Act violation.

(Government Code §§ 25101, 25102, 25103, 36814, 54957.2; Education Code § 35145; *County of Los Angeles v. Superior Court* (2005) 130 Cal.App.4th 1099.)

D. VOTING DETERMINATIONS

Members of the public are entitled to know how each member of a legislative body voted on action items. In that regard, no legislative body may take action by secret ballot, whether preliminary or final. This prohibition applies to both open and closed sessions. If it is not readily apparent from the record how a member voted, the legislative body must publicly report the action taken and the vote or abstention on that action of each member present for the action. A roll call vote is not required except for teleconference and emergency meetings or when otherwise statutorily required, but is recommended when it is likely to be difficult to determine from the record how a particular member voted, or whether a member abstained. It is advisable to include the vote tally, and any abstentions, as part of the minutes.

(Government Code §§ 54953(c), 54956.5, 54957.1.)

E. DISRUPTION OF MEETINGS

Although the Brown Act provides an opportunity for public comment on any item within the subject matter jurisdiction of the legislative body, legislative bodies have the right to control the conduct of their meetings, including placing reasonable time limits on public comment and determining the order of the agenda.

(Government Code § 54954.3(b); *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150; *Chaffee v. San Francisco Library Commission* (2005) 134 Cal.App.4th 109, 116; *Coalition of Labor, Agriculture & Business v. County of Santa Barbara* (2005) 129 Cal.App.4th 205, 209.)

If a person or group of persons disrupt the orderly conduct of a meeting, the legislative body has a right to order those persons removed from the meeting. If order still cannot be restored after removal of the individuals disrupting the meeting, members of the legislative body can order the room cleared and continue with the meeting. Appendix 7 contains sample guidelines for conducting orderly legislative body meetings.

(Government Code § 54957.9; Penal Code § 8403; Elections Code § 18340; *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800; *White v. City of Norwalk* (9th Cir. 1990) 900 F.2d 1421, 1425.)

F. MEETINGS MUST BE ACCESSIBLE TO ALL INDIVIDUALS

All open and public meetings must be accessible to disabled persons and meet the protections and prohibitions of Section 202 of the Americans with Disabilities Act (“ADA”).

In addition, the legislative body may not meet in a facility that prohibits admittance of any person on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, disability, or other characteristic listed or defined in Government Code section 11135, or when members of the public may not be present without making a payment or purchase.

(Government Code §§ 54953.2, 54961.)

IV. CLOSED SESSIONS

A. BASIS FOR CLOSED SESSIONS

1. Closed Sessions Are Permitted for Certain Matters Where it Is Necessary to Conduct Business in Private.

Closed sessions are meetings conducted in private without the attendance of the public or press. They are permitted for specific purposes as part of a regular or special meeting, and during an emergency meeting to consider threats to public facilities and services. Courts construe the statutory basis for closed sessions narrowly. Generally, to preserve the confidentiality of closed sessions, only essential staff should be present during the closed session. A member of a legislative body may be excluded from the closed session if the legislative body is addressing litigation in which the excluded member is a party.

(Government Code §§ 54954.5, 54956.5(c); *DeGrassi v. City of Glendora* (2000) 207 F.3d 636; 88 Ops.Cal.Atty.Gen. 16 (2005); 86 Ops.Cal.Atty.Gen. 210 (2003).)

2. Closed Session Agenda Notice Requirements.

Regular meeting agendas and special meeting notices must include a description of the matters to be discussed in closed session. Closed session agenda descriptions may follow a prescribed statutory format. Substantial compliance with this format creates a “safe harbor” against challenges to the adequacy of the notice. Appendix 4 contains the list of statutory prescribed closed session agenda descriptions.

(Government Code §§ 54954.2, 54954.5.)

3. Major Reasons for Permissible Closed Sessions.

a. Real Property Transactions. Local agencies negotiating real property transactions may meet in closed session to instruct their negotiators regarding the price and terms of payment for the purchase, sale, exchange, or lease of property. This is a narrowly crafted exception and does not authorize closed session discussions of any and all transactions concerning real property. General briefings on land acquisition, engineering and architectural work, traffic and parking developments and environmental and related impacts are not within the Brown Act's provision for closed sessions to instruct negotiators regarding purchase or sale of specific real property. The focus of the negotiations should be payment related issues such as: How low or high to start negotiations with the other party, the sequencing and strategy of offers and counteroffers, as well as various payment alternatives.

(Government Code § 54956.8; *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904; 94 Ops.Cal.Atty.Gen. 82 (2011); 93 Ops.Cal.Atty.Gen. 51 (2010).)

b. Labor Negotiations. Closed sessions are permitted to instruct negotiators who are meeting and conferring with represented or unrepresented employees. The term "employee" includes officers and independent contractors who function as officers or employees, but does not include elected officials, members of the legislative body or other independent contractors. The agency may disclose available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the agency's negotiator. Salaries may be discussed under this section.

(Government Code § 54957.6.)

Project labor agreements (also sometimes called project stabilization agreements) addressing labor on public works projects are not permissible subjects of labor negotiations because the contractors and laborers covered by such agreements are not employees.

(98 Ops.Cal.Atty.Gen. 41 (2015).)

It should be noted that under the Educational Employment Relations Act (the Rodda Act) Government Code section 3540, et seq., negotiations between public school employers and employee organizations are exempt from the Brown Act. (Government Code § 3549.1.) Specifically, unless the parties mutually agree otherwise, the following proceedings are exempt from the Brown Act:

- Any meeting and negotiating discussion between a public school employer and a recognized or certified employee organization.
- Any meeting of a mediator with either party or both parties to the meeting and negotiating process.

- Any hearing, meeting, or investigation conducted by a fact finder or arbitrator.
- Any executive session of a public school employer or between a public school employer and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives.
- Meetings of committees created for the purpose of furthering collective bargaining between districts and unions. (*Californians Aware v. Joint Labor/Management Benefits Committee* (2011) 200 Cal.App.4th 972.)

c. Litigation.

- (1) In General. Closed sessions are permitted to confer with, or to receive advice from the agency’s legal counsel regarding pending litigation against the agency when discussion in open session would prejudice the agency’s position in the litigation.

(Government Code § 54956.9; *Shapiro v. Board of Directors of the Centre City Development Corporation* (2005) 134 Cal.App.4th 170.)

- (2) “Pending Litigation.” Litigation includes court actions (including eminent domain proceedings) and adjudicatory proceedings before an administrative agency, hearing officer, or arbitrator. Litigation is deemed pending in four situations:

- Litigation has been formally initiated;

(Government Code § 54956.9(d)(1).)

- There is significant exposure to litigation in the opinion of the legislative body on the advice of legal counsel, based upon “existing facts and circumstances”;

(Government Code § 54956.9(d)(2).)

- Based on “existing facts and circumstances,” the legislative body is meeting only to decide whether there is significant exposure to litigation that would authorize a closed session under Section 54956.9(d)(2);

(Government Code § 54956.9(d)(3).)

- The legislative body has decided, or is deciding whether, to initiate litigation.

(Government Code § 54956.9(d)(4).)

(3) What Constitutes “Existing Facts and Circumstances.” The Act defines the key phrase “existing facts and circumstances” in terms of five exclusive situations that can justify an opinion that there is significant exposure to litigation. The five situations are:

- Facts and circumstances that might result in litigation against the agency but which the agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.
- Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transaction 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.
- 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.
- A statement made by a person in an open and public meeting threatening litigation made on a specific matter within the responsibility of the legislative body.
- A statement threatening litigation made by a person outside an open and public meeting made on a specific matter within the responsibility of the local agency so long as the official or employee of the legislative body 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.

Written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act need not be disclosed when describing “facts and circumstances.”

(Government Code § 54956.9(f).)

For the purposes of these situations, significant exposure to officers or employees of the agency, whether or not arising from within the course and scope of office or employment, is deemed significant exposure for the agency.

(Government Code § 54956.9(h).)

- (4) Exclusion of Legislative Body Members. A member of the legislative body may be excluded from a closed session meeting when the member is a party or potential party to litigation against the agency and the agency is considering that litigation.

(*DeGrassi v. City of Glendora* (2000) 207 F.3d 636.)

- (5) Settlement Meetings. Settlement meetings with adverse parties and an outside mediator to pending litigation may not be held in closed session. Such meetings extend beyond the receipt of advice from legal counsel.

(*Page v. MiraCosta Community College District* (2009) 180 Cal.App.4th 471.)

- d. To Consider the Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal of a Public Employee and to Hear Complaints Against a Public Employee.

- (1) In General. Closed sessions are permitted 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. This is sometimes referred to as the “personnel exception.” The “employees” covered do not include elected officials or members of the legislative body. Independent contractors are covered provided they are functioning as officers or employees.

- (2) Specific Employees; Subordinate Employees. The personnel matters discussed must relate to specific individuals. Broad-based reviews of employee classifications must be held in open session. In addition, generally, the legislative body may only hold closed sessions to consider the appointment, employment, evaluation, discipline, or dismissal of an employee over which the legislative body has appointing authority. In other words, the closed session is permissible only if the legislative body has decision making authority over that employee.

- (3) Salary Setting. The legislative body may not discuss or take action on proposed compensation except for a disciplinary reduction of compensation or as otherwise permitted in connection with labor negotiations.

(Government Code § 54957.)

- (4) City Manager, Superintendent, and Similar Chief Administrative Officer Contracts. Contracts of employment with a city manager, superintendent,

assistant superintendent, associate superintendent, community college president, community college vice president, community college deputy vice president, general manager, county administrator, or other similar chief administrative officer or chief executive officer of a local agency must be ratified in open session of the legislative body and reflected in the minutes. These contracts may also only be approved at a regular meeting. For salaries and fringe benefits, the legislative body must provide an oral report before approval.

(Government Code §§ 53262, 54953, 54956; *Hofman Ranch v. Yuba County Local Agency Formation Commission* (2009) 172 Cal.App.4th 805; 88 Ops.Cal.Atty.Gen. 16 (2005); 85 Ops.Cal.Atty.Gen. 77 (2002).)

e. To Consider License Applications by Persons With Criminal Records.

Closed sessions are permitted to consider license applications by persons with criminal records.

(Government Code § 54956.7.)

f. Meetings Regarding Threats to Security of Public Buildings or Essential Public Services, and to consider School District Tactical Response Plans. A local agency may meet in closed session to confer with the Governor, Attorney General, district attorney, law enforcement officials, security professionals, or agency counsel on matters related to threats to the security of public buildings, a threat to the security of essential public services, including water, drinking water, waste water treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities. The governing board of a school district and county office of education may also meet in closed session with law enforcement officials to approve a tactical response plan developed in consultation with them. Any vote to approve the tactical response plan must be announced in open session following the closed session.

(Government Code § 54957; Education Code § 32281.)

g. Meetings Among Joint Powers Agencies Formed For Insurance Pooling and Local Agency Self-Insurance Authorities To Consider Liability Issues. Joint powers agencies formed for purposes of insurance pooling and self-insurance authorities may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or self-insurance authority, or a local agency member of the joint powers agency or self-insurance authority.

A JPA may, by policy, bylaw, or including a provision in the JPA agreement, make all information discussed in a JPA board meeting closed session confidential but authorize a JPA board member, who is also on the board of a member agency, to discuss the information with his or her member agency if it "has direct financial or liability implications" for the member agency. If there are such implications, the board member may discuss the information with (1) the member agency's legal counsel to obtain "advice on whether the matter has direct financial or liability implications" or (2) the member agency board during a closed session.

(Government Code §§ 54956.95, 54956.96.)

h. Meetings To Consider A Charge Or Complaint From A Health Care Member. A local agency which provides Medi-Cal services may meet in closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed.

(Government Code § 54956.86.)

i. Meetings To Consider Final Draft Audit Report From Bureau of State Audits. A local agency may meet in closed session to review and consider a response to a confidential final draft audit report from the Bureau of State Audits. After public release of the audit report, further meetings must be held in open session unless exempted from that requirement by some other provision of law.

(Government Code § 54956.75.)

j. Meetings to Consider Investment of Pension Funds. A local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session must be made by roll call vote.

(Government Code § 54956.81.)

4. Closed Sessions Are Prohibited Except as “Expressly Authorized.”

To be lawful, a closed session must be expressly authorized by the Brown Act or other specific statute. An example of other specific statutes are provisions of the Education Code which authorize closed sessions to consider student disciplinary matters and student record challenges.

(Government Code § 54962; Education Code §§ 35146, 48912, 49070.)

B. CLOSED SESSION ITEMS MUST BE IDENTIFIED ON THE AGENDA AND ORALLY ANNOUNCED IN OPEN SESSION

1. The Legislative Body Must Announce in Open Session the Basis for the Closed Session.

Before conducting any closed session, the legislative body must announce in open session the items to be discussed. The disclosure may be a simple reference to the agenda item number or letter. The closed session may be conducted (and the announcement may be given) at a location different from that of the regular meeting if properly noticed on the agenda.

(Government Code § 54957.7.)

2. For Real Estate Negotiations, the Legislative Body Must Identify the Property and Negotiating Parties.

Before conducting any real estate negotiation closed sessions, the legislative body must hold an open session during which it identifies the agency negotiators attending the closed session, the property that the negotiation may concern, and the persons with whom the local agency negotiators may negotiate.

(Government Code § 54956.8.)

3. For Pending Litigation, the Case Must Be Identified.

Before holding a pending litigation closed session, the legislative body must state on the agenda or announce publicly which subdivision of Section 54956.9 authorizes the closed session. If Section 54956.9(d) is the authority (existing litigation on file), the case must be identified by title or otherwise, unless doing so would jeopardize service of process or settlement negotiations.

(Government Code § 54956.9.)

C. A 24-HOUR NOTICE TO AN EMPLOYEE IS REQUIRED BEFORE CONSIDERING SPECIFIC COMPLAINTS OR CHARGES AGAINST THE EMPLOYEE

Before conducting any closed session to hear specific complaints or charges brought against an employee, the affected employee must be delivered written notice of his or her right to have the complaints or charges heard in open session at least twenty-four (24) hours before the meeting. Failure to deliver the notice renders any disciplinary or other action “null and void.” This rule does not apply to employee performance evaluations. This rule also does not apply to meetings to decide whether the complaint or charge would justify disciplinary action, as opposed to an evidentiary hearing to consider the complaint or charge. Sample employee notices are provided in Appendix 6.

(Government Code § 54957; *Ricasa v. Office of Administrative Hearings* (2019) 31 Cal.App.5th 262; *Kolter v. Commission of Professional Competence of Los Angeles Unified School District* (2009) 170 Cal.App.4th 1346; *Moreno v. City of King* (2005) 127 Cal.App.4th 17; *Morrison v. Housing Authority of Los Angeles* (2003) 107 Cal.App.4th 860; *Duval v. Board of Trustees of Coalinga-Huron Unified School District* (2001) 93 Cal.App.4th 902; *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876.)

D. THERE ARE REQUIREMENTS TO REPORT OUT ACTION TAKEN IN CLOSED SESSION

1. The Legislative Body Must Report Out in Open Session Actions Taken and the Vote.

The legislative body must report in open session certain actions taken in closed session and the vote, including:

- Approval of an agreement concluding real estate negotiations.
- Approval for legal counsel to defend, initiate, or settle litigation.
- Disposition of claims.
- Action to appoint, employ, dismiss, non-renew, accept resignation of, or affect the status of any employee. The title of the position and any change in compensation must be reported. A decision to retain an employee need not be reported out.
- Approval of labor negotiation agreements.

Reports may be oral or written. Copies of final agreements must be made available to the public.

Non-action items, such as obtaining direction from the legislative body, regardless of whether a vote is taken on that direction, need not be reported out.

A checklist on reporting out requirements is contained in Appendix 5.

(Government Code § 54957.1; *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 89 Ops.Cal.Atty.Gen. 110 (2006).)

2. The Timing of Reporting Out May in Some Circumstances Be Deferred to a Subsequent Meeting or Upon Inquiry.

Most reporting out is done at the same meeting in which the action is taken. In some circumstances, however, reporting out is deferred to a subsequent meeting or is only required upon inquiry. For example, deferral is allowed when the action taken by the agency is not final until some period of time has passed or the action is contingent upon approval by another party. See Section 54957.1 and the checklist contained in Appendix 5 for details.

3. The Identification of a Victim of Sexual or Child Abuse Need Not Be Disclosed.

No notice, agenda, announcement, or report required under the Brown Act need identify a victim or alleged victim of sexual or child abuse unless the identity of the person has been publicly disclosed.

(Government Code § 54961.)

E. INFORMATION ACQUIRED DURING CLOSED SESSION IS CONFIDENTIAL AND MAY NOT BE RELEASED TO THIRD PARTIES

No person may disclose confidential information that has been acquired by being present in an authorized closed session to a person not entitled to receive that confidential information, unless the legislative body authorizes disclosure of that confidential information. “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.

This restriction also applies to an agency appointed representative sitting on another agency board that holds a closed session. The appointed official may not disclose confidential information from that closed session to its appointing legislative body.

(Government Code § 54963; *Harron v. Bonilla* (2005) 125 Cal.App.4th 738, review granted (28 Cal.Rptr.3d 3) and subsequently dismissed (49 Cal.Rptr.3d 654); *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324; 86 Ops.Cal.Atty.Gen 210 (2003).)

**V.
SPECIAL PROVISIONS FOR HEARINGS
ON TAXES AND ASSESSMENTS**

When considering new or increased taxes and assessments which are not subject to separate notice and public hearing requirements, local legislative bodies must hold a public meeting and public hearing in accordance with procedures set forth in the Brown Act. These procedures require that the local agency publish a joint notice of the meeting and the public hearing in the newspaper, with not less than forty-five (45) days notice of the hearing and not less than ten (10) days notice of the meeting. The meeting must also take place at least seven (7) days prior to the public hearing. The notice must contain detailed information about the nature, purpose, and amount of the proposed tax or assessment. 2011 legislative changes clarified what information is required to be provided to businesses subject to the assessment.

Any new or increased assessment subject to the notice and hearing requirements of Proposition 218 (California Constitution, Articles XIIC and XIID) are not subject to these notice and hearing requirements.

With the adoption of Proposition 26 in 2010, the definition of taxes has been expanded to include regulatory and service fees where those fees exceed the costs of implementing the regulation or providing the service.

(Cal. Const., art. XIII C, § 1; Government Code § 54954.6.)

VI. VIOLATIONS AND REMEDIES

A. INTENTIONAL VIOLATIONS OF THE BROWN ACT ARE MISDEMEANORS

A member who attends a meeting where action is taken in violation of the Brown Act and where the member intends to deprive the public of information which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor.

(Government Code § 54959.)

B. THE DISTRICT ATTORNEY AND ANY INTERESTED PERSON MAY BRING AN ACTION TO SET ASIDE A DECISION MADE IN VIOLATION OF THE BROWN ACT: A DEMAND FOR CURE AND CORRECTION IS FIRST REQUIRED

The district attorney or any interested person may commence an action to determine that an action taken by the legislative body is null and void because of violation of the Brown Act. Before bringing such an action, demand must be made to correct the alleged violation within thirty (30) days from the date the action was taken, except that if the alleged violation occurred in a closed session, demand must be made within ninety (90) days.

(Government Code §§ 54960, 54960.1; *Olson v. Hornbrook Community Services District* (2019) 33 Cal.App.5th 502.)

C. THE DISTRICT ATTORNEY AND ANY INTERESTED PERSON MAY BRING AN ACTION TO ADDRESS PAST VIOLATIONS OF THE BROWN ACT: A CEASE AND DESIST LETTER IS FIRST REQUIRED

In 2012, the Legislature approved statutory changes to address the situation of agencies repeatedly violating the Brown Act and either curing the violation if action was taken, or otherwise subsequently complying with the Brown Act, thereby avoiding legal action and an award of attorneys' fees, leaving no effective remedy. Government Code section 54960.2 allows the district attorney or any interested person to bring an action to specifically address past violations of the Brown Act.

Before initiating such an action, the district attorney or interested person must submit a cease and desist letter to the clerk or secretary of the legislative body setting forth the alleged violation. The letter must be sent within nine months of the alleged violation and the legislative

body then has 30 days to provide an unconditional commitment to cease, desist from, and not repeat the past action that is an alleged violation of the Brown Act. The legislative body need not admit a violation. Specific language that must be used is set forth in the Statute. It is recommended that an unconditional commitment include specific actions, such as a formal policy change.

If the legislative body fails to provide the unconditional commitment, legal action may be instituted within 60 days. The legislative body may subsequently rescind the commitment, which will then allow legal action to be commenced.

The cease and desist letter is not a requirement to address ongoing or threatened future actions of the legislative body through declaratory and injunctive relief.

(TransparentGov Novato v. City of Novato (2019) 34 Cal.App.5th 140; Olson v. Hornbrook Community Services District (2019) 33 Cal.App.5th 502; Center for Local Government Accountability v. City of San Diego (2016) 247 Cal.App.4th 1146; Government Code §§ 54960, 54960.2)

D. THE REMEDIES FOR A VIOLATION OF THE BROWN ACT INCLUDE CURE AND CORRECTION, THE REQUIREMENT TO AUDIO RECORD CLOSED SESSIONS, AN AWARD OF ATTORNEYS' FEES, AND IN CERTAIN CIRCUMSTANCES DAMAGES

Most actions taken in violation of the Brown Act can be remedied by correction of the violation. The cure and correction remedy is not available for violations of the 24-hour employee notice requirement. Actions taken in violation of the 24-hour notice requirement are null and void which means that employees terminated after violating this provision may be entitled to damages for wrongful termination.

If there is a violation of the closed session requirements, a court can order the local agency to audio record its closed sessions.

A prevailing plaintiff is entitled to costs and attorneys' fees unless special circumstances justify denial of such an award. A prevailing defendant (public agency) may be awarded costs and fees only if the court finds the action was frivolous and totally lacking in merit.

(Government Code §§ 54960, 54960.1 and 54960.5; TransparentGov Novato v. City of Novato (2019) 34 Cal.App.5th 140; Olson v. Hornbrook Community Services District (2019) 33 Cal.App.5th 502; Galbiso v. Orosi Public Utility District (2008) 167 Cal.App.4th 1063; Moreno v. City of King (2005) 127 Cal.App.4th 17; Los Angeles Times Communications v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313.)

APPENDICES

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APPENDIX 1

PROPOSITIONS 59 AND 42

**(Article 1, Section 3, of the
California Constitution)**

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PROPOSITIONS 59 AND 42 CALIFORNIA CONSTITUTION

Article 1, Sec. 3. Right of Access to Government Information

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

(7) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250)

of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of this section.

APPENDIX 2

RALPH M. BROWN ACT

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THE RALPH M. BROWN ACT

GOVERNMENT CODE

TITLE 5. Local Agencies

DIVISION 2. Cities, Counties, and Other Agencies

PART 1. Powers and Duties

Common to Cities, Counties, and Other Agencies

CHAPTER 9. Meetings

54950. Declaration of intent: sovereignty

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, definition

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

54952. Legislative body, definition

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 which 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 multi-member 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 multi-member body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

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

54952.1. Conduct and treatment of electee

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

54952.2. Meeting, definition

(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.

(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.

(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. Simultaneous or serial order meetings of a subsequent legislative body; compensation and stipends

(a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

54952.6. Action taken, definition

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

54952.7. Copies of chapter to members of legislative body of local agencies

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

54953. Meetings to be open and public; attendance; teleconferencing; secret ballots

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

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a

local agency in connection with any meeting or proceedings 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 roll call.

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

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

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(4) This subdivision shall remain in effect only until January 1, 2018.

54953.1. Grand jury testimony

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

54953.2. Compliance with Americans with Disabilities Act

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

54953.3. Conditions to attendance

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

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

54953.5. Recording of meetings

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video 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 audio or video recording 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 recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

54953.6. 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. Allowance of greater 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 multi-agency 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 non-adversarial 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 agenda and agenda packet; renewal; fee for mailing

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

54954.2. Agenda; posting; action on other matters; posting on Internet Web site

(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 and on the local agency's Internet Web site, if the local agency has one. 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) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) For the purposes of this paragraph, both of the following definitions shall apply:

(i) “Integrated agenda management platform” means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(ii) “Legislative body” has the same meaning as that term is used in subdivision (a) of Section 54952.

(E) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(3) 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.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

54954.3. Opportunity for public to address legislative body; adoption of regulations

(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) (1) 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.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the

legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. Reimbursements to local agencies and school districts for costs

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

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

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

54954.5. Closed session agenda descriptions

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

(Paragraph (1) of subdivision (d) 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 paragraph (2) or (3) of subdivision (d) 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 paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

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

LIABILITY CLAIMS

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

Agency claimed against: (Specify name)

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

THREAT TO PUBLIC SERVICES OR FACILITIES

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

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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

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

CONFERENCE WITH LABOR NEGOTIATORS

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

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

or

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

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

CASE REVIEW/PLANNING:

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

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

REPORT INVOLVING TRADE SECRET

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

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

HEARINGS

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

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

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

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

- (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 CALIFORNIA STATE AUDITOR'S OFFICE

54954.6. New or increased taxes or assessments; public meetings and public hearings; joint notice requirements

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

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

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

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

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

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

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time

and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed.

Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

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

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

(B) The activity to be taxed.

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

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

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

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

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to

subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

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

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

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

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

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

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

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

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

(3) Notwithstanding paragraph (1), in the case of an assessment which is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to

paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

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

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

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

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

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

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

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

54955. Adjournment; adjourned 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. Continuance of hearing

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or reconvened 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; call; notice; meetings regarding local agency executive salaries, salary schedules, or compensation in form of fringe benefits; posting on Internet Web site

(a) 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 and posting a notice on the local agency's Internet Web site, if the local agency has one. 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.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

54956.5. Emergency meetings in emergency situations; 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 roll call vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. Fees

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

54956.7. Closed sessions regarding license applications; rehabilitated criminals

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.75 Closed session to consider response to confidential final draft audit report; public release of report

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential 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. Real property transactions; closed session with negotiator

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.

54956.81 Investment of pension funds; closed session

Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by roll call vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

54956.86. Closed session for health plan member

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

54956.87. Records of certain health plans; closed session meetings on health plan trade secrets

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in

the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

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

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

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

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

(f) For purposes of this section, “health plan trade secret” means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

54956.9. Closed sessions concerning pending litigation; attorney-client privilege

(a) 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.

(b) 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.

(c) 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.

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

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

(2) 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.

(3) 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 (2).

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

(e) For purposes of paragraphs (2) and (3) of subdivision (d), “existing facts and circumstances” shall consist only of one of the following:

(1) 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.

(2) 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.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) 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.

(4) 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.

(5) 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).

(g) 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 paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), 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.

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

54956.95. Closed sessions by joint powers agency formed for insurance pooling; self-insurance authority; tort liability losses; public liability losses; workers' compensation liability

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

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

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

54956.96 Joint powers agency closed session meetings; confidential information

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

54956.97 Public bank; governing board or committee of governing board; closed session

Notwithstanding any provision of law, the governing board, or a committee of the governing board, of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

- (a) A loan or investment decision.
- (b) A decision of the internal audit committee, the compliance committee, or the governance committee.
- (c) A meeting with a state or federal regulator.

54956.98 Public bank; policy or bylaw; information from a closed session considered confidential

- (a) For purposes of this section, the following definitions shall apply:
 - (1) “Shareholder, member, or owner local agency” or “shareholder, member, or owner” means a local agency that is a shareholder of a public bank.
 - (2) “Public bank” has the same meaning as defined in Section 57600.
- (b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:
 - (1) All information received by a shareholder, member, or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member, or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:
 - (A) Legal counsel of that shareholder, member, or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.
 - (B) Other members of the governing board of the local agency present in a closed session of that shareholder, member, or owner local agency.
 - (2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member, or owner local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member, or owner local agency’s regularly appointed member may attend a closed session of the public bank governing board.
 - (c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member, or owner local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

54957. Closed session regarding threat to public facilities and services; personnel matters; exclusion of witnesses; employee defined; discussion of compensation

(a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), this chapter shall not 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. This subdivision shall not 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. Public report of action taken in closed session

(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 thereon, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as 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 non-renewal 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 record for closed sessions; inspection

(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 distributed for discussion or consideration at public meetings; writings distributed less than 72 hours prior to meeting; public records; inspection; closed sessions

(a) Notwithstanding Section 6255 or any other 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, 6254.22, or 6254.26.

(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) This chapter shall not 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). This chapter shall not 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; meeting with designated representatives

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

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

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

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

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

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

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

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

54957.7. Disclosure of items to be discussed at closed session

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

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

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

54957.8. Closed sessions of multijurisdictional law enforcement agencies

(a) For purposes of this section, “multijurisdictional law enforcement agency” means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

54957.9. Authorization to clear room where meeting willfully interrupted; readmission

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance,

shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54957.10 Closed sessions; local agency employee application for early withdrawal of funds in deferred compensation plan; financial hardship

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

54958. Application of chapter

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

54959. Criminal penalty for violation 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.

54960. Actions to stop or prevent violations of meeting provisions; recording closed sessions

(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 ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, 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 audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio 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 audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording 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 that 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 that has custody and control of the audio 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 that has custody and control of the recording.

(ii) An affidavit that 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) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

54960.1. Proceeding to determine validity of action; mandamus or injunction; 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.

54960.2. Actions to determine past violations by legislative body; conditions; cease and desist letters

(a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant

to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To _____:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as “Rescission of Brown Act Commitment.” You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with

prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as “Rescission of Brown Act Commitment,” provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

54960.5. Costs and attorney fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

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

54961. Meetings prohibited in facilities; grounds; identity of victims of tortious sexual conduct or child abuse

(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.

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

54962. Prohibition against closed sessions except as expressly authorized

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.

54963. Confidential information acquired during an authorized closed session

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

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

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

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

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

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

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

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

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

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

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

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

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APPENDIX 3

SAMPLE AGENDAS

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[SAMPLE CITY COUNCIL AGENDA]

_____ CITY COUNCIL MEETING
AGENDA
_____, 20__ ; __:__ p.m.
CITY COUNCIL CHAMBER
[ADDRESS]

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Council Chamber to otherwise participate at this meeting, including auxiliary aids or services, please contact the City Clerk at (____) ____ - _____. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council meeting.

Documents provided to a majority of the City Council regarding an open session item on this agenda will be made available for public inspection in City offices located at [_____] during normal business hours. [OPTIONAL:] In addition, such writings and documents may be posted on the City's website, www._____.

The City Council welcomes participation at Council Meetings. Members of the public may address the Council on any item of interest to the public that is scheduled on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less.

1. **Meeting Called to Order.**
2. **Flag Salute.**
3. **Roll Call.**
4. **Public Comments.** *(This is an opportunity for members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. To ensure fair and equal treatment of all who appear before the City Council, and to expedite City business, speakers will be limited to three minutes. The three-minute per speaker time limitation may be extended for good cause by the Mayor, or by majority vote of the Council Members. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.)*

With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Council member that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

5. **Public Hearings.**
 - A.
 - B.

6. **Communications.**

7. **Administrative Items.**

A. Administration (City Manager, City Clerk, Finance).

- 1.
- 2.

B. Community and Economic Development.

- 1.
- 2.

C. Public Works.

- 1.
- 2.

D. Public Safety.

- 1.
- 2.

E. Planning.

- 1.
- 2.

Adjournment to [Special Agency Meeting]
(See Attached Agenda)

8. **Consent Calendar.** *(Items considered routine in nature are placed on the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Council member requests individual consideration. A Council member's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar.)*

- A.
- B.
- C.

9. **Council Items.**

A. Committee Reports.

B. Council Comments.

- C.

10. **Closed Session.**

A.

B.

C.

11. **Adjournment.**

[Intentionally Blank]

[SPECIAL AGENCY AGENDA]

_____, 20__ ;__:__ p.m.
CITY COUNCIL CHAMBER
[ADDRESS]

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Council Chamber to otherwise participate at this meeting, including auxiliary aids or services, please contact the City Clerk at (____) ____ - _____. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council meeting.

Documents provided to a majority of the Agency Board regarding an open session item on this agenda will be made available for public inspection in City offices located at [_____] during normal business hours. [OPTIONAL:] In addition, such writings and documents may be posted on the City's website, www._____.

The Agency Board welcomes participation at Agency Meetings. Members of the public may address the Board on any item of interest to the public that is scheduled on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less.

1. **Meeting Called to Order.**
2. **Roll Call.**
3. **Public Comments.** *(This is an opportunity for members of the public to address the Board on any matter within the Board's jurisdiction that is not listed on the Agenda. To ensure fair and equal treatment of all who appear before the Board, and to expedite Agency business, speakers will be limited to three minutes. The three-minute per speaker time limitation may be extended for good cause by the Chairperson, or by majority vote of the Board Members. Anyone wishing to be placed on the Agenda for a specific topic should contact the Executive Director's office and submit correspondence at least 10 days before the desired date of appearance.)*
4. **Public Hearings.**
5. **Administrative Items.**
6. **Consent Calendar.** *(Items considered routine in nature are placed on the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Member requests individual consideration. A Board member's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed.)*
7. **Board Items.**
 - A. Board comments.

Adjournment to City Council Meeting

[Intentionally Blank]

[SAMPLE SCHOOL BOARD AGENDA]

[Name] **School District**
Board of Trustees Regular Meeting

[Room]
[Name] School District
[Street address, City]
[_____, 20__]

[Time]--Public Session (For Purposes of Opening Meeting Only)
[Time]--Closed Session to Discuss Closed Session Items Listed Below
[Time]--Reconvene in Public Session

PLEASE NOTE - DESIGNATED TIMES FOR AGENDA ITEMS ARE ESTIMATES

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board Secretary _____ at [telephone #] for assistance. Notification at least 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at [_____] during normal business hours. [OPTIONAL:] In addition, such writings and documents may be posted on the District's website, www._____.

AGENDA

I. OPENING BUSINESS

- A. Call Public Session to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Adopt Agenda [If the Governing Board determines it wishes to add items to the Agenda, this would be the appropriate time.] [There must be an emergency or some urgency to add an item to the agenda and a super majority vote of the Board is required to add the item.]
- E. Identify Closed Session Topics of Discussion (Please refer to the list of items identified in Agenda Section III, below.)
- F. Allow for Public Comment on Closed Session Topics
- G. Immediately Adjourn to Closed Session

II. PUBLIC COMMENT PERIOD RE CLOSED SESSION ITEMS

General public comment on any closed session item that will be heard. The Board may limit comments to no more than ___ minutes pursuant to Board policy.

III. CLOSED SESSION

Those items checked will be discussed in closed session.

A. The items to be discussed in Closed Session are those that are marked by an (X):

1. Conference with Real Property Negotiator.

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]

Negotiating Parties: [Specify name of parties].

Under Negotiation: [Specify whether instruction to negotiator will concern price, terms of payment, or both].

2. Public Employee Appointment.

Title: [Specify description of position to be filled].

3. Public Employee Performance Evaluation.

Title: [Specify position title of employee being reviewed].

4. Public Employee Discipline/Dismissal/Release/Complaint.

[No additional information is required in connection with a closed session to consider discipline, dismissal, or release. There is one trial case that held that the employee should have been given at least written notice at least 24 hours in advance of the meeting. The California Attorney General has issued an opinion that such notice is not required when the Board is considering the evaluation of probationary teachers in connection with the possibility of giving a notice of non-reelection.]

5. Conference with Labor Negotiator.

Agency negotiator: [Specify names of designated representatives attending the closed session].

Employee organization: [Specify name of organization representing employees who are the subject of the negotiations].

or

Unrepresented employee: [Specify position title of unrepresented employee who is the subject of the negotiations].

6. Conference with Legal Counsel Regarding Existing Litigation pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9.

Name of case: [Specify by reference to claimant's name, names of parties, case or claim numbers. For example, Granny Smith v. Applegate School District, Case No. BC 45926].

or

Case name unspecified: [Specify whether disclosure would jeopardize service of process or existing settlement negotiations].

7. Conference with Legal Counsel Regarding Existing Litigation pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9 (d)(1).

Special Education Dispute, Student # _____ [e.g. include non-personally identifiable student number].

8. Conference with Legal Counsel Regarding Anticipated Litigation.

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code section 54956.9: [Specify number of potential cases; e.g., "There are three potential lawsuits"].

or

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9: [Specify number of potential cases; e.g., "The Governing Board has decided or is deciding whether to initiate litigation on three matters"].

9. Liability Claims.

Claimant: [Specify name unless claimant is a victim or alleged victim of tortious sexual conduct or child abuse and that person's name has not yet been publicly released].

Agency claimed against: [Specify name].

() 10. Individual Student Disciplinary Matter(s)/Student Need(s)

IV. RECONVENE IN OPEN SESSION

- A. Adjourn Closed Session and Reconvene Open Session
- B. Report Action Taken in Closed Session [Note: Identify vote or abstention of each board member; for student expulsions, final Board action must be taken in open session (Education Code § 48918(j)). Additional note: A settlement of pending litigation, or an agreement concluding real estate or labor negotiations should not be reported until the actions are final. Disposition of claims, on the other hand, must be reported immediately including (1) the name of the claimant, (2) the name of the local agency claimed against, (3) the substance of the claim and (4) any monetary amount approved for payment and agreed upon by the claimant. (Government Code § 54957.1.)]

V. RECOGNITIONS

- A. Acknowledgement of Visitors
- B. Acknowledgement of Honors and Awards:
 - 1.
 - 2.

VI. COMMUNICATIONS

- A. Reports and Presentations:
 - 1. Routine status reports regarding school activities, meeting schedules, conferences attended, suggestions for future Board consideration and recent developments from:

[Identify Groups Making Presentation]
 - 2. Initial presentation of certificated union's bargaining position for the [school year].
 - 3. Update on cafeteria construction project.
 - 4. Status report on District enrollment.
- B. Review and discuss the following communications from individuals and/or organizations regarding District programs and services: [List communications from individuals and/or organizations]
- C. Discuss selection process for Superintendent position for [school year].

- D. Discuss selection by the Governing Board of seven community residents to serve on district advisory committee.
- E. Announcements.
[List announcements]

VII. PUBLIC COMMENT PERIOD

Public comment on any item of interest to the public that is within the Board’s jurisdiction will be heard. The Board may limit comments to no more than ___ minutes pursuant to Board policy. Public comment will also be allowed on each specific agenda item prior to Board action thereon.

VIII. CONSENT CALENDAR

Items listed under the Consent Calendar are considered to be routine and are acted on by the Board of Trustees in one motion. There is no discussion of these items before the Board vote unless a member of the Board, staff, or public requests specific items be discussed and/or removed from the Consent Calendar. It is understood that the Administration recommends approval on all Consent Items. Each item on the Consent Calendar approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.

- A. Routine business transactions, annual renewal of programs, bids, agreements, notices of public hearings, and proclamations:
 - 1. Approve minutes of the Regular Meeting held on [day, month, year].
 - 2. Approve budget and expense transfers for [list budget and expense transfers].
 - 3. Approve current invoices for payment of [list invoice payments].
- B. Certificated Personnel Items:
 - 1. Requests for Leaves of Absence.

The Governing Board is requested to approve the leave of absence, without pay, for the following personnel, effective as noted:
 - a. [name] [dates of absence]
 - 2. Resignations.

The Governing Board is requested to accept the resignations of the following personnel, effective as noted:

[List names of personnel and effect dates of each resignation].

3. Employments:

The Governing Board is requested to ratify/approve the employment of the following personnel, effective as noted:

[List names of personnel and effective dates of employment for each].

4. Other:

a. The Board of Trustees is requested to approve the following:

(1) Change in Status:

(a) [name, position, school], from temporary to probationary, effective [date, year];

(b) [name, position, school], transfer from [school/position/department] to [school/position/department]

C. Classified Personnel Items:

1. Request for Leaves of Absence: (same as above)

2. Resignations: (same as above)

3. Employments:

The Governing Board is requested to ratify/approve the employment of the following personnel, effective as noted:

a. [position], (New Temporary Position: 26.0 hours/week), [school], effective [date, year].

b. [position], (New Position: 8.0 hours/day), [school], effective [date, year].

4. Other:

The Governing Board is requested to approve the following:

- a. Supplemental Help: [position], (6.0 hours/week), [school], temporary through [date, year].
- b. Abandonment of Position: [Employee, #333-44-5555, [position], (Temporary Position), [school], effective [date, year].

IX. OLD BUSINESS

1. Report, discussion and possible board direction on district position on mitigation of school impact of future developments.
2. Second reading and request for final approval of Administrative Regulation No. 0000 (e): Student Disciplinary Policy.

X. NEW BUSINESS

1. ACTION ITEM: The Governing Board is requested to consider the recommendation of the administrative hearing panel for the possible readmission of the following students:

Student No. 123456 and Student No. 789101
2. ACTION ITEM: Request for adoption of Resolution No. 12345 – Approval of Lease Purchase Agreement for Two School Vans with Access Public Financing in the amount of \$48,000.
3. ACTION ITEM: Discussion and possible approval for upgrading the communication system for the resource center at [school/site].
4. ACTION ITEM: Approval of Amendment to Architect’s Agreement for New Transportation Facility to reflect decreased scope of work.
5. ACTION ITEM: Discussion and possible approval of Change Order No. 5 for [name of project].
6. ACTION ITEM: Discussion and possible approval of employment contract with Superintendent [or specify other administration position].
7. DISCUSSION ITEM: Public hearing on CSEA initial proposal to the District for negotiations for the [school year].
8. DISCUSSION ITEM: Public hearing on CTA initial proposal to the District for negotiations for the [school year].

XI. ADVANCE PLANNING

A. Next meeting date:

[day, month, year], same location [specify if different location]

B. Suggested Future Agenda Items.

XII. ADJOURNMENT

Posted: [Date]

SAMPLE TELECONFERENCE LANGUAGE TO BE ADDED TO AN AGENDA WHERE THE MEETING WILL BE CONDUCTED BY TELECONFERENCE

This meeting is being conducted by teleconference at the following locations: [Identify all teleconference locations and which legislative body member will be participating from the teleconference location]. Each teleconference location is open to the public and any member of the public has an opportunity to address the City Council/School Board from a teleconference location in the same manner as if that person attended the regular meeting location. The City Council/School Board will control the conduct of the meeting and determine the appropriate order and time limitations on public comments from teleconference locations.

Notes:

- At least a quorum of the legislative body must participate from locations within the boundaries of the local agency.
- A copy of this agenda must be posted outside of each teleconference location.
- All votes taken during the meeting must be by roll.
- The teleconference location must be freely open to the public. If there are physical limitations on accessibility, a different location may need to be selected.
- The teleconference location must have sufficient audio capabilities so members of the public can hear the meeting and testify from each location.
- Posting the agenda at teleconference locations where members of the public can access them can prove challenging. It may be necessary to post the agenda at several locations within the vicinity of the teleconference location.

SAMPLE TELECONFERENCE SCRIPT AFTER THE MEETING IS CALLED TO ORDER

Mayor/Board President/Chairperson:

I would like to announce for the record that this meeting is being conducted pursuant to California Government Code Section 54953(b) concerning teleconferencing of meetings. Council/Board member _____ is participating in this meeting by speaker phone from _____ [*provide complete address*]. In accordance with the Brown Act, this location has been identified on the agenda for this meeting.

I would now like to ask Council/Board member _____ to respond to the following questions:

Are you able to hear our proceedings on this end?

Do you have a copy of the agenda for this meeting?

Has the agenda been posted at your location?

Is your location such that any member of the public could participate in the public portions of this teleconference meeting from your location?

Members of the Council/Board, are you able to hear Council/Board member _____?

Thank you. Because we are having a meeting with teleconferencing, all actions will be by a roll call vote.

APPENDIX 4

AGENDA ATTACHMENT
CLOSED SESSION
AGENDA DESCRIPTIONS

[Intentionally Blank]

AGENDA ATTACHMENT
CLOSED SESSION AGENDA DESCRIPTIONS

(Check if applicable)

Government Code Section 54956.7

LICENSE/PERMIT DETERMINATION

Applicant(s): _____
(Specify number of applicants)

(Check if applicable)

Government Code Section 54956.75

AUDIT BY BUREAU OF STATE AUDITS

(Check if applicable)

Government Code Section 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: _____
(Specify street address or, if no 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)

(Check if applicable)

Government Code Section 54956.81*

MEETING TO CONSIDER THE PURCHASE OR SALE OF PENSION FUND INVESTMENTS

Funds Under Consideration: _____
(Identify specific funds under consideration)

*The legislature does not provide safe harbor language for this closed session item. This text is provided based upon an extrapolation of the statute and equivalent safe harbor language for other closed sessions.

(Check if applicable)

Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

(Check if applicable)

Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Case Name

Unspecified: (check one)

_____ Disclosure would jeopardize service of process

_____ Disclosure would jeopardize existing settlement negotiations

(Check if applicable)

Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9

(Specify number of potential cases)

(Specify existing facts and circumstances that might lead to litigation on the agenda or orally announce them prior to closed session when known to a potential plaintiff as required by Government Code § 54956.9(e)(2).)

(Check if applicable)

Government Code Section 54956.9

CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of
Section 54956.9 (Deciding Whether to Initiate Litigation):

(Specify number of potential cases)

(Check if applicable)

Government Code Section 54956.95

LIABILITY CLAIMS

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

Agency Claimed

Against: _____
(Specify name)

(Check if applicable)

Government Code Section 54956.96

CONFERENCE INVOLVING A JOINT POWERS AGENCY
(Specify name of JPA)

Discussion Will Concern: _____
(Specify closed session description used by the JPA.)

Name of Local Agency

Representative on JPA Board: _____
(Specify name.)

Additional Information: _____
(List the names of agencies or titles of
representatives attending the closed session as
consultants or other representatives.)

(Check if applicable)

Government Code Section 54956.97

PUBLIC BANK GOVERNING BOARD/COMMITTEE MEETING:

_____ To consider a loan or investment decision.

_____ To consider a decision of the internal audit committee or governance committee.

_____ To meet with a state or federal regulator.

(Check if applicable)

Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

Title: _____
(Specify description of position to be filled)

(Check if applicable)

Government Code Section 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: _____
(Specify position title of employee being reviewed)

(Check if applicable)

Government Code Section 54957

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/
RELEASE/COMPLAINT

(Check if applicable)

Government Code Section 54957; Education Code Section 32281

THREAT TO PUBLIC SERVICES OR FACILITIES;
CONSIDERATION OF TACTICAL RESPONSE PLAN

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

(Check if applicable)

Government Code Section 54957.6*

CONFERENCE WITH LABOR NEGOTIATORS

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

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

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

* Conferences between a public school employer and its negotiator are exempt from the Brown Act. (Government Code section 3549.1)

(Check if applicable)

Government Code Section 54957.8

MULTIJURISDICTIONAL LAW ENFORCEMENT AGENCY
CASE REVIEW/PLANNING

(Check if applicable)

Government Code Sections 37606, 37624.3 and 54956.87; Health and Safety Code Sections 1461, 1462, 32106, and 32155

HOSPITAL MEDICAL AUDIT COMMITTEE, QUALITY ASSURANCE COMMITTEE, CERTAIN ACTIONS BY HOSPITAL BOARD OF DIRECTORS, CERTAIN ACTIONS BY HEALTH PLAN GOVERNING BOARDS

_____ 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)

(Check if applicable)

Government Code Sections 54956.86

CHARGE OR COMPLAINT INVOLVING HEALTH CARE INFORMATION PROTECTED BY FEDERAL LAW

(Check if applicable)

Education Code Sections 35146, 48900 et seq., 48912(b) and 49060 et seq., and 20 U.S.C. Section 1232g

STUDENT DISCIPLINE OR OTHER CONFIDENTIAL STUDENT MATTERS

(Check if applicable)

Education Code Section 49070

CONSIDERATION OF STUDENT RECORDS CHALLENGE

APPENDIX 5

CHECKLIST ON ACTION AND VOTE DISCLOSURE AFTER CLOSED SESSION

[Intentionally Blank]

CHECKLIST ON ACTION AND VOTE DISCLOSURE IN OPEN SESSION AFTER CLOSED SESSIONS

AGREEMENTS CONCLUDING REAL ESTATE NEGOTIATIONS (GOV. CODE, § 54957.1(a)(1))

When Generally: After agreement is final.

If Legislative Body Action Finalizes Agreement:

What to Report:

- 1) the approval action;
- 2) the voting tally;
- 3) the substance of the agreement.

When to Report:

- 1) after the closed session;
- 2) in open session;
- 3) during the same meeting.

If Other Party Must Finalize Agreement:

What to Report/Disclose:

- 1) no report is required; however, after the agreement is finalized by the other party and, upon inquiry by any person, disclose:
 - a) the approval action;
 - b) voting tally;
 - c) the substance of the agreement.

When to Disclose:

- 1) as soon as other party informs legislative body of its approval and upon inquiry.

ACTIONS AFFECTING EMPLOYMENT STATUS OF PUBLIC EMPLOYEES (GOV. CODE, § 54957.1(a)(5))

What to Report:

- 1) any action taken to:
 - a) appoint;
 - b) employ;
 - c) dismiss;
 - d) accept the resignation of, or
 - e) otherwise affect employment status of public employee.
- 2) voting tally;
- 3) title of position;
- 4) any change in compensation.

When to Report:

- 1) if dismissal or non-renewal of employment contract is subject to further administrative remedies:
 - a) report deferred until first public meeting following exhaustion of administrative remedies, if any.
- 2) all other employment actions report:
 - a) after the closed session;
 - b) in open session;
 - c) during the same meeting.

Note: Contracts of employment for city managers, superintendents, and similar positions must be ratified in open session.

**DISPOSITION OF JOINT
POWERS AGENCY CLAIMS
(GOV. CODE, § 54957.1(a)(4))**

What to Report:

- 1) voting tally;
- 2) name of claimant;
- 3) name of local agency claimed against;
- 4) substance of claim;
- 5) monetary amount approved by payment imant, if any.
and agreed upon by the claimant, if any.

When to Report:

- 1) As soon as (disposition of the claim is) reached. (Statute does not specify whether an open session report must be made or whether disclosure upon inquiry is sufficient.)

**APPROVAL OF AGREEMENTS
CONCLUDING LABOR
NEGOTIATIONS
(GOV. CODE, § 54957.1(a)(6))**

What to Report:

- 1) the item approved;
- 2) voting tally;
- 3) other party.

When to Report:

- 1) after agreement is final, and
- 2) has been accepted or ratified by other party. (Statute does not specify whether open session report must be made or whether disclosure upon inquiry is sufficient.)

**APPROVAL OF LITIGATION
DEFENSE, APPELLATE REVIEW, OR
AMICUS CURIAE PARTICIPATION
(GOV. CODE, § 54957.1(a)(2))**

What to Report:

- 1) the approval action;
- 2) voting tally;
- 3) adverse parties (if known);
- 4) substance of the litigation.

When to Report:

- 1) after closed session;
- 2) in open session;
- 3) during same meeting.

**PENSION FUND INVESTMENT
TRANSACTION DECISIONS
(GOV. CODE, § 54957.1(a)(7))**

What to Report:

- 1) the investment transaction decision;
- 2) voting tally (must be by roll call vote).

When to Report:

- 1) first open meeting of the legislative body held after the earlier of either:
 - a) the close of the investment transaction;
 - b) the transfer of pension fund assets for the investment transaction.

**APPROVAL OF PENDING
LITIGATION SETTLEMENTS
(GOV. CODE, § 54957.1(a)(3))**

When Generally:

After settlement is final

If Legislative Body Action Finalizes:

What to Report:

- 1) the acceptance action;
- 2) voting tally;
- 3) substance of agreement.

When to Report:

- 1) after closed session;
- 2) in open session;
- 3) during same meeting.

If Other Party or Court Finalizes:

What to Report/Disclose:

- 1) no report is required; however, after the agreement is finalized by the other party or the court and, upon inquiry by any person, disclose:
 - a) the fact of approval action;
 - b) voting tally;
 - c) substance of agreement.

When to Disclose:

- 1) As soon as other party informs legislative body of its approval and upon inquiry.

**APPROVAL GIVEN TO INITIATE OR
INTERVENE IN LITIGATION
(GOV. CODE, § 54957.1(a)(2))**

Before Action Has Been Commenced:

What to Report:

- 1) direction to initiate/intervene given;
- 2) voting tally;
- 3) the action, defendants, and other particulars to be disclosed only:
 - a) upon inquiry; and,
 - b) once action formally commenced, unless disclosure jeopardizes process service/ conclusion of settlement negotiations.

When to Report:

- 1) after closed session;
- 2) in open session;
- 3) during same meeting.

After Action Formally Commenced:

If Disclosure **Does Not Jeopardize** Service of Process/Existing Settlement Negotiations:

What to Disclose:

- 1) the approval action;
- 2) voting tally;
- 3) defendant(s);
- 4) other particulars, presumably including substance of litigation.

When to Disclose:

- 1) upon inquiry.

**If Disclosure Jeopardizes Service of Process/
Existing Settlement Negotiation Conclusion:**

What to Disclose:

- 1) No disclosure required until process served/ settlement negotiations concluded.

Thereafter, disclose:

- a) the approval action;
- b) voting tally;
- c) defendant(s);
- d) other particulars, presumably including substance of litigation.

When to Disclose:

- 1) No disclosure required until process served/
settlement negotiations concluded;
thereafter, disclosure required only
upon inquiry.

APPENDIX 6

**SAMPLE
CLOSED SESSION NOTICES
TO EMPLOYEE**

[Intentionally Blank]

**[Sample Closed Session Notice to Employee
Pursuant to Government Code Section 54957]**

NOTICE

[Date]

Mr. Joe Worker
554 South Maple
Anytown, California 93700

Dear Mr. Worker:

You are hereby notified that the Anytown City Council will, on May 1, 20__, at 7:00 p.m., meet in closed session to hear specific complaints brought against you regarding [specify nature of complaint or issue]. However, pursuant to Government Code section 54957, you have the right to have such complaints heard in open public session of the Council rather than in a session closed to the public. You may have the complaints heard in open session by making such request in writing delivered to the undersigned at the address shown on this letterhead at any time before May 1, 20__.

A copy of the complaints against you as made by Mr. Citizen is attached to this notice.

Yours truly,

[Title]

Enclosures

[Notes on use of sample: There may or may not be written complaints or charges to attach to the notice. The employee's right to an open meeting applies to both formal and informal charges or complaints whether filed by the agency itself or by a private party. The requirement also applies to closed session hearings before civil service and personnel commissions. The notice must be delivered to the employee personally or by mail at least 24 hours before the time for holding the session, otherwise any disciplinary action taken is null and void. (Government Code section 54957.)]

[Because of the importance of documenting timely service, a proof of service form should be signed by the person mailing or personally serving the employee.]

**[Sample Closed Session Notice to Employee
Pursuant to Government Code Section 54957]**

NOTICE

[Date]

Mr. Joe Worker
554 South Maple
Anytown, California 93700

Dear Mr. Worker:

You are hereby notified that the Anytown School Board will, on May 1, 20__, at 7:00 p.m., meet in closed session to hear specific complaints brought against you related to a criminal matter you may have been involved in. However, pursuant to Government Code section 54957, you have the right to have such complaints heard in open public session of the Board rather than in a session closed to the public. You may have the complaints heard in open session by making such request in writing delivered to the undersigned at the address shown on this letterhead at any time before May 1, 20__.

Yours truly,

[Title]

Enclosures

[Notes on use of sample: The employee's right to an open meeting applies to both formal and informal charges or complaints whether filed by the agency itself or by a private party. The requirement also applies to closed session hearings before civil service and personnel commissions. The notice must be delivered to the employee personally or by mail at least 24 hours before the time for holding the session, otherwise any disciplinary action taken is null and void. (Government Code § 54957.)]

[Because of the importance of documenting timely service, a proof of service form should be signed by the person mailing or personally serving the employee.]

APPENDIX 7

**GUIDELINES FOR
CONDUCTING ORDERLY
LEGISLATIVE BODY MEETINGS**

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GUIDELINES FOR CONDUCTING ORDERLY LEGISLATIVE BODY MEETINGS

GENERAL RULE OF CONDUCT FOR LEGISLATIVE BODY MEETINGS:

All legislative body meetings and hearings shall be conducted in an orderly, efficient manner, without willful disruption by any person(s) in attendance. These guidelines apply to all legislative body meetings and hearings, whether conducted by the legislative body or by a designee of the legislative body such as an administrative panel, and whether conducted in closed or open session.

PROCEDURE FOR DEALING WITH DISRUPTION:

In order to prevent disruption, the legislative body has the right to request that any person immediately stop the following conduct: (1) willfully disrupting a meeting, (2) interrupting a person who is addressing the legislative body, or (3) preventing the legislative body from attending to the purpose of a meeting.

A. Initial Disruption. The chairperson of the meeting or hearing should immediately address the person, stating the following (or similar admonition):

“Excuse me, your actions are having the effect of disrupting this meeting [or hearing]. I am asking you to immediately stop [specify objectionable behavior, such as shouting, or interrupting, etc.] so that we can continue with the business of this meeting.”

B. Second Warning. If a person refuses to stop the objectionable behavior, the chairperson should repeat the request to stop, and emphasize that the person will be asked to leave if the behavior continues. It should also be stated that the meeting or hearing will continue in the person’s absence after he/she leaves. The following is appropriate:

“I must repeat that your actions are disruptive, and remind you of the request for you to stop your behavior. If you do not immediately cease, you will be asked to leave. The meeting will then continue only after you have left the room.”

C. Order the Person to Leave. If the person refuses to stop after the second warning, he/she should be asked to leave, by stating the following:

“You have been warned twice that you are disrupting this meeting and have been told to immediately stop your disruptive actions. Since you have chosen to disregard this request and continue being disruptive, I am ordering you to leave this meeting immediately.”

D. If the Person Refuses to Leave. If the person refuses to leave, he/she can be escorted from the room, assuming that this can be accomplished without resulting in physical injury to legislative body members or others in the room. If this cannot be accomplished by those already present, the police can be summoned.

E. Emptying the Room. The legislative body also has the right, in cases of extreme disruption involving one or more persons, to order the room cleared of all members of the public (except for members of the press who have not caused the disruption, if any are present). In such cases, the legislative body can continue with the meeting or hearing on matters appearing on the agenda. The mayor or chairperson should state:

“All members of the public must immediately leave the room. The legislative body will proceed with its meeting [hearing] on items on the agenda.”

[Intentionally Blank]

APPENDIX 8

**PUBLIC RECORDS ACT
FUNDAMENTALS**

[Intentionally Blank]

PUBLIC RECORDS ACT FUNDAMENTALS

Because public agencies exist for the purpose of handling public business, their daily operations are subject to a level of transparency. The Legislature enacted the California Public Records Act, Government Code at Sections 6250 et seq. to address this need for transparency. The Public Records Act is often confused with the federal Freedom of Information Act which only applies to federal agencies. (5 U.S.C. § 552 et seq.) The Public Records Act applies to local agencies, including cities, counties, special districts, school districts and community college districts. (Government Code § 6252.)

1. All Records Maintained by a Public Agency are Open to Inspection and Disclosure Absent an Exemption.

The overall principle of the Public Records Act is that all records maintained by a public agency that deal with public business are open to inspection and subject to disclosure, unless an exemption applies.

“Public records” are defined broadly as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” (Government Code § 6252 (e).)

“Writing” can mean almost anything: photocopies; handwritten notes; letters; reports; recorded sounds; digital storage; electronic mail; facsimiles; photographs, etc. (Government Code § 6252(g).)

The California Supreme Court has clarified that electronic communications sent to or from a public official’s private account and/or private device may constitute a public record if the communication addresses substantive business of the public agency. (*City of San Jose et al. v. Superior Court* (2017) 2 Cal.5th 608.) The court explained that “[i]f public officials could evade the law simply by clicking into a different email account, or communicating through a personal device, sensitive information could routinely evade public scrutiny.”

Any “person” including non-citizens, corporations, partnerships, and other businesses, can obtain records. (Government Code § 6252(c).) However, requests for records must be reasonable and describe an identifiable record. (Government Code § 6253(b).) Agencies are required to assist members of the public in identifying records. (Government Code § 6253.1; *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385.)

2. The Agency Must Promptly Respond to a Request for Records.

The public agency must make public records open to inspection at all times during office hours. The agency can adopt reasonable rules of access to protect the safety of the records from theft and damage, and to prevent inspection from disrupting the operation of the agency. (*Bruce v. Gregory* (1967) 65 Cal.2d 666.) The public agency may refer a member of the public to the agency’s Internet Website if the record is posted there. (Government Code § 6253(f).)

The public agency must respond to a request to obtain a copy of a public record promptly. What is prompt will depend upon the request. The maximum time is 10 calendar days absent unusual circumstances. (Government Code § 6253(c).) The response may be:

- Disclosure of the record.
- That the records are discloseable and will be produced by a certain time (promptly).
- That the records are exempt from disclosure and will not be produced.
- That the request does not contain reasonably identifiable records. Prior to making this response, the agency must assist the person requesting the records to help the person identify the records. This is accomplished by opening a dialog with the person to determine what the person is seeking and to explain what records the agency has. (Government Code § 6253.1.)

Important Note: Form 700 Statements of Economic Interest must be made available for inspection and copying as soon as practicable, and in no event later than two business days after the statement is received by the filing agency. Filing officials must therefore make sure the Form 700 statements are readily available. (Government Code § 81008.)

The agency does not have to create a new record to meet the request. Exact copies of the record must be provided unless impracticable to do so. If part of a record is exempt, the agency must disclose all reasonably segregable non-exempt portions. (Government Code § 6253(a); *ACLU v. Dukemajian* (1982) 32 Cal.3d 440.) If a document is requested in electronic format and exists in that format, it must be provided in electronic format. (Government Code § 6253.9; 88 Ops.Cal.Atty.Gen. 153 (2005).)

Denial of a request for records must be in writing and must set forth the names and titles or positions of each person responsible for the denial. (Government Code §§ 6253(d) and 6255.)

Unusual circumstances means: (1) the need to search for and collect records from facilities separate from the office processing the request; (2) the need to search for, collect, and examine a voluminous amount of separate and distinct records; (3) the need for consultation with another agency having substantial interest in the determination; (4) the need to compile data, to write programming language, or to construct a computer report to extract the data. (Government Code § 6253(c).)

The maximum extension to respond to a records request is 14 days. (Government Code § 6253(c).)

3. Common Exemptions.

The following is a list of the most commonly used exemptions for disclosure of records. If the public agency discloses a public record that is otherwise exempt from disclosure to any

member of the public, that disclosure generally constitutes a waiver of the exemption. (Government Code § 6254.5.)

Public Records Act Exemptions:

- Preliminary drafts and notes not kept in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure. (Government Code § 6254(a).)
- Documents pertaining to pending litigation to which the agency is a party. (Government Code § 6254(b).) Deposition transcripts are not subject to the pending litigation exemption because they are generally available to the public pursuant to the Code of Civil Procedure section 2025.570. (*Board of Trustees v. Super. Ct.* (2005) 132 Cal.App.4th 889.)
- Personnel, medical, or similar files, the disclosure of which would constitute an invasion of personal privacy. (Government Code § 6254(c).) Public employee salaries and benefits do not fall into this category. The home addresses and telephone numbers of employees do. (*United States Department of Defense v. Federal Labor Relations Authority* (1994) 114 S.Ct. 1006, 1015-106, 510 U.S. 487, 501-502; *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Super. Ct.* (2007) 42 Cal.4th 319, 339; *Sonoma County Employees' Retirement Association v. Superior Court* (2011) 198 Cal.App.4th 986.)
- Police investigative reports, except that certain information contained therein must be disclosed. (Government Code § 6254(f).)
- Test questions, scoring keys, and other examination data used to administer licensing examination, examination for employment, or academic examination. (Government Code § 6254(g).)
- Library circulation records. (Government Code § 6254(j).)
- Records prohibited from disclosure by federal or state law. (Government Code § 6254(k).)
- Certain individual financial information. (Government Code §§ 6254(i), (n), (o).)
- Home addresses of state and school district employees, judges and certain elected and appointed officials. (Government Code §§ 6254(u), 6254.3, 6254.21.)

Public Records Act Catchall Exemption/Balancing Test:

- The agency may refuse to disclose a public record if the agency determines that “on the facts of the particular case the public interest served by not disclosing the record clearly

outweighs the public interest served by disclosure of the record.” (Government Code § 6255(a).)

- The exception should be used cautiously. Case law requires the agency to prove that there is a “clear overbalance” on the side of confidentiality. (*California State University, Fresno Association, Inc. v. Super. Ct.* (2001) 90 Cal.App.4th 810.) This is a high standard to meet.

Juvenile and Student Records:

- Law enforcement records involving juveniles may not be disclosed to the public absent a court order. A subpoena prepared and served by an attorney is not enough. There are certain exceptions for releasing the records to other agencies that have a need for the information. (Welfare and Institution Code §§ 825 -830.1; Government Code §§ 6276.46, 6276.48; Cal. Rules of Court, rule 5.552; *Wescott v. County of Yuba* (1980) 104 Cal.App.4th 103.)
- Student records are exempt from disclosure pursuant to the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C., §§ 1232g et seq., and the California Education Code §§ 49073 et seq. and 76240 et seq. Generally, no production of student records is allowed absent parental consent or a court order. A properly issued subpoena, prepared and served by an attorney, will suffice. (34 C.F.R., § 99.31(a)(9).)

4. The Agency May Only Charge Its Actual Duplication Costs or Statutory Fee.

Agencies may charge for their duplication costs as a condition of providing copies of non-exempt records. This includes only copying costs per page. It does not include employee time to locate and assemble the records. (Government Code § 6253(b).) The agency may ask for these costs before making the copies. If the Legislature has enacted a statutory fee for obtaining copies of the record, that fee will control, provided it is reasonable. If a citizen requests an electronic document and the request “would require data compilation, extraction, or programming to produce the record” the citizen must bear the costs of producing the record. (Government Code §§ 6253.9(b)(2), 81008.)

5. The Remedy for Violations is an Order Compelling Disclosure and Attorneys’ Fees.

An aggrieved person may bring an action for a writ of mandate, injunction or declaratory relief to compel disclosure of the records. All such proceedings are expedited so that a decision is made at the earliest possible time. A prevailing plaintiff is entitled to attorneys’ fees. A prevailing defendant only if the action is clearly frivolous. (Government Code §§ 6258, 6259; *Garcia v. Governing Board of Bellflower Unified School District* (2013) 220 Cal.App.4th 1058.)

APPENDIX 9

**ETHICS IN PUBLIC SERVICE
FUNDAMENTALS**

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ETHICS IN PUBLIC SERVICE FUNDAMENTALS

The rules governing ethics are designed to ensure open government and fairness. The rules are complex, and sometimes technical. New rules are adopted every year. The purpose of these “Ethics In Public Service Fundamentals” is to summarize the basic ethics principles, alert public officials to issues they need to be aware of, especially legislative body members, and to learn to know when to ask questions; this is not intended to be a comprehensive summary or review of all applicable laws. If a red flag is raised, the reader is urged to consult with the applicable regulating authority, such as the Fair Political Practices Commission or California Attorney General’s Office, or seek legal counsel. There are also a multitude of resources on ethics and conflicts of interest available on the internet from the following organizations:

- Institute for Local Government, www.ca-ilg.org. (The ILG prepared a number of publications on public service ethics.)
- California Fair Political Practices Commission, www.fppc.ca.gov. (The FPPC created numerous Fact Sheets.)
- California Attorney General, www.ag.ca.gov/publications. (The AG prepared a Conflict of Interest Publication last updated in 2010.)
- California School Boards Association, www.csba.org. (The CSBA prepared a July 2010 Fact Sheet on Conflict of Interest for governing board members.)

Some local officials are required to receive biennial ethics training. These include elected and appointed officials of local agencies who receive compensation or reimbursement for expenses incurred as part of their official duties. Currently local agencies required to receive the training include cities, counties, and special districts, but not school districts. (Government Code §§ 53234, 53235.) Many local agencies require training for all officials that file Form 700 Statement of Economic Interests.

We recommend that training be provided for all locally elected officials, appointed members of boards and commissions that have decision making authority or whose advisory recommendations are regularly accepted, and anyone with significant decision making authority, especially those having authority over financial matters and contracts for construction, goods or services. These individuals are usually the ones who file the Form 700. We also recommend the training for school districts. Our Firm regularly provides public agency ethics training and we can tailor the training to specific agency needs.

1. Be Alert to Decisions That May Have a Economic Effect.

The California Political Reform Act, Government Code section 87100 et seq., and 2 California Code of Regulations section 18700 et seq., sets forth the rules governing financial conflicts of interest. Public officials, both at the state and local level, may not participate in a decision if the official’s financial interests might be materially affected by the decision.

Participation includes using the official's position to influence the decision. (Government Code § 87100; 2 California Code of Regulations §§ 18700 - 18702.5.)

There are five types of economic interest to be concerned with from which a conflict may arise:

- Business entities, including an investment of \$2,000 or more, an employee, or management. (Government Code § 87103; 2 California Code of Regulations § 18702.1.)
- Real property interest of \$2000 or more. A conflict of interest is presumed if the official owns or leases residential property within 1,000 feet of the boundaries of the property subject to the decision. For commercial property interests, the business entity rules apply. (Government Code § 87103; 2 California Code Regulations § 18702.2.)
- Sources of income, including a spouse's income, of \$500 or more within the preceding 12 months. (Government Code § 87103; 2 California Code of Regulations § 18702.3.)
- Sources of gifts of \$500* or more within the preceding 12 months. (Government Code § 87103; 2 California Code of Regulations § 18702.4.)
- Personal financial effect, including effect on spouse or immediate family member, such as a loan, of \$250 or more within any 12-month period. (Government Code § 87103; 2 California Code of Regulations § 18702.5)

A conflict of interest will exist with regard to a particular government decision if it is sufficiently likely that the outcome of the decision will have an important impact on an individual's economic interest and a significant portion of the jurisdiction does not also feel the important impact on their economic interests. The impact can be positive or negative. (2 California Code of Regulations §§ 18703 et seq.)

2. [If a Conflict of Interest Exists Do Not Participate and Disclose.](#)

If a public official has a disqualifying conflict of interest, the official must refrain from any participation in the decision making process. This includes discussing with or attempting to influence staff or colleagues. (2 California Code of Regulations §§ 18700, 18704, et seq.)

Legislative body members must identify the nature of the conflict in open session and leave the room prior to the legislative body taking action on the item. If the item is on the

* \$500 is the number in effect at the time of preparation of this Handbook. The number is adjusted on a biennial basis.

consent calendar the legislative body member need not leave the room. (Government Code § 87105; 2 California Code of Regulations § 18707.)

A public official may speak as a member of the public even if the official has a personal interest in the matter, but must leave the dais and speak as a member of the public. (Government Code § 87105; 2 California Code of Regulations § 18707(a)(3)(c).)

3. [If Any Member of the Legislative Body Has a Financial Interest in a Contract, the Agency May Not Enter into That Contract.](#)

Government Code section 1090 prohibits public officials from being financially interested in contracts. It prohibits participating in the development, negotiation, or execution of the contract and applies to both oral and written contracts. If any member of a legislative body has a financial interest in the contract, the legislative body may not enter into the contract. Abstention does not cure the conflict.

This rule applies to employees that have contract authority. Employees may not negotiate or enter into a contract if the employee has a financial interest in the contract. (*Los Angeles Memorial Coliseum Commission v. Insomniac, Inc.* (2015) 233 Cal.App.4th 803.)

There are exceptions for “remote interests” as defined by statute and essential goods and services, provided the official recuses him or herself and does not directly or indirectly participate in the making of the contract. (Government Code §§ 1091; 69 Ops.Cal.Atty.Gen. 102 (1986).) The remedy for violating Section 1090 is harsh: the contract is void and unenforceable, the public official faces criminal charges, and if convicted the official is forever banned from holding public office. (Government Code §§ 1092, 1097.)

4. [Public Officials Should Not Negotiate for Future Employment with Someone That Is Doing Business with the Agency.](#)

Public officials may not participate in decisions involving future employers. This applies whenever the official is negotiating or has an arrangement concerning prospective employment. (Government Code § 87407.) Thus, public officials who are negotiating for future employment automatically disqualify themselves from participating in any decisions involving that future employer.

5. [Be Aware of Gifts, Including Tickets to Events and the Payment of Travel Expenses, from Any Source That Totals \\$500* or More.](#)

Public officials need to be aware of receiving gifts. Gifts do not always have bows, and can include meals, tickets to events, and travel expenses. Given the number of rules and complexities revolving around the gift rules, the rules are presented here only in general terms.

Elected officials and executive heads of public agencies, as well as those officials with significant decision making authority, need to be aware of gifts from all sources. For others, they should be aware of gifts from sources that do business with the agency.

There are three concepts to be aware of: disqualification; reporting; and prohibition.

- Disqualification: The threshold for disqualification, as noted above, is \$500* from a single source in any 12-month period.
- Reporting: The threshold for reporting gifts on the Form 700 Statement of Economic Interests is \$50 from a single source in any calendar year.
- Prohibition: The threshold for a prohibition on receiving gifts is \$500* from a single source in any calendar year.

There are various exceptions to the gift reporting and prohibition rules. These include: gifts from family members; gifts exchanged among friends at holidays and birthdays as long as not disproportionate in value; gifts from persons in dating relationships; bereavement offerings, acts of neighborliness and human compassion; and wedding gifts. Wedding gifts must be reported at 50% value, but there is no limit. Further, gifts not used and returned within 30 days, donated to the public agency or a non-profit organization, or for which the official reimburses the donor the fair market value of the gift, are not reportable.

(Government Code §§ 82028, 87207, 89503; 2 California Code of Regulations § 18940 et seq.)

Public agencies should adopt local policies regarding the acceptance of gifts, tickets, and travel expenses. (Government Code § 53232 et seq., 89506; 2 California Code of Regulations §§ 18944, 18944.1, 18950 et seq.)

Note: elected and non-elected officials cannot accept free or discounted transportation from transportation carriers. (Cal.Const.Art. XII, § 7.) The rule does not apply to employees. Whether one is an “employee” or an “appointed official” is sometimes subject to debate. Generally, appointed members of boards and commissions as well as department heads should be considered appointed officials. There is no distinction for personal or public business and the penalty is forfeiture of office.

6. [Do Not Use Agency Resources for Personal Benefit.](#)

The personal or political use of public resources is prohibited. This includes staff time and agency equipment, and includes the support or opposition of candidates or local ballot measures. Authorized expenditures should be made pursuant to the agency’s reimbursement policy and may only be for actual and necessary expenses. A misuse of public funds will occur when it is not authorized or for a public purpose, or when personal benefit is not merely incidental. (Penal Code § 424; Government Code § 8314; 2 California Code of Regulations § 18901.1; *Stanson v. Mott* (1976) 17 Cal.3d 206.)

7. [Timely Complete Form 700 Statement of Economic Interest Disclosure Forms.](#)

The filing of a Form 700 Statement of Economic Interest requires public officials to disclose economic interests that might give rise to a disqualifying conflict of interest. It provides the public with the ability to ensure its elected and appointed officials are free from bias. The Form 700 should be filed upon assuming office, annually while in office, upon a change in position leading to a different reporting obligation, and upon leaving office. Each local agency is required to have its own local conflict of interest code that sets forth which officials and employees need to file. Elected officials and executive heads of agencies are statutorily required to file. (Government Code §§ 87200 et seq., 87300 et seq.; 2 California Code of Regulations §§ 18730 et seq.)

8. [Elected Officials Must Report Substantial Charitable Fundraising Efforts.](#)

Elected officials must disclose donations they solicit for charitable, legislative, or governmental purposes when the amount received amounts to \$5,000 or more from a single source in a calendar year. There is no disqualification, only a reporting obligation. (Government Code § 82015(b)(2)(B)(iii).)

9. [Avoid Bias in Decision Making.](#)

There is a common law prohibition against participating in decisions where personal loyalties are present. As a decision-maker, the public expects public officials to be impartial and avoid favoritism. Under the common law doctrine, “[A] public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public.” (*Noble v. City of Palo Alto* (1928) 89 Cal.App. 47.) Such doctrine “strictly requires public officers to avoid placing themselves in a position in which personal interest may come into conflict with their duty to the public.” (67 Ops.Cal.Atty.Gen. 369 (1984).)

The most common example of common law bias arises in the context of due process hearings. Public hearings must be conducted in accordance with due process principles. Public officials may not be tempted by their personal or financial interest even if there is no conflict under state law.

If a situation arises where a common law conflict of interest exists as to a particular transaction, the official must disqualify him or herself from taking any part in the discussion or vote regarding the particular matter. (26 Ops.Cal.Atty.Gen. 5 (1955).) The purpose of the conflict laws is to prevent even the appearance of impropriety. (*Thomson v. Call* (1985) 38 Cal.3d 633.)

10. [Do Not Hold Incompatible Offices and Avoid Incompatible Activities.](#)

Public officials may not simultaneously hold two public offices that are incompatible. Incompatibility is defined as a significant clash of duties or loyalties of office. Acceptance of the

second office results in a forfeiture of the first office. (Government Code § 1099.) Examples of incompatible offices include:

- City council member and school board member.
- Planning commissioner and school board member.
- City manager and school board member (but not the assistant city manager or city clerk).
- City council or county board of supervisor member and fire chief.
- Public utility district member and county board of supervisor member.

There is also a statutory prohibition on engaging in incompatible activities. (Government Code § 1125 et seq.). A “local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.” (Government Code § 1126(a).)

Disclaimer:

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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ATTORNEYS AT LAW

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Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.1 Consideration of the joint sunshine openers from the District and Harmony Union Teachers Association (HUTA)
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 _HUTA sunshiner letter 2022-2023.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	That the board approve the joint sunshine openers from the District and Harmony Union Teachers Association (HUTA)
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal

Date: September 1, 2022

To: Governing Board, Harmony Union School District

From: Harmony Union Teachers Association

Re: 2022-2023 Public Hearing
Annual Reopeners for Successor Contract

Pursuant to Article 8, Section 3547 of the Education Employment Relations Act (EERA), please consider this to be a formal opening of negotiations between HUTA and the District. The HUTA's mission is to "protect and promote the well-being of its members; to improve the conditions of teaching and learning; to advance the cause of free, universal, and quality public education for all students; to ensure that the human dignity and civil rights of all children and youth are protected; and to secure a more just, equitable, and democratic society." In keeping with this mission, the Association is opening the following articles of the collective bargaining agreement for negotiations:

Article VIII Hours of Employment

HUTA has an interest in adding clarifying language for meetings outside contractual time.

HUTA has an interest in adding a new section for report card release time.

Article XIV Wages

HUTA has an interest in reviewing and revising the list of Extra Duties.

HUTA has an interest in cleaning up language for independent studies.

HUTA has an interest in improving educators' wages in order to attract and maintain the best educators for our students.



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.2 Board to consider Resolution 2022/23-3 declaring that the District has sufficient textbooks and instructional materials for students.
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 Res 2022-23-3 Sufficient Textbooks.pdf
Description:	This agenda item involves the Board approval by resolution of the District's declaration that it meets the requirements of the Williams Settlement that textbooks for core academic areas are current and from the State adopted textbook list.
Background Information:	<p>Districts are required annually under the terms of the Williams Act to attest to the quality and quantity of the adopted textbooks and instructional materials used in the core areas of English-language arts, mathematics, science and social studies.</p> <p>District staff has sufficient textbooks and instructional materials available for use with the students of the District.</p> <p>Accompanying this agenda item was the earlier public hearing for public comment regarding the sufficiency of the District's textbooks and instructional materials.</p>
Fiscal Implications:	
Recommendation:	Board consider approval of Resolution 2022/23-3 of the sufficiency of textbooks and instructional materials.
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal



RESOLUTION 2022/23-3

RESOLUTION REGARDING SUFFICIENCY OR INSUFFICIENCY OF INSTRUCTIONAL MATERIALS :

Whereas, the governing board of Harmony Union School District, in order to comply with the requirements of *Education Code* Section 60119 held a public hearing on September 14, 2022 at 7:00 pm o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the governing board provided at least 10 days' notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

Whereas, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders (if the district or county office has a bargaining unit) in the public hearing, and;

FOR A FINDING OF SUFFICIENT INSTRUCTIONAL MATERIALS:

Whereas, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district county office of education, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

NOTE: The definition of sufficient textbooks or instructional materials no longer includes the phrase "to complete required homework assignments." Students must now be able to take their instructional materials home.

Whereas, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

NOTE: To insure that complete and accurate information has been provided upon which to base the board's findings, governing boards may wish to include in their resolution the names of the textbooks or instructional materials programs, or both, that have been adopted by the governing board and were provided to pupils in the district to determine the sufficiency.

- Mathematics – TK-5: Bridges published by The Mathematics Learning Center. Grades 6-8 CPM Core Connections, published by CPM Education Program. Teachers have transitioned into CA Common Core State Standards.
- Science - Grades TK-1: FOSS, Lawrence Hall of Science, distributed by Delta Education, Inc. Board adopted 2006. Grades 2-5: FOSS, Lawrence Hall of Science, distributed by Delta Education, Inc. 6-8 Focus on CA Earth, Physical, and Life, published by Prentice Hall: Board adopted 2006.
- History-social science: Grades TK-5: California Vistas, published by Macmillan/McGraw-Hill. Board adopted 2006. Grades 2-5: California Vistas, published by Macmillan/McGraw-Hill. 6-8 History Alive!, published by History Alive!: Board adopted 2006.
- English/language arts, including the English language development component of an adopted program Grades TK-1: Reading California, published by Houghton- Mifflin. Board adopted 2005. Differentiated Reading Program using Guided Reading and Daily 5. Grades K-1: Writing by Design, A Systematic Approach to School-Wide Standards Based Writing Instruction, published by Education Consultants. Board Approved 2011. Transitional Kindergarten: Handwriting Without Tears and incorporated Learning Foundations Teachers are transitioning into Common Core State Standards. Grades 2-6: Reading California, published by Houghton- Mifflin. Grades 7-8 Pearson Literature CA Reading and Language: Board adopted 2005. Differentiated Reading Program using Guided Reading and Daily 5 in grades 2-3, core literature and novel studies in grades 4-8. Grades K-8 Writing By Design A Systematic Approach to School-Wide Standards Based Writing Instruction, published by Education Consultants (Proven Solutions from Experts). Teachers have transitioned into CA Common Core State Standards.
- Therefore, it is resolved that for the 2021-2022 school year, the Harmony Union School District has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

Harmony Union School District
Resolution #2021/22-3
September 14, 2022

After a public hearing held on September 14, 2022 on the quality and quantity of textbooks and instructional materials as required by the Williams Act, the Board of Trustees of the Harmony Union School District affirms that there is sufficient quality and quantity of textbooks and instructional materials for the core instructional areas of English-language arts, mathematics, science and social studies for students in grades TK-8 for the 2022-23 school year.

Aye

No

Board Members

Mariah Lander

Yuri Koslen

Charlie Laird

Amanda Solter

Mariah Lander, Board President

Date



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.3 Consideration of adoption of HUSD Wellness Policy
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:  Wellness Policy Revised
2022-09-14.pdf

Description:

**Background
Information:**

Fiscal Implications:

Recommendation: That the board approve the adoption of the HUSD Wellness Policy

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal



Harmony Union School District Wellness Policy

Preamble

Harmony Union School District (hereto referred to as the District) is committed to the optimal development of every student. The District believes that for students to have the opportunity to achieve personal, academic, developmental and social success, we need to create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year.

Research shows that two components, good nutrition and physical activity before, during and after the school day, are strongly correlated with positive student outcomes. For example, student participation in the U.S. Department of Agriculture's (USDA) School Breakfast Program is associated with higher grades and standardized test scores, lower absenteeism and better performance on cognitive tasks.^{1,2,3,4,5,6,7} Conversely, less-than-adequate consumption of specific foods including fruits, vegetables and dairy products, is associated with lower grades among

¹ Bradley, B, Green, AC. Do Health and Education Agencies in the United States Share Responsibility for Academic Achievement and Health? A Review of 25 years of Evidence About the Relationship of Adolescents' Academic Achievement and Health Behaviors, *Journal of Adolescent Health*. 2013; 52(5):523–532.

² Meyers AF, Sampson AE, Weitzman M, Rogers BL, Kayne H. School breakfast program and school performance. *American Journal of Diseases of Children*. 1989;143(10):1234–1239.

³ Murphy JM. Breakfast and learning: an updated review. *Current Nutrition & Food Science*. 2007; 3:3–36.

⁴ Murphy JM, Pagano ME, Nachmani J, Sperling P, Kane S, Kleinman RE. The relationship of school breakfast to psychosocial and academic functioning: Cross-sectional and longitudinal observations in an inner-city school sample. *Archives of Pediatrics and Adolescent Medicine*. 1998;152(9):899–907.

⁵ Pollitt E, Mathews R. Breakfast and cognition: an integrative summary. *American Journal of Clinical Nutrition*. 1998; 67(4), 804S–813S.

⁶ Rampersaud GC, Pereira MA, Girard BL, Adams J, Metz J. Breakfast habits, nutritional status, body weight, and academic performance in children and adolescents. *Journal of the American Dietetic Association*. 2005;105(5):743–760, quiz 761–762.

⁷ Taras, H. Nutrition and student performance at school. *Journal of School Health*. 2005;75(6):199–213.

students.^{8,9,10} In addition, students who are physically active through active transport to and from school, recess, physical activity breaks, high-quality physical education and extracurricular activities – do better academically.^{11,12,13,14} Finally, there is evidence that adequate hydration is associated with better cognitive performance.^{15,16,17}

This policy outlines the District’s approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, this policy establishes goals and procedures to ensure that:

- Students in the District have access to healthy foods throughout the school day – both through reimbursable school meals and other foods available throughout the school campus– in accordance with Federal and state nutrition standards;
- Students receive quality nutrition education that helps them develop lifelong healthy eating behaviors;
- Students will be encouraged to be physically active before, during and after school;
- Schools engage in nutrition and physical activity promotion and other activities that promote student wellness;
- School staff are encouraged and supported to practice healthy nutrition and physical activity behaviors in and out of school;
- The community is engaged in supporting the work of the District in creating continuity between school and other settings for students and staff to practice lifelong healthy habits; and
- The District establishes and maintains an infrastructure for management, oversight, implementation, communication about and monitoring of the policy and its established goals and objectives.

This policy applies to all students, staff and schools in the District. Specific measureable goals and outcomes are identified within each section below.

⁸ MacLellan D, Taylor J, Wood K. Food intake and academic performance among adolescents. *Canadian Journal of Dietetic Practice and Research*. 2008;69(3):141–144.

⁹ Neumark-Sztainer D, Story M, Dixon LB, Resnick MD, Blum RW. Correlates of inadequate consumption of dairy products among adolescents. *Journal of Nutrition Education*. 1997;29(1):12–20.

¹⁰ Neumark-Sztainer D, Story M, Resnick MD, Blum RW. Correlates of inadequate fruit and vegetable consumption among adolescents. *Preventive Medicine*. 1996;25(5):497–505.

¹¹ Centers for Disease Control and Prevention. *The association between school-based physical activity, including physical education, and academic performance*. Atlanta, GA: US Department of Health and Human Services, 2010.

¹² Singh A, Uijtdewilligne L, Twisk J, van Mechelen W, Chinapaw M. *Physical activity and performance at school: A systematic review of the literature including a methodological quality assessment*. *Arch Pediatr Adolesc Med*, 2012; 166(1):49-55.

¹³ Haapala E, Poikkeus A-M, Kukkonen-Harjula K, Tompuri T, Lintu N, Väistö J, Leppänen P, Laaksonen D, Lindi V, Lakka T. *Association of physical activity and sedentary behavior with academic skills – A follow-up study among primary school children*. *PLoS ONE*, 2014; 9(9): e107031.

¹⁴ Hillman C, Pontifex M, Castelli D, Khan N, Raine L, Scudder M, Drollette E, Moore R, Wu C-T, Kamijo K. *Effects of the FITKids randomized control trial on executive control and brain function*. *Pediatrics* 2014; 134(4): e1063-1071.

¹⁵ Change Lab Solutions. (2014). *District Policy Restricting the Advertising of Food and Beverages Not Permitted to be Sold on School Grounds*. Retrieved from <http://changelabsolutions.org/publications/district-policy-school-food-ads>

I. School Wellness Committee

Committee Role and Membership

The District will convene a representative district wellness committee (hereto referred to as the DWC or work within an existing school health committee) that meets at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation and periodic review and update of this district-level wellness policy (heretofore referred as “wellness policy”).

The DWC membership will represent all school levels (TK through 8) and include (to the extent possible), but not be limited to: parents and caregivers; students; representatives of the school nutrition program (e.g., school nutrition director); physical education teachers; health education teachers; school health professionals (e.g., health education teachers, school health services staff [e.g., nurses, physicians, dentists, health educators, and other allied health personnel who provide school health services], and mental health and social services staff [e.g., school counselors, psychologists, social workers, or psychiatrists]; school administrators (e.g., superintendent, principal, vice principal), school board members; health professionals (e.g., dietitians, doctors, nurses, dentists); and the general public. When possible, membership will also include Supplemental Nutrition Assistance Program Education coordinators (SNAP-EDEDSNAP-Ed). To the extent possible, the DWC will include representatives from each school building and reflect the diversity of the community.

Leadership

The Superintendent or designee(s) will convene the DWC and facilitate development of and updates to the wellness policy, and will ensure each school’s compliance with the policy.

The designated official for oversight is:

Superintendent, Harmony Union School District 1-707-874-1205

1935 Bohemian Hwy

Occidental, CA 95465

Other individuals responsible for ensuring compliance and assisting in the evaluation include the Principal, Head of Cafeteria, physical education teacher and the Chair of Wellness Committee, all of which can also be reached at (707)874-1205.

II. Wellness Policy Implementation, Monitoring, Accountability and Community Engagement

Implementation Plan

The District will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions and timelines specific to each school; and includes information about who will be responsible to make what change, by how much, where and when; as well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness. It is recommended that the school use the [Healthy Schools Program online tools](#) to complete a school-level assessment based on the Centers for Disease Control and Prevention's School Health Index, create an action plan that fosters implementation and generate an annual progress report.

This wellness policy and the progress reports can be found at: <http://www.harmonyusd.org>

Recordkeeping

The District will retain records to document compliance with the requirements of the wellness policy at 1935 Bohemian Hwy, Occidental, CA 95465 Business Office. Documentation maintained in this location will include but will not be limited to:

- The written wellness policy;
- Documentation demonstrating that the policy has been made available to the public;
- Documentation of efforts to review and update the Local Schools Wellness Policy; including an indication of who is involved in the update and methods the district uses to make stakeholders aware of their ability to participate on the DWC;
- Documentation to demonstrate compliance with the annual public notification requirements;
- The most recent assessment on the implementation of the local school wellness policy;
- Documentation demonstrating the most recent assessment on the implementation of the Local School Wellness Policy has been made available to the public.

Annual Notification of Policy

The District will actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status. The District will make this information available via the district website and/or district-wide communications. The District will provide as much information as possible about the school nutrition environment. This will include a summary of the District's events or activities related to wellness policy implementation. Annually, the District will also publicize the name and contact information of the District/school officials leading and coordinating the committee, as well as

information on how the public can get involved with the school wellness committee.

Triennial Progress Assessments

At least once every three years, the District will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

- The extent to which schools under the jurisdiction of the District are in compliance with the wellness policy;
- The extent to which the District's wellness policy compares to the Alliance for a Healthier Generation's model wellness policy; and
- A description of the progress made in attaining the goals of the District's wellness policy.

The position/person responsible for managing the triennial assessment and contact information is:

Superintendent, Harmony Union School District

1935 Bohemian Hwy, Occidental, CA 95465

1-707-874-1205

The DWC, in collaboration with individual schools, will monitor schools' compliance with this wellness policy.

The District will actively notify households/families of the availability of the triennial progress report.

Revisions and Updating the Policy

The DWC will update or modify the wellness policy based on the results of the annual School Health Index and triennial assessments and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. **The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.**

Community Involvement, Outreach and Communications

The District is committed to being responsive to community input, which begins with awareness of the wellness policy. The District will actively communicate ways in which representatives of DWC and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for that district. The District will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards. The

District will use electronic mechanisms, such as email or displaying notices on the district's website, as well as non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of, and updates to the wellness policy, as well as how to get involved and support the policy. The District will ensure that communications are culturally and linguistically appropriate to the community, and accomplished through means similar to other ways that the district and individual schools are communicating important school information with parents.

The District will actively notify the public about the content of or any updates to the wellness policy annually, at a minimum. The District will also use these mechanisms to inform the community about the availability of the annual and triennial reports.

III. Nutrition

School Meals

- Our school district is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; that are moderate in sodium, low in saturated fat, and have zero grams *trans* fat per serving (nutrition label or manufacturer's specification); and to meeting the nutrition needs of school children within their calorie requirements. We will ensure that the food will be organic to the maximum extent possible, as defined by the California Certified Organic Farmers certification. Our district will also adhere to avoid the use of produce on the Dirty Dozen list whenever possible. The school meal programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

All schools within the District participate in USDA child nutrition programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The District also operates additional nutrition-related programs and activities including Farm to School and school gardens. All schools within the District are committed to offering school meals through the NSLP and SBP programs, and other applicable Federal child nutrition programs, that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. (The District offers reimbursable school meals that meet [USDA nutrition standards](#).)
- Promote healthy food and beverage choices using at least ten of the following [Smarter Lunchroom techniques](#):

- Whole fruit options are displayed in attractive bowls or baskets (instead of chaffing dishes or hotel pans).
 - Sliced or cut fruit is available daily.
 - Daily fruit options are displayed in a location in the line of sight and reach of students.
 - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
 - White milk is placed in front of other beverages in all coolers.
 - A reimbursable meal can be created in any service area available to students (e.g., salad bars, snack rooms, etc.).
 - Student taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.
 - Student artwork is displayed in the service and/or dining areas.
 - Daily announcements are used to promote and market menu options.
 - Students have the opportunity to volunteer in the lunchroom.
- The District will implement the following Farm to School activities:
 - Local and/or regional products are incorporated into the school meal program;
 - Messages about agriculture and nutrition are reinforced throughout the learning environment;
 - School hosts a school garden;
 - School hosts field trips to local farms

Staff Qualifications and Professional Development

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the [USDA professional standards for child nutrition professionals](#). These school nutrition personnel will refer to [USDA's Professional Standards for School Nutrition Standards website](#) to search for training that meets their learning needs.

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day* and throughout every school campus* (“school campus” and “school day” are defined in the glossary). The District will make drinking water available where school meals are served during meal times.

- Water cups/jugs will be available in the cafeteria if a drinking fountain is not present.
- All water sources and containers will be maintained on a regular basis to ensure good hygiene and health safety standards. Such sources and containers may include drinking fountains, water jugs, hydration stations, water jets and other methods for delivering drinking water.]
- Students will be allowed to bring and carry (approved) water bottles filled with only water with them throughout the day.

Competitive Foods and Beverages

The District is committed to ensuring that all foods and beverages available to students on the school campus* during the school day* support healthy eating. The foods and beverages sold and served outside of the school meal programs (e.g., “competitive” foods and beverages) will meet the applicable standards as outlined in federal, state and local policies including but not limited to Smart Snack standards . These standards aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits.

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day* will meet or exceed these standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

Celebrations and Rewards

All foods offered on the school campus will be strongly encouraged to meet or exceed the District’s nutritional guidelines including through:

1. Celebrations and parties. The district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas. Healthy party ideas are available from the [Alliance for a Healthier Generation](#) and from the [USDA](#).
2. Classroom snacks brought by parents. The District will provide to parents a [list of foods and beverages that meet Smart Snacks](#) nutrition standards.
3. Rewards and incentives. The District will provide teachers and other relevant school staff a [list of alternative ways to reward children](#). Food and beverages will not be used as a reward, or withheld as a punishment for any reason, such as performance or behavior.

Fundraising

Foods and beverages that meet or exceed the District’s nutritional guidelines may be sold through fundraisers on the school campus* during the school day*. The District will make available to parents and teachers a list of healthy fundraising ideas. On campus adult run fundraisers involving food or beverages may only occur after the end of the school day through midnight or on weekends or holidays. Food and beverages must comply with the District’ Nutrition Guidelines, with the following exceptions:

- a. Six times per year, elementary and middle school parents/caregivers and staff may sell food that does not meet the Nutrition Guidelines, with approval of the site administrator. Beverages must meet the Nutrition Guidelines at all times.

It is recommended that all off-campus fundraising be with either non-food items, or items that meet the District' nutrition guidelines. Administration will decide whether to allow foods that do not meet the nutrition guidelines, and if so, set and monitor a maximum frequency. Within one school year after the Board approves the Policy, the District will develop and disseminate detailed administrative regulations to put the Board' policies regarding *Competitive Foods and Beverages* into practice.

Nutrition Promotion

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gardens, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will occur through at least:

- Implementing at least ten or more evidence-based healthy food promotion techniques through the school meal programs using [Smarter Lunchroom techniques](#); and
- Ensuring 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School and CA nutrition standards. Additional promotion techniques that the District and individual schools may use are available at <http://www.foodplanner.healthiergeneration.org/>.

Nutrition Education

The District will teach, model, encourage and support healthy eating by all students. Schools will provide nutrition education and engage in nutrition promotion that:

- Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes, but also integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
- Includes enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens;
- Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;

- Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);
- Links with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School programs, other school foods and nutrition-related community services;
- Teaches media literacy with an emphasis on food and beverage marketing; and
- Includes nutrition education training for teachers and other staff.

Essential Healthy Eating Topics in Health Education

The District will include in the health education curriculum a minimum of 12 of the following essential topics on healthy eating:

- Relationship between healthy eating and personal health and disease prevention
- Food guidance from [MyPlate](#)
- Reading and using FDA's nutrition fact labels
- Eating a variety of foods every day
- Balancing food intake and physical activity
- Eating more fruits, vegetables and whole grain products
- Choosing foods that are low in fat, saturated fat, and cholesterol and do not contain *trans* fat
- Choosing foods and beverages with little added sugars
- Eating more calcium-rich foods
- Preparing healthy meals and snacks
- Risks of unhealthy weight control practices
- Accepting body size differences
- Food safety
- Importance of water consumption
- Importance of eating breakfast
- Making healthy choices when eating at restaurants
- Eating disorders
- [The Dietary Guidelines for Americans](#)
- Reducing sodium intake
- Social influences on healthy eating, including media, family, peers and culture
- How to find valid information or services related to nutrition and dietary behavior
- How to develop a plan and track progress toward achieving a personal goal to eat healthfully
- Resisting peer pressure related to unhealthy dietary behavior
- Influencing, supporting, or advocating for others' healthy dietary behavior

Food and Beverage Marketing in Schools

The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on District property that contains messages inconsistent

with the health information the District is imparting through nutrition education and health promotion efforts. It is the intent of the District to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus, consistent with the District's wellness policy.

Any foods and beverages marketed or promoted to students on the school campus* during the school day* will meet or exceed the nutritional standards outlined in applicable federal, state and local policies, such that only those foods that comply with or exceed those nutrition standards are permitted to be marketed or promoted to students.

Food and beverage marketing is defined as advertising and other promotions in schools. Food and beverage marketing often includes an oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product.¹⁵ This term includes, but is not limited to the following:

- Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
- Displays, such as on vending machine exteriors
- Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: immediate replacement of these items are not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is in financially possible over time so that items are in compliance with the marketing policy.)
- Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.
- Advertisements in school publications or school mailings.
- Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

As the District/school nutrition services/Athletics Department/PTA/PTO reviews existing contracts and considers new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by the District wellness policy.

IV. Physical Activity

Children and adolescents should be encouraged to participate in at least 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a comprehensive school physical activity program (CSPAP). A CSPAP reflects strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity before, during and after school; staff involvement and family and community engagement and the district is committed to providing these opportunities. Schools will ensure that these varied physical activity opportunities are in addition to, and not as a substitute for, physical education (addressed in "Physical Education" subsection).

A pupil shall not be required to remain in school during the intermission at noon, or during any recess.(5 CCR § 352, 5 CA ADC § 352) The district will provide teachers and other school staff with a [list of ideas](#) for alternative ways to discipline students in place of withholding physical activity as punishment during the day (including but not limited to recess, classroom physical breaks or physical education).

To the extent practicable, the District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. The District will conduct necessary inspections and repairs.

Physical Education

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts (discussed in the "*Essential Physical Activity Topics in Health Education*" subsection). The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All District **students (TK - 8)** will receive physical education for at least 200 minutes per 10 school days throughout the school year.

The District physical education program will promote student physical fitness through individualized fitness and activity assessments (via the [Presidential Youth Fitness Program](#) or other appropriate assessment tool) and will use criterion-based reporting for each student.

Essential Physical Activity Topics in Health Education

Health education will be required in all grades and the district will require middle students to take and pass at least one health education course. The District will include in the health education curriculum a minimum of 12 the following essential topics on physical activity:

- The physical, psychological, or social benefits of physical activity
- How physical activity can contribute to a healthy weight
- How physical activity can contribute to the academic learning process
- How an inactive lifestyle contributes to chronic disease
- Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
- Differences between physical activity, exercise and fitness
- Phases of an exercise session, that is, warm up, workout and cool down
- Overcoming barriers to physical activity
- Decreasing sedentary activities, such as TV watching
- Opportunities for physical activity in the community
- Preventing injury during physical activity
- Weather-related safety, for example, avoiding heat stroke, hypothermia and sunburn while being physically active
- How much physical activity is enough, that is, determining frequency, intensity, time and type of physical activity
- Developing an individualized physical activity and fitness plan
- Monitoring progress toward reaching goals in an individualized physical activity plan
- Dangers of using performance-enhancing drugs, such as steroids
- Social influences on physical activity, including media, family, peers and culture
- How to find valid information or services related to physical activity and fitness
- How to influence, support, or advocate for others to engage in physical activity
- How to resist peer pressure that discourages physical activity.

Recess (Elementary)

Schools will offer at least **20 minutes of recess** on all days during the school year This policy may be waived on early dismissal or late arrival days. If recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to encourage proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built into the recess transition period/timeframe before students enter the cafeteria.

Outdoor recess will be offered when weather is feasible for outdoor play.

In the event that the school or district must conduct **indoor recess**, teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class. Recess monitors or teachers

will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

Active Academics

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

Before and After School Activities

The District will encourage students to be physically active before and after school by promoting physical activity out on the yard, in aftercare, and providing opportunity for participation in after school sports when applicable.

V. Other Activities that Promote Student Wellness

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

Schools in the District are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics, with consultation provided by either the school or the District’s curriculum experts.

All efforts related to obtaining federal, state or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the DWC/SWC.

All school-sponsored events will adhere to the wellness policy guidelines. All school-sponsored wellness events will include physical activity and healthy eating opportunities when appropriate.

Community Partnerships

The District will continue relationships with community partners (e.g. hospitals, universities/colleges, local businesses, SNAP-Ed providers and coordinators, etc.) in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

Community Health Promotion and Family Engagement

The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

As described in the "Community Involvement, Outreach, and Communications" subsection, the District will use electronic mechanisms (e.g., email or displaying notices on the district's website), as well as non-electronic mechanisms, (e.g., newsletters, presentations to parents or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

Staff Wellness and Health Promotion

The DWC will have a staff wellness subcommittee that focuses on staff wellness issues, identifies and disseminates wellness resources and performs other functions that support staff wellness in coordination with human resources staff. The chair of the wellness committee shall serve as the staff wellness subcommittee leader .

Schools in the District will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors. Examples of strategies schools will use, as well as specific actions staff members can take include discussion around healthy eating, opportunities to train and participate with other staff in 5K races, and regular health and welfare newsletters. The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

Professional Learning

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

Glossary:

Extended School Day – the time during, before and afterschool that includes activities such as clubs, intramural sports, band and choir practice, drama rehearsals and more.

School Campus - areas that are owned or leased by the school and used at any time for school-related activities, including on the outside of the school building, school buses or other vehicles used to transport students, athletic fields and stadiums (e.g., on scoreboards, coolers, cups, and water bottles), or parking lots.


School Day – the time between midnight the night before to 30 minutes after the end of the instructional day.


Triennial – recurring every three years.



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.4 Consideration of Unaudited Actuals for 2021-2022
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:

 Cliffs Notes.pdf

 UAs Board Packet.pdf

Description:

This agenda item involves the presentation of the District's Unaudited Actuals for the 2021-2022 school year. The Board has the opportunity to review and discuss the information provided by CBO, Stacy Kalember

Background Information:

The Unaudited Actuals is the budget tool that describes the actual income and expenditures that the District experienced during the prior school year. Typically the business staff of a district finishes out a school year and closes the books during the month of July. Usually by that time a new budget has been approved by the state and districts are required to have passed a budget by June 30th. All this usually takes place prior to staff having a final handle on revenue and expenditures for the prior year. The Unaudited Actuals report gives the District the opportunity to more clearly see what its position is in terms of the ending balance of the prior year and what would then be the opening balance for the new year. This is a process that takes place over the summer months.

Fiscal Implications:**Recommendation:**

That the Board approve Unaudited Actuals for 2021-2022

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

HARMONY UNION SCHOOL DISTRICT
2021-22 Budget Comparison throughout the year
FUNDS 01 and 03
Analysis of Changes

Funded ADA	199.5	184.47	184.47	183.09	-16.41	
BEGINNING BALANCE	\$3,642,787	\$3,642,787	\$3,642,787	\$3,642,787		
REVENUE	Budget	1st Interim	2nd Interim	UAs	Difference	Comments
LCFF Revenue	\$2,215,944	\$1,975,268	\$1,919,032	\$2,000,200	(\$215,744)	LCFF Calc was updated using most recent calculator, lower ADA than projected and 90% attendance rate per illnesses and quarantine days
Basic Aid Charter Supplemental	\$1,890,000	\$1,900,000	\$1,900,000	\$1,938,063	\$48,063	Basic Aid Supplemental estimation based on out of district LCFF students.
Sp. Ed. In Lieu Property Tax	\$31,280	\$18,268	\$18,268	\$24,253	(\$7,027)	Amount based off of LCFF ADA and Property Taxes
Federal Revenues	\$296,064	\$393,172	\$393,362	\$391,505	\$95,441	Recalc of all Federal funds including COVID one-time funds
State Revenues	\$298,860	\$334,916	\$501,105	\$626,086	\$327,226	Funds recalculated re COVID and TK Grant
Local Revenues	\$132,405	\$107,496	\$116,532	\$240,026	\$107,621	True-up off all local funds received this year.
Total Revenue	\$4,864,553	\$4,729,120	\$4,848,299	\$5,220,133	\$355,580	Increase (Decrease) in Revenue

EXPENDITURES	Budget	1st Interim	2nd Interim	UAs	Difference	Comments
Certificated Salaries	\$1,701,481	\$1,696,333	\$1,749,808	\$1,752,385	\$50,904	\$51k was the COVID Stipend offered to Certificated re extra duties connected to COVID
Classified Salaries	\$825,979	\$939,346	\$907,303	\$1,011,287	\$185,308	\$185k included the 4% offer and multiple new hires at accurate placement on Salary Schedule.
Employee Benefits	\$1,381,345	\$1,352,516	\$1,393,644	\$1,415,551	\$34,206	\$34k increase accounted for the accurate medical costs per employee usage.
Books and Supplies	\$103,200	\$137,340	\$208,371	\$211,593	\$108,393	Increase due to setting up music and art classrooms, plus the cost of inflation
Services and other Operating Expenditures	\$748,364	\$772,499	\$787,992	\$854,704	\$106,340	Increase due to NPS placement for a student \$50,000, and an increase in overall SpEd Costs and Transportation
Capital Outlay	\$10,500	\$10,500	\$17,952	\$8,080	(\$2,420)	True-up to what was needed.
Total Expenditures	\$4,770,869	\$4,908,534	\$5,065,069	\$5,253,600	\$482,731	Increase (Decrease) in Expenses

Totals for the following Balances:					Difference	
Excess/Deficit of the General Fund Only	\$93,684	(\$179,414)	(\$216,770)	(\$33,467)	(\$127,151)	Difference between the original budget and UAs
Excess/Deficit after Transfers	\$25,814	(\$227,284)	(\$264,640)	(\$55,621)	(\$81,435)	\$27,130 in from Fund 20, \$20k in from Fund 17, and \$69,284 out to Fund 13
ENDING BALANCE	\$3,718,777	\$3,445,679	\$3,426,017	\$3,591,626	(\$127,151)	Difference between the original budget and UAs
Economic Uncertainties	\$238,543	\$245,427	\$253,253	\$262,680	\$24,137	5% of Expenses
Restricted Ending Balance	\$215,000	\$376,185	\$386,901	\$280,685	\$65,685	Federal and State Funds remaining re COVID one-time funds
Revolving Fund	\$500	\$500	\$500	\$500	\$0	Held in RCU
Assigned Ending Balance	\$271,109	\$93,746	\$93,746	\$20,714	(\$250,395)	EPA and Lottery funds remaining
Budget Stabilization	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$0	Funds held to stabilize the General Fund
Unassigned Ending Balance	\$593,625	\$329,821	\$663,450	\$627,047	\$33,422	Unrestricted Funds

MULTI-YEAR BUDGETS: ACTUAL AND PROJECTED

	Actuals	Actuals	UAs	Current Year	Next Year	Following Year
	2019-20	2020-21	2021-22	Budget	Budget	Budget
				2022-23	2023-24	2024-25
Projected Budgeted ADA (Hold Harmless)						
COLA (Cost of Living Adj. on the Revenue Limit)	3.00%	2.31%	1.70%	6.56%	5.38%	4.02%
BEGINNING BALANCE	\$3,829,933	\$3,623,355	\$3,642,787	\$3,591,626	\$3,530,184	\$3,460,466
REVENUE						
LCFF Revenue	\$2,104,707	\$2,246,038	\$2,000,200	\$2,141,335	\$2,227,309	\$2,293,238
Basic Aid Supplemental	\$1,813,215	\$1,813,215	\$1,938,063	\$1,950,000	\$1,975,000	\$2,000,000
Special Ed In-Lieu Property Tax	\$34,485	\$32,535	\$24,253	\$23,000	\$23,500	\$23,500
Federal Revenues	\$110,463	\$337,249	\$391,505	\$88,500	\$89,500	\$89,500
State Revenues	\$272,376	\$403,147	\$626,086	\$766,914	\$503,356	\$508,032
Local Revenues	\$275,704	\$182,805	\$240,026	\$179,016	\$181,515	\$181,515
TOTAL REVENUE:	\$4,610,950	\$5,014,989	\$5,220,133	\$5,148,765	\$5,000,180	\$5,095,784
EXPENDITURES						
Certificated Salaries	\$1,735,646	\$1,635,794	\$1,752,385	\$1,690,411	\$1,734,482	\$1,764,539
Classified Salaries	\$683,848	\$807,308	\$1,011,287	\$928,329	\$865,237	\$875,999
Employee Benefits (5% increase 2020-21)	\$1,191,387	\$1,256,250	\$1,415,551	\$1,557,140	\$1,510,474	\$1,521,314
<i>STRS included in employee benefits</i>	\$491,212	\$410,418	\$504,397	\$526,310	\$518,394	\$524,134
<i>PERS included in employee benefits</i>	\$125,449	\$153,389	\$195,094	\$210,015	\$192,815	\$195,359
<i>Retiree Health Benefits</i>	\$45,405	\$35,170	\$27,130	\$15,000	\$15,000	\$0
Books, Supplies & Equipment	\$159,394	\$329,679	\$211,593	\$165,460	\$165,733	\$174,020
Services and other Operating Expenses (including transp	\$990,764	\$778,932	\$854,704	\$778,367	\$703,472	\$618,772
Capital Outlay and Land Improvements	\$9,612	\$102,359	\$8,080	\$10,500	\$10,500	\$10,500
TOTAL EXPENSE:	\$4,770,651	\$4,910,322	\$5,253,600	\$5,130,207	\$4,989,898	\$4,965,143
EXCESS (DEFICIT) BEFORE TRANSFERS:	(\$159,701)	\$104,667	(\$33,467)	\$18,558	\$10,282	\$130,641
Transfer In from Retiree Benefits Fund	\$45,405	\$35,170	\$27,130	\$15,000	\$15,000	\$0
Transfers In from Fund 17	\$34,718	\$20,000	\$20,000	\$0	\$0	\$0
Transfer In to Salmon Creek Charter (from Fund 01)	\$2,300,000	\$2,103,105	\$1,717,549	\$1,730,000	\$1,730,000	\$1,730,000
Transfer Out to Salmon Creek Charter	(\$2,300,000)	(\$2,148,510)	(\$1,700,000)	(\$1,700,000)	(\$1,700,000)	(\$1,700,000)
Transfer Out to SC Advisory Board (site council)	\$0	\$0	(\$17,549)	(\$30,000)	(\$30,000)	(\$30,000)
Transfer Out to Cafeteria	(\$127,000)	(\$95,000)	(\$69,284)	(\$95,000)	(\$95,000)	(\$95,000)
EXCESS (DEFICIT) AFTER TRANSFERS:	(\$206,578)	\$19,432	(\$55,621)	(\$61,442)	(\$69,718)	\$35,641
ENDING BALANCE:	\$3,623,355	\$3,642,787	\$3,591,626	\$3,530,184	\$3,460,466	\$3,496,107
Components of Above Ending Balance						
Economic Uncertainties Board Designated 5%	\$238,533	\$245,516	\$262,680	\$256,510	\$249,495	\$248,257
Budget Stabilization	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000
1) Revolving Fund	\$500	\$500	\$500	\$500	\$500	\$500
2) Restricted Ending Balance	\$240,715	\$250,809	\$280,685	\$327,399	\$230,148	\$230,148
3) Assigned Ending Balance (Lottery & EPA)	\$275,916	\$269,935	\$20,714	\$0	\$25,000	\$25,000
4) Unassigned Ending Balance	\$467,691	\$476,027	\$627,047	\$545,774	\$555,323	\$592,202

FUND: 14 Restricted Maintenance

		Previous Year	Current Year	Projection Year
Object Codes		2019-20	2020-21	2021-22
Revenue				
Transfer from General Fund	8091	\$75,000		\$25,000
Transfer from Fund 40	8919	\$80,000		
Interest	8660	\$1,145	\$530	\$390
Total Revenue		\$156,145	\$530	\$25,390
Expenditures				
Custodial Supplies	4370	\$90		\$7
Repairs and Maintenance	5630	\$0	\$3,300	
Services and Operating Exp.	5800			
Professional Services - Property Management Fee	5830	\$2,613	\$523	\$383
Professional Services - Tree work	5830	\$115,658	\$6,500	\$400
Land Improvement - Deferred Maint	6200			\$14,591
Other Outgo	7100-7499			
Total Expenditures		\$118,360	\$10,323	\$15,380
Net Increase (Decrease)		\$37,785	(\$9,793)	\$10,010
Fund Balance				
Beginning Balance		\$33,539	\$71,324	\$61,532
Audit Adjustment(s)				
Net Ending Balance		\$71,324	\$61,532	\$71,541

FUND: 17 Special Reserve Fund for Instructional Programs

		Previous Year	Current Year	Projection Year
		2019-20	2020-21	2021-22
Object Codes				
Revenue				
Interest	8660	\$10,527	\$4,014	\$2,829
Total Revenue		\$10,527	\$4,014	\$2,829
Expenditures				
Salaries & Benefits	1000-3999	\$0	\$0	\$0
Supplies, Svcs., Exp., & Capital Outlay	4000-6999	\$0	\$0	\$0
Chromebooks in 19/20; Music Instruments in 21/22	4400	\$17,668		\$20,000
Professional Development	5202	\$17,050	\$20,000	
Other Outgo	7100-7499			
Special Ed Settlement				
Total Expenditures		\$34,718	\$20,000	\$20,000
Net Increase (Decrease)		(\$24,191)	(\$15,986)	(\$17,171)
Fund Balance				
Beginning Balance		\$546,395	\$522,204	\$506,217
Audit Adjustment(s)				
Net Ending Balance		\$522,204	\$506,217	\$489,046

Notes/Assumptions: Expenses reported in FD 17 are transfers made into FD 01 to balance the budget for that year. The transfers in will offset expenditures for instructional programs such as curriculum and field trips.

FUND: 40 Capital Outlay		Previous Year	Current Year	Projection Year
		2019-20	2020-21	2021-22
Object Codes				
Revenue				
Insurance payout re stolen tractor	8699	\$17,739		
Interest	8660	\$8,417	\$2,862	\$2,011
Total Revenue		\$26,156	\$2,862	\$2,011
Expenditures				
Remodel Tractor Shed	6200		\$10,079	
Replacement Tractor	6500		\$23,341	
Transfer to Fund 14 re Trees	7100-7499	\$80,000		
Total Expenditures		\$80,000	\$33,420	\$0
Net Increase (Decrease)		(\$53,844)	(\$30,558)	\$2,011
Fund Balance				
Beginning Balance		\$433,445	\$379,601	\$349,043
Audit Adjustment(s)				
Net Ending Balance		\$379,601	\$349,043	\$351,054

Unaudited Actuals
FINANCIAL REPORTS
2021-22 Unaudited Actuals
Summary of Unaudited Actual Data Submission

Following is a summary of the critical data elements contained in your unaudited actual data. Since these data may have fiscal implications for your agency, please verify their accuracy before filing your unaudited actual financial reports.

Form	Description	Value
CEA	Percent of Current Cost of Education Expended for Classroom Compensation Must equal or exceed 60% for elementary, 55% for unified, and 50% for high school districts or future apportionments may be affected. (EC 41372)	67.09%
	CEA Deficiency Amount Applicable to districts not exempt from the requirement and not meeting the minimum classroom compensation percentage - see Form CEA for further details.	\$0.00
ESMOE	Every Student Succeeds Act (ESSA) Maintenance of Effort (MOE) Determination If MOE Not Met, the 2023-24 apportionment may be reduced by the lesser of the following two percentages: MOE Deficiency Percentage - Based on Total Expenditures MOE Deficiency Percentage - Based on Expenditures Per ADA	MOE Met
GANN	Adjustments to Appropriations Limit Per Government Code Section 7902.1 If this amount is not zero, it represents an increase to your Appropriations Limit. The Department of Finance must be notified of increases within 45 days of budget adoption.	\$0.00
	Adjusted Appropriations Limit	\$3,924,820.51
	Appropriations Subject to Limit These amounts represent the board approved Appropriations Limit and Appropriations Subject to Limit pursuant to Government Code Section 7906 and EC 42132.	\$3,924,820.51
ICR	Preliminary Proposed Indirect Cost Rate Fixed-with-carry-forward indirect cost rate for use in 2023-24, subject to CDE approval.	6.62%

1/15/2021

UNAUDITED ACTUAL FINANCIAL REPORT:

To the County Superintendent of Schools:

2021-22 UNAUDITED ACTUAL FINANCIAL REPORT. This report was prepared in accordance with Education Code Section 41010 and is hereby approved and filed by the governing board of the school district pursuant to Education Code Section 42100.

Signed: _____
Clerk/Secretary of the Governing Board
(Original signature required)

Date of Meeting: Sep 14, 2022

To the Superintendent of Public Instruction:

2021-22 UNAUDITED ACTUAL FINANCIAL REPORT. This report has been verified for accuracy by the County Superintendent of Schools pursuant to Education Code Section 42100.

Signed: _____
County Superintendent/Designee
(Original signature required)

Date: _____

For additional information on the unaudited actual reports, please contact:

For County Office of Education:

For School District:

Michelle Panizzera

Stacy Kalember

Name

Name

District Fiscal Management Advisor

Chief Business Official

Title

Title

707-524-2849

707-874-1205 ext 12

Telephone

Telephone

mpanizzera@scoe.org

skalember@harmonyusd.org

E-mail Address

E-mail Address

Description	2021-22 Unaudited Actuals			2022-23 Budget		
	P-2 ADA	Annual ADA	Funded ADA	Estimated P-2 ADA	Estimated Annual ADA	Estimated Funded ADA
A. DISTRICT						
1. Total District Regular ADA Includes Opportunity Classes, Home & Hospital, Special Day Class, Continuation Education, Special Education NPS/LCI and Extended Year, and Community Day School (includes Necessary Small School ADA)	39.94	39.94	57.57	39.69	39.69	40.22
2. Total Basic Aid Choice/Court Ordered Voluntary Pupil Transfer Regular ADA Includes Opportunity Classes, Home & Hospital, Special Day Class, Continuation Education, Special Education NPS/LCI and Extended Year, and Community Day School (ADA not included in Line A1 above)						
3. Total Basic Aid Open Enrollment Regular ADA Includes Opportunity Classes, Home & Hospital, Special Day Class, Continuation Education, Special Education NPS/LCI and Extended Year, and Community Day School (ADA not included in Line A1 above)						
4. Total, District Regular ADA (Sum of Lines A1 through A3)	39.94	39.94	57.57	39.69	39.69	40.22
5. District Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class	1.13	1.13	1.13	0.90	0.90	0.90
c. Special Education-NPS/LCI						
d. Special Education Extended Year	0.10	0.10	0.10			
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. County School Tuition Fund (Out of State Tuition) [EC 2000 and 46380]						
g. Total, District Funded County Program ADA (Sum of Lines A5a through A5f)	1.23	1.23	1.23	0.90	0.90	0.90
6. TOTAL DISTRICT ADA (Sum of Line A4 and Line A5g)	41.17	41.17	58.80	40.59	40.59	41.12
7. Adults in Correctional Facilities						
8. Charter School ADA (Enter Charter School ADA using Tab C. Charter School ADA)						

Description	2021-22 Unaudited Actuals			2022-23 Budget		
	P-2 ADA	Annual ADA	Funded ADA	Estimated P-2 ADA	Estimated Annual ADA	Estimated Funded ADA
C. CHARTER SCHOOL ADA						
Authorizing LEAs reporting charter school SACS financial data in their Fund 01, 09, or 62 use this worksheet to report ADA for those charter schools. Charter schools reporting SACS financial data separately from their authorizing LEAs in Fund 01 or Fund 62 use this worksheet to report their ADA.						
FUND 01: Charter School ADA corresponding to SACS financial data reported in Fund 01.						
1. Total Charter School Regular ADA	125.52	125.52	125.52	137.97	137.97	137.97
2. Charter School County Program Alternative Education ADA						
a. County Group Home and Institution Pupils						
b. Juvenile Halls, Homes, and Camps						
c. Probation Referred, On Probation or Parole, Expelled per EC 48915(a) or (c) [EC 2574(c)(4)(A)]						
d. Total, Charter School County Program Alternative Education ADA (Sum of Lines C2a through C2c)	0.00	0.00	0.00	0.00	0.00	0.00
3. Charter School Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class						
c. Special Education-NPS/LCI						
d. Special Education Extended Year						
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. Total, Charter School Funded County Program ADA (Sum of Lines C3a through C3e)	0.00	0.00	0.00	0.00	0.00	0.00
4. TOTAL CHARTER SCHOOL ADA (Sum of Lines C1, C2d, and C3f)	125.52	125.52	125.52	137.97	137.97	137.97
FUND 09 or 62: Charter School ADA corresponding to SACS financial data reported in Fund 09 or Fund 62.						
5. Total Charter School Regular ADA						
6. Charter School County Program Alternative Education ADA						
a. County Group Home and Institution Pupils						
b. Juvenile Halls, Homes, and Camps						
c. Probation Referred, On Probation or Parole, Expelled per EC 48915(a) or (c) [EC 2574(c)(4)(A)]						
d. Total, Charter School County Program Alternative Education ADA (Sum of Lines C6a through C6c)	0.00	0.00	0.00	0.00	0.00	0.00
7. Charter School Funded County Program ADA						
a. County Community Schools						
b. Special Education-Special Day Class						
c. Special Education-NPS/LCI						
d. Special Education Extended Year						
e. Other County Operated Programs: Opportunity Schools and Full Day Opportunity Classes, Specialized Secondary Schools						
f. Total, Charter School Funded County Program ADA (Sum of Lines C7a through C7e)	0.00	0.00	0.00	0.00	0.00	0.00
8. TOTAL CHARTER SCHOOL ADA (Sum of Lines C5, C6d, and C7f)	0.00	0.00	0.00	0.00	0.00	0.00
9. TOTAL CHARTER SCHOOL ADA Reported in Fund 01, 09, or 62 (Sum of Lines C4 and C8)	125.52	125.52	125.52	137.97	137.97	137.97

Unaudited Actuals
2021-22
General Fund and Charter Schools Funds
Program Cost Report
Schedule of Allocation Factors (AF) for Support Costs

	----- Teacher Full-Time Equivalents -----				----- Classroom Units -----		Pupils Transported
	Instructional Supervision and Administration (Functions 2100-2200)	Library, Media, Technology and Other Instructional Resources (Functions 2420-2495)	School Administration (Function 2700)	Pupil Support Services (Functions 3100-3199 & 3900)	Plant Maintenance and Operations (Functions 8100-8400)	Facilities Rents and Leases (Function 8700)	Pupil Transportation (Function 3600)
A. Amount of Undistributed Expenditures, Funds 01, 09, and 62, Goals 0000 and 9000 (will be allocated based on factors input)	0.00	0.00	8,192.85	0.00	373,165.69	0.00	0.00
B. Enter Allocation Factor(s) by Goal: (Note: Allocation factors are only needed for a column if there are undistributed expenditures in line A.)	FTE Factor(s)	FTE Factor(s)	FTE Factor(s)	FTE Factor(s)	CU Factor(s)	CU Factor(s)	PT Factor(s)
Instructional Goals Description							
0001 Pre-Kindergarten							
1110 Regular Education, K-12	15.80		1.00		15.00		50.00
3100 Alternative Schools							
3200 Continuation Schools							
3300 Independent Study Centers							
3400 Opportunity Schools							
3550 Community Day Schools							
3700 Specialized Secondary Programs							
3800 Career Technical Education							
4110 Regular Education, Adult							
4610 Adult Independent Study Centers							
4620 Adult Correctional Education							
4630 Adult Career Technical Education							
4760 Bilingual							
4850 Migrant Education							
5000-5999 Special Education (allocated to 5001)	1.00				1.00		6.00
6000 ROC/P							
Other Goals Description							
7110 Nonagency - Educational							
7150 Nonagency - Other							
8100 Community Services							
8500 Child Care and Development Services							
Other Funds Description							
-- Adult Education (Fund 11)							
-- Child Development (Fund 12)							
-- Cafeteria (Funds 13 & 61)							
C. Total Allocation Factors	16.80	0.00	1.00	0.00	16.00	0.00	56.00

Unaudited Actuals
2021-22
General Fund and Charter Schools Funds
Program Cost Report

Goal	Program/Activity	----- Direct Costs -----			Central Admin Costs (col. 3 x Sch. CAC line E) Column 4	Other Costs (Schedule OC) Column 5	Total Costs by Program (col. 3 + 4 + 5) Column 6
		Direct Charged (Schedule DCC) Column 1	Allocated (Schedule AC) Column 2	Subtotal (col. 1 + 2) Column 3			
Instructional Goals							
0001	Pre-Kindergarten	0.00	0.00	0.00	0.00		0.00
1110	Regular Education, K-12	3,823,909.07	358,035.68	4,181,944.75	350,412.68		4,532,357.43
3100	Alternative Schools	0.00	0.00	0.00	0.00		0.00
3200	Continuation Schools	0.00	0.00	0.00	0.00		0.00
3300	Independent Study Centers	0.00	0.00	0.00	0.00		0.00
3400	Opportunity Schools	0.00	0.00	0.00	0.00		0.00
3550	Community Day Schools	0.00	0.00	0.00	0.00		0.00
3700	Specialized Secondary Programs	0.00	0.00	0.00	0.00		0.00
3800	Career Technical Education	0.00	0.00	0.00	0.00		0.00
4110	Regular Education, Adult	0.00	0.00	0.00	0.00		0.00
4610	Adult Independent Study Centers	0.00	0.00	0.00	0.00		0.00
4620	Adult Correctional Education	0.00	0.00	0.00	0.00		0.00
4630	Adult Career Technical Education	0.00	0.00	0.00	0.00		0.00
4760	Bilingual	0.00	0.00	0.00	0.00		0.00
4850	Migrant Education	0.00	0.00	0.00	0.00		0.00
5000-5999	Special Education	616,972.69	23,322.86	640,295.55	53,651.52		693,947.07
6000	Regional Occupational Ctr/Prg (ROC/P)	0.00	0.00	0.00	0.00		0.00
Other Goals							
7110	Nonagency - Educational	0.00	0.00	0.00	0.00		0.00
7150	Nonagency - Other	0.00	0.00	0.00	0.00		0.00
8100	Community Services	0.00	0.00	0.00	0.00		0.00
8500	Child Care and Development Services	0.00	0.00	0.00	0.00		0.00
Other Costs							
----	Food Services					1,053.16	1,053.16
----	Enterprise					0.00	0.00
----	Facilities Acquisition & Construction					8,079.60	8,079.60
----	Other Outgo					1,896,061.52	1,896,061.52
Other Funds	Adult Education, Child Development, Cafeteria, Foundation ([Column 3 + CAC, line C5] times CAC, line E)		0.00	0.00	18,162.87		18,162.87
----	Indirect Cost Transfers to Other Funds (Net of Funds 01, 09, 62, Function 7210, Object 7350)				0.00		0.00
----	Total General Fund and Charter Schools Funds Expenditures	4,440,881.76	381,358.54	4,822,240.30	422,227.07	1,905,194.28	7,149,661.65

Unaudited Actuals
2021-22
General Fund and Charter Schools Funds
Program Cost Report
Schedule of Allocated Support Costs (AC)

Goal	Type of Program	Allocated Support Costs (Based on factors input on Form PCRAF)			Total
		Full-Time Equivalents	Classroom Units	Pupils Transported	
Instructional Goals					
0001	Pre-Kindergarten	0.00	0.00	0.00	0.00
1110	Regular Education, K-12	8,192.85	349,842.83	0.00	358,035.68
3100	Alternative Schools	0.00	0.00	0.00	0.00
3200	Continuation Schools	0.00	0.00	0.00	0.00
3300	Independent Study Centers	0.00	0.00	0.00	0.00
3400	Opportunity Schools	0.00	0.00	0.00	0.00
3550	Community Day Schools	0.00	0.00	0.00	0.00
3700	Specialized Secondary Programs	0.00	0.00	0.00	0.00
3800	Career Technical Education	0.00	0.00	0.00	0.00
4110	Regular Education, Adult	0.00	0.00	0.00	0.00
4610	Adult Independent Study Centers	0.00	0.00	0.00	0.00
4620	Adult Correctional Education	0.00	0.00	0.00	0.00
4630	Adult Career Technical Education	0.00	0.00	0.00	0.00
4760	Bilingual	0.00	0.00	0.00	0.00
4850	Migrant Education	0.00	0.00	0.00	0.00
5000-5999	Special Education (allocated to 5001)	0.00	23,322.86	0.00	23,322.86
6000	ROC/P	0.00	0.00	0.00	0.00
Other Goals					
7110	Nonagency - Educational	0.00	0.00	0.00	0.00
7150	Nonagency - Other	0.00	0.00	0.00	0.00
8100	Community Services	0.00	0.00	0.00	0.00
8500	Child Care and Development Svcs.	0.00	0.00	0.00	0.00
Other Funds					
--	Adult Education (Fund 11)		0.00		0.00
--	Child Development (Fund 12)	0.00	0.00	0.00	0.00
--	Cafeteria (Funds 13 and 61)		0.00		0.00
Total Allocated Support Costs		8,192.85	373,165.69	0.00	381,358.54

Unaudited Actuals
2021-22
Program Cost Report
Schedule of Central Administration Costs (CAC)

A. Central Administration Costs in General Fund and Charter Schools Funds		
1	Board and Superintendent (Funds 01, 09, and 62, Functions 7100-7180, Goals 0000-6999 and 9000, Objects 1000-7999)	143,621.34
2	External Financial Audits (Funds 01, 09, and 62, Functions 7190-7191, Goals 0000-6999 and 9000, Objects 1000-7999)	10,780.00
3	Other General Administration (Funds 01, 09, and 62, Functions 7200-7600 except 7210, Goal 0000, Objects 1000-7999)	264,500.72
4	Centralized Data Processing (Funds 01, 09, and 62, Function 7700, Goal 0000, Objects 1000-7999)	3,325.00
5	Total Central Administration Costs in General Fund and Charter Schools Funds	422,227.06
B. Direct Charged and Allocated Costs in General Fund and Charter Schools Funds		
1	Total Direct Charged Costs (from Form PCR, Column 1, Total)	4,440,881.76
2	Total Allocated Costs (from Form PCR, Column 2, Total)	381,358.54
3	Total Direct Charged and Allocated Costs in General Fund and Charter Schools Funds	4,822,240.30
C. Direct Charged Costs in Other Funds		
1	Adult Education (Fund 11, Objects 1000-5999, except 5100)	0.00
2	Child Development (Fund 12, Objects 1000-5999, except 5100)	0.00
3	Cafeteria (Funds 13 & 61, Objects 1000-5999, except 5100)	216,761.89
4	Foundation (Funds 19 & 57, Objects 1000-5999, except 5100)	0.00
5	Total Direct Charged Costs in Other Funds	216,761.89
D. Total Direct Charged and Allocated Costs (B3 + C5)		5,039,002.19
E. Ratio of Central Administration Costs to Direct Charged and Allocated Costs (A5/D)		8.38%

Unaudited Actuals
2021-22
General Fund and Charter Schools Funds
Program Cost Report
Schedule of Direct Charged Costs (DCC)

Goal	Type of Program	Instruction (Functions 1000-1999)	Instructional Supervision and Administration (Functions 2100-2200)	Library, Media, Technology and Other Instructional Resources (Functions 2420-2495)	School Administration (Function 2700)	Pupil Support Services (Functions 3110-3160 and 3900)	Pupil Transportation (Function 3600)	Ancillary Services (Functions 4000-4999)	Community Services (Functions 5000-5999)	General Administration (Functions 7000-7999, except 7210)*	Plant Maintenance and Operations (Functions 8100-8400)	Facilities Rents and Leases (Function 8700)	Total
Instructional Goals													
0001	Pre-Kindergarten	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
1110	Regular Education, K-12	3,314,512.43	2,238.63	0.00	326,269.92	0.00	179,751.21	0.00			1,136.88	0.00	3,823,909.07
3100	Alternative Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
3200	Continuation Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
3300	Independent Study Centers	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
3400	Opportunity Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
3550	Community Day Schools	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
3700	Specialized Secondary Programs	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
3800	Career Technical Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
4110	Regular Education, Adult	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
4610	Adult Independent Study Centers	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
4620	Adult Correctional Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
4630	Adult Career Technical Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
4760	Bilingual	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
4850	Migrant Education	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
5000-5999	Special Education	546,264.38	0.00	0.00	0.00	53,777.00	16,931.31	0.00			0.00	0.00	616,972.69
6000	ROC/P	0.00	0.00	0.00	0.00	0.00	0.00	0.00			0.00	0.00	0.00
Other Goals													
7110	Nonagency - Educational	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7150	Nonagency - Other	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8100	Community Services		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8500	Child Care and Development Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Direct Charged Costs		3,860,776.81	2,238.63	0.00	326,269.92	53,777.00	196,682.52	0.00	0.00	0.00	1,136.88	0.00	4,440,881.76

* Functions 7100-7199 for goals 8100 and 8500

Unaudited Actuals
2021-22
General Fund and Charter Schools Funds
Program Cost Report
Schedule of Other Costs (OC)

Type of Activity	Food Services (Function 3700)	Enterprise (Function 6000)	Facilities Acquisition & Construction (Function 8500)	Other Outgo (Functions 9000-9999)	Total
Food Services (Objects 1000-5999, 6400-6910)	1,053.16				1,053.16
Enterprise (Objects 1000-5999, 6400-6910)		0.00			0.00
Facilities Acquisition & Construction (Objects 1000-6600)			8,079.60		8,079.60
Other Outgo (Objects 1000-7999)				1,896,061.52	1,896,061.52
Total Other Costs	1,053.16	0.00	8,079.60	1,896,061.52	1,905,194.28

Part I - General Administrative Share of Plant Services Costs

California's indirect cost plan allows that the general administrative costs in the indirect cost pool may include that portion of plant services costs (maintenance and operations costs and facilities rents and leases costs) attributable to the general administrative offices. The calculation of the plant services costs attributed to general administration and included in the pool is standardized and automated using the percentage of salaries and benefits relating to general administration as proxy for the percentage of square footage occupied by general administration.

A. Salaries and Benefits - Other General Administration and Centralized Data Processing

- 1. Salaries and benefits paid through payroll (Funds 01, 09, and 62, objects 1000-3999 except 3701-3702)
(Functions 7200-7700, goals 0000 and 9000) 176,108.51
- 2. Contracted general administrative positions not paid through payroll
 - a. Enter the costs, if any, of general administrative positions performing services ON SITE but paid through a contract, rather than through payroll, in functions 7200-7700, goals 0000 and 9000, Object 5800. _____
 - b. If an amount is entered on Line A2a, provide the title, duties, and approximate FTE of each general administrative position paid through a contract. Retain supporting documentation in case of audit.

B. Salaries and Benefits - All Other Activities

- 1. Salaries and benefits paid through payroll (Funds 01, 09, and 62, objects 1000-3999 except 3701-3702)
(Functions 1000-6999, 7100-7180, & 8100-8400; Functions 7200-7700, all goals except 0000 & 9000) 3,991,175.03

C. Percentage of Plant Services Costs Attributable to General Administration

- (Line A1 plus Line A2a, divided by Line B1; zero if negative) (See Part III, Lines A5 and A6) 4.41%

Part II - Adjustments for Employment Separation Costs

When an employee separates from service, the local educational agency (LEA) may incur costs associated with the separation in addition to the employee's regular salary and benefits for the final pay period. These additional costs can be categorized as "normal" or "abnormal or mass" separation costs.

Normal separation costs include items such as pay for accumulated unused leave or routine severance pay authorized by governing board policy. Normal separation costs are not allowable as direct costs to federal programs, but are allowable as indirect costs. State programs may have similar restrictions. Where federal or state program guidelines required that the LEA charge an employee's normal separation costs to an unrestricted resource rather than to the restricted program in which the employee worked, the LEA may identify and enter these costs on Line A for inclusion in the indirect cost pool.

Abnormal or mass separation costs are those costs resulting from actions taken by an LEA to influence employees to terminate their employment earlier than they normally would have. Abnormal or mass separation costs include retirement incentives such as a Golden Handshake or severance packages negotiated to effect termination. Abnormal or mass separation costs may not be charged to federal programs as either direct costs or indirect costs. Where an LEA paid abnormal or mass separation costs on behalf of positions in general administrative functions included in the indirect cost pool, the LEA must identify and enter these costs on Line B for exclusion from the pool.

A. Normal Separation Costs (optional)

- Enter any normal separation costs paid on behalf of employees of restricted state or federal programs that were charged to an unrestricted resource (0000-1999) in funds 01, 09, and 62 with functions 1000-6999 or 8100-8400 rather than to the restricted program. These costs will be moved in Part III from base costs to the indirect cost pool. 0.00
Retain supporting documentation.

B. Abnormal or Mass Separation Costs (required)

- Enter any abnormal or mass separation costs paid on behalf of general administrative positions charged to unrestricted resources (0000-1999) in funds 01, 09, and 62 with functions 7200-7700. These costs will be moved in Part III from the indirect cost pool to base costs. If none, enter zero. 0.00

Part III - Indirect Cost Rate Calculation (Funds 01, 09, and 62, unless indicated otherwise)

A. Indirect Costs

1. Other General Administration, less portion charged to restricted resources or specific goals (Functions 7200-7600, objects 1000-5999, minus Line B9)	264,500.72
2. Centralized Data Processing, less portion charged to restricted resources or specific goals (Function 7700, objects 1000-5999, minus Line B10)	3,325.00
3. External Financial Audit - Single Audit (Function 7190, resources 0000-1999, goals 0000 and 9000, objects 5000-5999)	0.00
4. Staff Relations and Negotiations (Function 7120, resources 0000-1999, goals 0000 and 9000, objects 1000-5999)	0.00
5. Plant Maintenance and Operations (portion relating to general administrative offices only) (Functions 8100-8400, objects 1000-5999 except 5100, times Part I, Line C)	16,506.74
6. Facilities Rents and Leases (portion relating to general administrative offices only) (Function 8700, resources 0000-1999, objects 1000-5999 except 5100, times Part I, Line C)	0.00
7. Adjustment for Employment Separation Costs	
a. Plus: Normal Separation Costs (Part II, Line A)	0.00
b. Less: Abnormal or Mass Separation Costs (Part II, Line B)	0.00
8. Total Indirect Costs (Lines A1 through A7a, minus Line A7b)	284,332.46
9. Carry-Forward Adjustment (Part IV, Line F)	31,915.33
10. Total Adjusted Indirect Costs (Line A8 plus Line A9)	316,247.79

B. Base Costs

1. Instruction (Functions 1000-1999, objects 1000-5999 except 5100)	3,721,873.65
2. Instruction-Related Services (Functions 2000-2999, objects 1000-5999 except 5100)	336,701.40
3. Pupil Services (Functions 3000-3999, objects 1000-5999 except 4700 and 5100)	45,717.00
4. Ancillary Services (Functions 4000-4999, objects 1000-5999 except 5100)	0.00
5. Community Services (Functions 5000-5999, objects 1000-5999 except 5100)	0.00
6. Enterprise (Function 6000, objects 1000-5999 except 4700 and 5100)	0.00
7. Board and Superintendent (Functions 7100-7180, objects 1000-5999, minus Part III, Line A4)	143,621.34
8. External Financial Audit - Single Audit and Other (Functions 7190-7191, objects 5000-5999, minus Part III, Line A3)	10,780.00
9. Other General Administration (portion charged to restricted resources or specific goals only) (Functions 7200-7600, resources 2000-9999, objects 1000-5999; Functions 7200-7600, resources 0000-1999, all goals except 0000 and 9000, objects 1000-5999)	0.00
10. Centralized Data Processing (portion charged to restricted resources or specific goals only) (Function 7700, resources 2000-9999, objects 1000-5999; Function 7700, resources 0000-1999, all goals except 0000 and 9000, objects 1000-5999)	0.00
11. Plant Maintenance and Operations (all except portion relating to general administrative offices) (Functions 8100-8400, objects 1000-5999 except 5100, minus Part III, Line A5)	357,795.83
12. Facilities Rents and Leases (all except portion relating to general administrative offices) (Function 8700, objects 1000-5999 except 5100, minus Part III, Line A6)	0.00
13. Adjustment for Employment Separation Costs	
a. Less: Normal Separation Costs (Part II, Line A)	0.00
b. Plus: Abnormal or Mass Separation Costs (Part II, Line B)	0.00
14. Student Activity (Fund 08, functions 4000-5999, objects 1000-5999 except 5100)	5,001.77
15. Adult Education (Fund 11, functions 1000-6999, 8100-8400, and 8700, objects 1000-5999 except 5100)	0.00
16. Child Development (Fund 12, functions 1000-6999, 8100-8400 & 8700, objects 1000-5999 except 4700 & 5100)	0.00
17. Cafeteria (Funds 13 & 61, functions 1000-6999, 8100-8400 & 8700, objects 1000-5999 except 4700 & 5100)	153,844.62
18. Foundation (Funds 19 & 57, functions 1000-6999, 8100-8400 & 8700, objects 1000-5999 except 4700 & 5100)	0.00
19. Total Base Costs (Lines B1 through B12 and Lines B13b through B18, minus Line B13a)	4,775,335.61

C. Straight Indirect Cost Percentage Before Carry-Forward Adjustment

(For information only - not for use when claiming/recovering indirect costs) (Line A8 divided by Line B19)	5.95%
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D. Preliminary Proposed Indirect Cost Rate

(For final approved fixed-with-carry-forward rate for use in 2023-24 see www.cde.ca.gov/fg/ac/ic) (Line A10 divided by Line B19)	6.62%
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Part IV - Carry-forward Adjustment

The carry-forward adjustment is an after-the-fact adjustment for the difference between indirect costs recoverable using the indirect cost rate approved for use in a given year, and the actual indirect costs incurred in that year. The carry-forward adjustment eliminates the need for LEAs to file amended federal reports when their actual indirect costs vary from the estimated indirect costs on which the approved rate was based.

Where the ratio of indirect costs incurred in the current year is less than the estimated ratio of indirect costs on which the approved rate for use in the current year was based, the carry-forward adjustment is limited by using either the approved rate times current year base costs, or the highest rate actually used to recover costs from any program times current year base costs, if the highest rate used was less than the approved rate. Rates used to recover costs from programs are displayed in Exhibit A.

A. Indirect costs incurred in the current year (Part III, Line A8)	<u>284,332.46</u>
B. Carry-forward adjustment from prior year(s)	
1. Carry-forward adjustment from the second prior year	<u>35,535.61</u>
2. Carry-forward adjustment amount deferred from prior year(s), if any	<u>0.00</u>
C. Carry-forward adjustment for under- or over-recovery in the current year	
1. Under-recovery: Part III, Line A8, plus carry-forward adjustment from prior years, minus (approved indirect cost rate (6.03%) times Part III, Line B19); zero if negative	<u>31,915.33</u>
2. Over-recovery: Part III, Line A8, plus carry-forward adjustment from prior years, minus the lesser of (approved indirect cost rate (6.03%) times Part III, Line B19) or (the highest rate used to recover costs from any program (4.14%) times Part III, Line B19); zero if positive	<u>0.00</u>
D. Preliminary carry-forward adjustment (Line C1 or C2)	<u>31,915.33</u>
E. Optional allocation of negative carry-forward adjustment over more than one year	
Where a negative carry-forward adjustment causes the proposed approved rate to fall below zero or would reduce the rate at which the LEA could recover indirect costs to such an extent that it would cause the LEA significant fiscal harm, the LEA may request that the carry-forward adjustment be allocated over more than one year. Where allocation of a negative carry-forward adjustment over more than one year does not resolve a negative rate, the CDE will work with the LEA on a case-by-case basis to establish an approved rate.	
Option 1. Preliminary proposed approved rate (Part III, Line D) if entire negative carry-forward adjustment is applied to the current year calculation:	<u>not applicable</u>
Option 2. Preliminary proposed approved rate (Part III, Line D) if one-half of negative carry-forward adjustment is applied to the current year calculation and the remainder is deferred to one or more future years:	<u>not applicable</u>
Option 3. Preliminary proposed approved rate (Part III, Line D) if one-third of negative carry-forward adjustment is applied to the current year calculation and the remainder is deferred to one or more future years:	<u>not applicable</u>
LEA request for Option 1, Option 2, or Option 3	<u>1</u>
F. Carry-forward adjustment used in Part III, Line A9 (Line D minus amount deferred if Option 2 or Option 3 is selected)	<u>31,915.33</u>

Approved indirect cost rate: 6.03%
 Highest rate used in any program: 4.14%

Fund	Resource	Eligible Expenditures (Objects 1000-5999 except 4700 & 5100)	Indirect Costs Charged (Objects 7310 and 7350)	Rate Used
01	4035	3,621.00	150.00	4.14%

	Unaudited Balance July 1	Audit Adjustments/ Restatements	Audited Balance July 1	Increases	Decreases	Ending Balance June 30
Governmental Activities:						
Capital assets not being depreciated:						
Land	753,579.00		753,579.00			753,579.00
Work in Progress	2,883,796.00	(609,960.00)	2,273,836.00			2,273,836.00
Total capital assets not being depreciated	3,637,375.00	(609,960.00)	3,027,415.00	0.00	0.00	3,027,415.00
Capital assets being depreciated:						
Land Improvements	1,094,451.00	(1,935.00)	1,092,516.00			1,092,516.00
Buildings	9,593,353.00	2,124,442.00	11,717,795.00			11,717,795.00
Equipment	16,757.00	19,331.00	36,088.00			36,088.00
Total capital assets being depreciated	10,704,561.00	2,141,838.00	12,846,399.00	0.00	0.00	12,846,399.00
Accumulated Depreciation for:						
Land Improvements	(454,001.00)	0.00	(454,001.00)			(454,001.00)
Buildings	(3,450,764.00)		(3,450,764.00)			(3,450,764.00)
Equipment	(13,408.00)		(13,408.00)			(13,408.00)
Total accumulated depreciation	(3,918,173.00)	0.00	(3,918,173.00)	0.00	0.00	(3,918,173.00)
Total capital assets being depreciated, net excluding lease assets	6,786,388.00	2,141,838.00	8,928,226.00	0.00	0.00	8,928,226.00
Lease Assets			0.00			0.00
Accumulated amortization for lease assets			0.00			0.00
Total lease assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Governmental activity capital assets, net	10,423,763.00	1,531,878.00	11,955,641.00	0.00	0.00	11,955,641.00
Business-Type Activities:						
Capital assets not being depreciated:						
Land			0.00			0.00
Work in Progress			0.00			0.00
Total capital assets not being depreciated	0.00	0.00	0.00	0.00	0.00	0.00
Capital assets being depreciated:						
Land Improvements			0.00			0.00
Buildings			0.00			0.00
Equipment			0.00			0.00
Total capital assets being depreciated	0.00	0.00	0.00	0.00	0.00	0.00
Accumulated Depreciation for:						
Land Improvements			0.00			0.00
Buildings			0.00			0.00
Equipment			0.00			0.00
Total accumulated depreciation	0.00	0.00	0.00	0.00	0.00	0.00
Total capital assets being depreciated, net excluding lease assets	0.00	0.00	0.00	0.00	0.00	0.00
Lease Assets			0.00			0.00
Accumulated amortization for lease assets			0.00			0.00
Total lease assets, net	0.00	0.00	0.00	0.00	0.00	0.00
Business-type activity capital assets, net	0.00	0.00	0.00	0.00	0.00	0.00

Unaudited Actuals
2021-22 Unaudited Actuals
Schedule of Long-Term Liabilities

	Unaudited Balance July 1	Audit Adjustments/ Restatements	Audited Balance July 1	Increases	Decreases	Ending Balance June 30	Amounts Due Within One Year
Governmental Activities:							
General Obligation Bonds Payable	6,834,553.00	3,191,092.00	10,025,645.00			10,025,645.00	
State School Building Loans Payable			0.00			0.00	
Certificates of Participation Payable			0.00			0.00	
Leases Payable			0.00			0.00	
Lease Revenue Bonds Payable			0.00			0.00	
Other General Long-Term Debt			0.00			0.00	
Net Pension Liability			0.00			0.00	
Total/Net OPEB Liability	292,974.00	68,607.00	361,581.00			361,581.00	
Compensated Absences Payable			0.00			0.00	
Governmental activities long-term liabilities	7,127,527.00	3,259,699.00	10,387,226.00	0.00	0.00	10,387,226.00	0.00
Business-Type Activities:							
General Obligation Bonds Payable			0.00			0.00	
State School Building Loans Payable			0.00			0.00	
Certificates of Participation Payable			0.00			0.00	
Leases Payable			0.00			0.00	
Lease Revenue Bonds Payable			0.00			0.00	
Other General Long-Term Debt			0.00			0.00	
Net Pension Liability			0.00			0.00	
Total/Net OPEB Liability			0.00			0.00	
Compensated Absences Payable			0.00			0.00	
Business-type activities long-term liabilities	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Section I - Expenditures	Funds 01, 09, and 62			2021-22 Expenditures
	Goals	Functions	Objects	
A. Total state, federal, and local expenditures (all resources)	All	All	1000-7999	7,149,661.64
B. Less all federal expenditures not allowed for MOE (Resources 3000-5999, except 3385)	All	All	1000-7999	500,733.75
C. Less state and local expenditures not allowed for MOE: (All resources, except federal as identified in Line B)				
1. Community Services	All	5000-5999	1000-7999	0.00
2. Capital Outlay	All except 7100-7199	All except 5000-5999	6000-6999 except 6600, 6910	8,079.60
3. Debt Service	All	9100	5400-5450, 5800, 7430-7439	0.00
4. Other Transfers Out	All	9200	7200-7299	0.00
5. Interfund Transfers Out	All	9300	7600-7629	1,786,832.77
6. All Other Financing Uses	All	9100 9200	7699 7651	0.00
7. Nonagency	7100-7199	All except 5000-5999, 9000-9999	1000-7999	0.00
8. Tuition (Revenue, in lieu of expenditures, to approximate costs of services for which tuition is received)	All	All	8710	0.00
9. Supplemental expenditures made as a result of a Presidentially declared disaster	Manually entered. Must not include expenditures in lines B, C1-C8, D1, or D2.			
10. Total state and local expenditures not allowed for MOE calculation (Sum lines C1 through C9)				1,794,912.37
D. Plus additional MOE expenditures:				
1. Expenditures to cover deficits for food services (Funds 13 and 61) (If negative, then zero)	All	All	1000-7143, 7300-7439 minus 8000-8699	80,792.14
2. Expenditures to cover deficits for student body activities	Manually entered. Must not include expenditures in lines A or D1.			
E. Total expenditures subject to MOE (Line A minus lines B and C10, plus lines D1 and D2)				4,934,807.66

Section II - Expenditures Per ADA		2021-22 Annual ADA/ Exps. Per ADA
A. Average Daily Attendance (Form A, Annual ADA column, sum of lines A6 and C9)		166.69
B. Expenditures per ADA (Line I.E divided by Line II.A)		29,604.70
Section III - MOE Calculation (For data collection only. Final determination will be done by CDE)	Total	Per ADA
A. Base expenditures (Preloaded expenditures from prior year official CDE MOE calculation). (Note: If the prior year MOE was not met, CDE has adjusted the prior year base to 90 percent of the preceding prior year amount rather than the actual prior year expenditure amount.)	4,584,576.70	21,255.40
1. Adjustment to base expenditure and expenditure per ADA amounts for LEAs failing prior year MOE calculation (From Section IV)	0.00	0.00
2. Total adjusted base expenditure amounts (Line A plus Line A.1)	4,584,576.70	21,255.40
B. Required effort (Line A.2 times 90%)	4,126,119.03	19,129.86
C. Current year expenditures (Line I.E and Line II.B)	4,934,807.66	29,604.70
D. MOE deficiency amount, if any (Line B minus Line C) (If negative, then zero)	0.00	0.00
E. MOE determination (If one or both of the amounts in line D are zero, the MOE requirement is met; if both amounts are positive, the MOE requirement is not met. If either column in Line A.2 or Line C equals zero, the MOE calculation is incomplete.)	MOE Met	
F. MOE deficiency percentage, if MOE not met; otherwise, zero (Line D divided by Line B) (Funding under ESSA covered programs in FY 2023-24 may be reduced by the lower of the two percentages)	0.00%	0.00%

SECTION IV - Detail of Adjustments to Base Expenditures (used in Section III, Line A.1)		
Description of Adjustments	Total Expenditures	Expenditures Per ADA
Total adjustments to base expenditures	0.00	0.00

Unaudited Actuals
2021-22 Unaudited Actuals
LOTTERY REPORT
Revenues, Expenditures and
Ending Balances - All Funds

Description	Object Codes	Lottery: Unrestricted (Resource 1100)	Transferred to Other Resources for Expenditure	Lottery: Instructional Materials (Resource 6300)*	Totals
A. AMOUNT AVAILABLE FOR THIS FISCAL YEAR					
1. Adjusted Beginning Fund Balance	9791-9795	43,511.32		35,039.33	78,550.65
2. State Lottery Revenue	8560	38,059.34		16,933.80	54,993.14
3. Other Local Revenue	8600-8799	0.00		0.00	0.00
4. Transfers from Funds of Lapsed/Reorganized Districts	8965	0.00		0.00	0.00
5. Contributions from Unrestricted Resources (Total must be zero)	8980	0.00			0.00
6. Total Available (Sum Lines A1 through A5)		81,570.66	0.00	51,973.13	133,543.79
B. EXPENDITURES AND OTHER FINANCING USES					
1. Certificated Salaries	1000-1999	0.00			0.00
2. Classified Salaries	2000-2999	0.00			0.00
3. Employee Benefits	3000-3999	0.00			0.00
4. Books and Supplies	4000-4999	27,312.45		31,259.42	58,571.87
5. a. Services and Other Operating Expenditures (Resource 1100)	5000-5999	33,876.70			33,876.70
b. Services and Other Operating Expenditures (Resource 6300)	5000-5999, except 5100, 5710, 5800				
c. Duplicating Costs for Instructional Materials (Resource 6300)	5100, 5710, 5800				
6. Capital Outlay	6000-6999	0.00			0.00
7. Tuition	7100-7199	0.00			0.00
8. Interagency Transfers Out					
a. To Other Districts, County Offices, and Charter Schools	7211,7212,7221, 7222,7281,7282	0.00			0.00
b. To JPAs and All Others	7213,7223, 7283,7299	0.00			0.00
9. Transfers of Indirect Costs	7300-7399				
10. Debt Service	7400-7499	0.00			0.00
11. All Other Financing Uses	7630-7699	0.00			0.00
12. Total Expenditures and Other Financing Uses (Sum Lines B1 through B11)		61,189.15	0.00	31,259.42	92,448.57
C. ENDING BALANCE (Must equal Line A6 minus Line B12)					
	979Z	20,381.51	0.00	20,713.71	41,095.22
D. COMMENTS:					

Data from this report will be used to prepare a report to the Legislature as required by Control Section 24.60 of the Budget Act.

*Pursuant to Government Code Section 8880.4(a)(2)(B) and the definition in Education Code Section 60010(h), Resource 6300 funds are to be used for the purchase of instructional materials only. Any amounts in the shaded cells of this column should be reviewed for appropriateness.

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
A. REVENUES									
1) LCFF Sources		8010-8099	3,938,263.04	24,253.00	3,962,516.04	4,091,335.00	23,000.00	4,114,335.00	3.8%
2) Federal Revenue		8100-8299	0.00	391,505.00	391,505.00	0.00	88,500.00	88,500.00	-77.4%
3) Other State Revenue		8300-8599	45,351.84	580,734.38	626,086.22	299,366.00	467,548.00	766,914.00	22.5%
4) Other Local Revenue		8600-8799	90,173.50	149,852.04	240,025.54	47,450.00	131,566.00	179,016.00	-25.4%
5) TOTAL, REVENUES			4,073,788.38	1,146,344.42	5,220,132.80	4,438,151.00	710,614.00	5,148,765.00	-1.4%
B. EXPENDITURES									
1) Certificated Salaries		1000-1999	1,433,625.67	318,759.51	1,752,385.18	1,418,776.31	271,634.69	1,690,411.00	-3.5%
2) Classified Salaries		2000-2999	736,740.74	274,547.11	1,011,287.85	803,174.07	125,155.34	928,329.41	-8.2%
3) Employee Benefits		3000-3999	1,043,296.87	372,253.64	1,415,550.51	1,242,684.81	314,455.32	1,557,140.13	10.0%
4) Books and Supplies		4000-4999	147,528.22	64,064.41	211,592.63	147,450.00	18,010.00	165,460.00	-21.8%
5) Services and Other Operating Expenditures		5000-5999	485,014.65	369,689.70	854,704.35	447,982.00	330,385.00	778,367.00	-8.9%
6) Capital Outlay		6000-6999	0.00	8,079.60	8,079.60	0.00	10,500.00	10,500.00	30.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299 7400-7499	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	(150.00)	150.00	0.00	(150.00)	150.00	0.00	0.0%
9) TOTAL, EXPENDITURES			3,846,056.15	1,407,543.97	5,253,600.12	4,059,917.19	1,070,290.35	5,130,207.54	-2.3%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)									
			227,732.23	(261,199.55)	(33,467.32)	378,233.81	(359,676.35)	18,557.46	-155.4%
D. OTHER FINANCING SOURCES/USES									
1) Interfund Transfers									
a) Transfers In		8900-8929	1,764,678.77	109,228.75	1,873,907.52	1,745,000.00	0.00	1,745,000.00	-6.9%
b) Transfers Out		7600-7629	1,786,832.77	109,228.75	1,896,061.52	1,825,000.00	0.00	1,825,000.00	-3.7%
2) Other Sources/Uses									
a) Sources		8930-8979	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
3) Contributions		8980-8999	(351,091.20)	351,091.20	0.00	(366,000.00)	366,000.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			(373,245.20)	351,091.20	(22,154.00)	(446,000.00)	366,000.00	(80,000.00)	261.1%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(145,512.97)	89,891.65	(55,621.32)	(67,766.19)	6,323.65	(61,442.54)	10.5%
F. FUND BALANCE, RESERVES									
1) Beginning Fund Balance									
a) As of July 1 - Unaudited		9791	3,451,211.12	191,575.92	3,642,787.04	3,310,158.15	281,467.57	3,591,625.72	-1.4%
b) Audit Adjustments		9793	4,460.00	0.00	4,460.00	0.00	0.00	0.00	-100.0%
c) As of July 1 - Audited (F1a + F1b)			3,455,671.12	191,575.92	3,647,247.04	3,310,158.15	281,467.57	3,591,625.72	-1.5%
d) Other Restatements		9795	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			3,455,671.12	191,575.92	3,647,247.04	3,310,158.15	281,467.57	3,591,625.72	-1.5%
2) Ending Balance, June 30 (E + F1e)			3,310,158.15	281,467.57	3,591,625.72	3,242,391.96	287,791.22	3,530,183.18	-1.7%
Components of Ending Fund Balance									
a) Nonspendable									
Revolving Cash		9711	500.00	0.00	500.00	0.00	0.00	0.00	-100.0%
Stores		9712	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Prepaid Items		9713	10,972.29	1,068.60	12,040.89	0.00	0.00	0.00	-100.0%
All Others		9719	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
b) Restricted		9740	0.00	280,684.86	280,684.86	0.00	293,467.84	293,467.84	4.6%
c) Committed									
Stabilization Arrangements		9750	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
d) Assigned									
Other Assignments		9780	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
e) Unassigned/Unappropriated									
Reserve for Economic Uncertainties		9789	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	3,298,685.86	(285.89)	3,298,399.97	3,242,391.96	(5,676.62)	3,236,715.34	-1.9%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
G. ASSETS									
1) Cash									
a) in County Treasury		9110	3,567,732.33	137,293.06	3,705,025.39				
1) Fair Value Adjustment to Cash in County Treasury		9111	0.00	0.00	0.00				
b) in Banks		9120	0.00	0.00	0.00				
c) in Revolving Cash Account		9130	500.00	0.00	500.00				
d) with Fiscal Agent/Trustee		9135	0.00	0.00	0.00				
e) Collections Awaiting Deposit		9140	0.00	0.00	0.00				
2) Investments		9150	0.00	0.00	0.00				
3) Accounts Receivable		9200	102,757.50	13,560.04	116,317.54				
4) Due from Grantor Government		9290	125,513.89	307,451.26	432,965.15				
5) Due from Other Funds		9310	50,000.00	166,857.81	216,857.81				
6) Stores		9320	0.00	0.00	0.00				
7) Prepaid Expenditures		9330	10,972.29	1,068.60	12,040.89				
8) Other Current Assets		9340	0.00	0.00	0.00				
9) Lease Receivable		9380	0.00	0.00	0.00				
10) TOTAL, ASSETS			3,857,476.01	626,230.77	4,483,706.78				
H. DEFERRED OUTFLOWS OF RESOURCES									
1) Deferred Outflows of Resources		9490	0.00	0.00	0.00				
2) TOTAL, DEFERRED OUTFLOWS			0.00	0.00	0.00				
I. LIABILITIES									
1) Accounts Payable		9500	395,454.86	177,877.40	573,332.26				
2) Due to Grantor Governments		9590	151,863.00	27.99	151,890.99				
3) Due to Other Funds		9610	0.00	166,857.81	166,857.81				
4) Current Loans		9640	0.00	0.00	0.00				
5) Unearned Revenue		9650	0.00	0.00	0.00				
6) TOTAL, LIABILITIES			547,317.86	344,763.20	892,081.06				
J. DEFERRED INFLOWS OF RESOURCES									
1) Deferred Inflows of Resources		9690	0.00	0.00	0.00				
2) TOTAL, DEFERRED INFLOWS			0.00	0.00	0.00				
K. FUND EQUITY									
Ending Fund Balance, June 30 (must agree with line F2) (G9 + H2) - (I6 + J2)			3,310,158.15	281,467.57	3,591,625.72				

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
LCFF SOURCES									
Principal Apportionment									
State Aid - Current Year		8011	2,818,627.00	0.00	2,818,627.00	3,120,522.00	0.00	3,120,522.00	10.7%
Education Protection Account State Aid - Current Year		8012	184,496.00	0.00	184,496.00	47,285.00	0.00	47,285.00	-74.4%
State Aid - Prior Years		8019	(4,601.00)	0.00	(4,601.00)	0.00	0.00	0.00	-100.0%
Tax Relief Subventions									
Homeowners' Exemptions		8021	14,461.76	0.00	14,461.76	15,000.00	0.00	15,000.00	3.7%
Timber Yield Tax		8022	3,585.91	0.00	3,585.91	2,000.00	0.00	2,000.00	-44.2%
Other Subventions/In-Lieu Taxes		8029	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
County & District Taxes									
Secured Roll Taxes		8041	2,703,178.41	0.00	2,703,178.41	2,751,000.00	0.00	2,751,000.00	1.8%
Unsecured Roll Taxes		8042	83,393.13	0.00	83,393.13	82,000.00	0.00	82,000.00	-1.7%
Prior Years' Taxes		8043	1,360.83	0.00	1,360.83	0.00	0.00	0.00	-100.0%
Supplemental Taxes		8044	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Education Revenue Augmentation Fund (ERAF)		8045	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Community Redevelopment Funds (SB 617/699/1992)		8047	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Penalties and Interest from Delinquent Taxes		8048	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Miscellaneous Funds (EC 41604)									
Royalties and Bonuses		8081	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other In-Lieu Taxes		8082	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Less: Non-LCFF (50%) Adjustment		8089	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Subtotal, LCFF Sources			5,804,502.04	0.00	5,804,502.04	6,017,807.00	0.00	6,017,807.00	3.7%
LCFF Transfers									
Unrestricted LCFF Transfers - Current Year	0000	8091	(25,000.00)		(25,000.00)	(25,000.00)		(25,000.00)	0.0%
All Other LCFF Transfers - Current Year	All Other	8091	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers to Charter Schools in Lieu of Property Taxes		8096	(1,841,239.00)	0.00	(1,841,239.00)	(1,901,472.00)	0.00	(1,901,472.00)	3.3%
Property Taxes Transfers		8097	0.00	24,253.00	24,253.00	0.00	23,000.00	23,000.00	-5.2%
LCFF/Revenue Limit Transfers - Prior Years		8099	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, LCFF SOURCES			3,938,263.04	24,253.00	3,962,516.04	4,091,335.00	23,000.00	4,114,335.00	3.8%
FEDERAL REVENUE									
Maintenance and Operations		8110	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Special Education Entitlement		8181	0.00	23,613.00	23,613.00	0.00	21,000.00	21,000.00	-11.1%
Special Education Discretionary Grants		8182	0.00	1,394.00	1,394.00	0.00	0.00	0.00	-100.0%
Child Nutrition Programs		8220	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Donated Food Commodities		8221	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Forest Reserve Funds		8260	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Flood Control Funds		8270	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Wildlife Reserve Funds		8280	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
FEMA		8281	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Interagency Contracts Between LEAs		8285	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Pass-Through Revenues from Federal Sources		8287	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Title I, Part A, Basic	3010	8290		29,969.00	29,969.00		30,000.00	30,000.00	0.1%
Title I, Part D, Local Delinquent Programs	3025	8290		0.00	0.00		0.00	0.00	0.0%
Title II, Part A, Supporting Effective Instruction	4035	8290		3,771.00	3,771.00		3,500.00	3,500.00	-7.2%
Title III, Part A, Immigrant Student Program	4201	8290		0.00	0.00		0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
Title III, Part A, English Learner Program	4203	8290		0.00	0.00		0.00	0.00	0.0%
Public Charter Schools Grant Program (PCSGP)	4610	8290		0.00	0.00		0.00	0.00	0.0%
Other NCLB / Every Student Succeeds Act	3040, 3045, 3060, 3061, 3110, 3150, 3155, 3180, 3182, 4037, 4123, 4124, 4126, 4127, 4128, 5630	8290		10,000.00	10,000.00		10,000.00	10,000.00	0.0%
Career and Technical Education	3500-3599	8290		0.00	0.00		0.00	0.00	0.0%
All Other Federal Revenue	All Other	8290	0.00	322,758.00	322,758.00	0.00	24,000.00	24,000.00	-92.6%
TOTAL, FEDERAL REVENUE			0.00	391,505.00	391,505.00	0.00	88,500.00	88,500.00	-77.4%
OTHER STATE REVENUE									
Other State Apportionments									
ROC/P Entitlement Prior Years	6360	8319		0.00	0.00		0.00	0.00	0.0%
Special Education Master Plan Current Year	6500	8311		0.00	0.00		0.00	0.00	0.0%
Prior Years	6500	8319		0.00	0.00		0.00	0.00	0.0%
All Other State Apportionments - Current Year	All Other	8311	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other State Apportionments - Prior Years	All Other	8319	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Child Nutrition Programs		8520	0.00	27,858.00	27,858.00	0.00	0.00	0.00	-100.0%
Mandated Costs Reimbursements		8550	4,592.00	0.00	4,592.00	3,917.00	0.00	3,917.00	-14.7%
Lottery - Unrestricted and Instructional Materials		8560	38,059.34	16,933.80	54,993.14	28,959.00	11,548.00	40,507.00	-26.3%
Tax Relief Subventions Restricted Levies - Other									
Homeowners' Exemptions		8575	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Subventions/In-Lieu Taxes		8576	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Pass-Through Revenues from State Sources		8587	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
After School Education and Safety (ASES)	6010	8590		0.00	0.00		0.00	0.00	0.0%
Charter School Facility Grant	6030	8590		0.00	0.00		0.00	0.00	0.0%
Drug/Alcohol/Tobacco Funds	6650, 6690, 6695	8590		0.00	0.00		0.00	0.00	0.0%
California Clean Energy Jobs Act	6230	8590		0.00	0.00		0.00	0.00	0.0%
Career Technical Education Incentive Grant Program	6387	8590		0.00	0.00		0.00	0.00	0.0%
American Indian Early Childhood Education	7210	8590		0.00	0.00		0.00	0.00	0.0%
Specialized Secondary	7370	8590		0.00	0.00		0.00	0.00	0.0%
All Other State Revenue	All Other	8590	2,700.50	535,942.58	538,643.08	266,490.00	456,000.00	722,490.00	34.1%
TOTAL, OTHER STATE REVENUE			45,351.84	580,734.38	626,086.22	299,366.00	467,548.00	766,914.00	22.5%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
OTHER LOCAL REVENUE									
Other Local Revenue									
County and District Taxes									
Other Restricted Levies									
Secured Roll		8615	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Unsecured Roll		8616	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Prior Years' Taxes		8617	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Supplemental Taxes		8618	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Non-Ad Valorem Taxes									
Parcel Taxes		8621	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other		8622	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Community Redevelopment Funds									
Not Subject to LCFF Deduction		8625	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Penalties and Interest from									
Delinquent Non-LCFF									
Taxes		8629	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Sales									
Sale of Equipment/Supplies		8631	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Sale of Publications		8632	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Food Service Sales		8634	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Sales		8639	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Leases and Rentals		8650	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Interest		8660	20,388.59	0.00	20,388.59	16,500.00	0.00	16,500.00	-19.1%
Net Increase (Decrease) in the Fair Value of Investments		8662	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Fees and Contracts									
Adult Education Fees		8671	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Non-Resident Students		8672	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transportation Fees From Individuals		8675	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Interagency Services		8677	0.00	13,560.04	13,560.04	0.00	0.00	0.00	-100.0%
Mitigation/Developer Fees		8681	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Fees and Contracts		8689	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Local Revenue Plus: Misc Funds Non-LCFF (50%) Adjustment		8691	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Pass-Through Revenues From Local Sources		8697	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Local Revenue		8699	69,784.91	1,505.00	71,289.91	30,950.00	1,510.00	32,460.00	-54.5%
Tuition		8710	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers In		8781-8783	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers of Apportionments									
Special Education SELPA Transfers									
From Districts or Charter Schools	6500	8791		0.00	0.00		0.00	0.00	0.0%
From County Offices	6500	8792		134,787.00	134,787.00		130,056.00	130,056.00	-3.5%
From JPAs	6500	8793		0.00	0.00		0.00	0.00	0.0%
ROC/P Transfers									
From Districts or Charter Schools	6360	8791		0.00	0.00		0.00	0.00	0.0%
From County Offices	6360	8792		0.00	0.00		0.00	0.00	0.0%
From JPAs	6360	8793		0.00	0.00		0.00	0.00	0.0%
Other Transfers of Apportionments									
From Districts or Charter Schools	All Other	8791	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
From County Offices	All Other	8792	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
From JPAs	All Other	8793	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers In from All Others		8799	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, OTHER LOCAL REVENUE			90,173.50	149,852.04	240,025.54	47,450.00	131,566.00	179,016.00	-25.4%
TOTAL, REVENUES			4,073,788.38	1,146,344.42	5,220,132.80	4,438,151.00	710,614.00	5,148,765.00	-1.4%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
CERTIFICATED SALARIES									
Certificated Teachers' Salaries		1100	1,332,485.51	239,997.51	1,572,483.02	1,238,776.31	271,634.69	1,510,411.00	-3.9%
Certificated Pupil Support Salaries		1200	0.00	18,166.00	18,166.00	0.00	0.00	0.00	-100.0%
Certificated Supervisors' and Administrators' Salaries		1300	101,140.16	60,596.00	161,736.16	180,000.00	0.00	180,000.00	11.3%
Other Certificated Salaries		1900	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, CERTIFICATED SALARIES			1,433,625.67	318,759.51	1,752,385.18	1,418,776.31	271,634.69	1,690,411.00	-3.5%
CLASSIFIED SALARIES									
Classified Instructional Salaries		2100	355,482.92	241,405.61	596,888.53	401,692.63	125,155.34	526,847.97	-11.7%
Classified Support Salaries		2200	122,757.88	0.00	122,757.88	138,956.40	0.00	138,956.40	13.2%
Classified Supervisors' and Administrators' Salaries		2300	100,840.08	0.00	100,840.08	103,865.00	0.00	103,865.00	3.0%
Clerical, Technical and Office Salaries		2400	143,799.86	0.00	143,799.86	158,660.04	0.00	158,660.04	10.3%
Other Classified Salaries		2900	13,860.00	33,141.50	47,001.50	0.00	0.00	0.00	-100.0%
TOTAL, CLASSIFIED SALARIES			736,740.74	274,547.11	1,011,287.85	803,174.07	125,155.34	928,329.41	-8.2%
EMPLOYEE BENEFITS									
STRS		3101-3102	263,382.80	241,014.19	504,396.99	295,755.12	230,555.24	526,310.36	4.3%
PERS		3201-3202	166,818.03	28,276.20	195,094.23	194,418.80	15,596.14	210,014.94	7.6%
OASDI/Medicare/Alternative		3301-3302	79,284.58	16,581.76	95,866.34	145,780.79	12,522.18	158,302.97	65.1%
Health and Welfare Benefits		3401-3402	474,667.16	79,713.92	554,381.08	531,796.22	51,926.72	583,722.94	5.3%
Unemployment Insurance		3501-3502	10,986.75	2,141.64	13,128.39	14,016.89	1,374.39	15,391.28	17.2%
Workers' Compensation		3601-3602	24,325.47	4,525.93	28,851.40	37,252.91	2,480.65	39,733.56	37.7%
OPEB, Allocated		3701-3702	11,940.00	0.00	11,940.00	15,000.00	0.00	15,000.00	25.6%
OPEB, Active Employees		3751-3752	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Employee Benefits		3901-3902	11,892.08	0.00	11,892.08	8,664.08	0.00	8,664.08	-27.1%
TOTAL, EMPLOYEE BENEFITS			1,043,296.87	372,253.64	1,415,550.51	1,242,684.81	314,455.32	1,557,140.13	10.0%
BOOKS AND SUPPLIES									
Approved Textbooks and Core Curricula Materials		4100	4,213.41	5,790.03	10,003.44	12,500.00	3,500.00	16,000.00	59.9%
Books and Other Reference Materials		4200	17,032.08	844.64	17,876.72	17,250.00	0.00	17,250.00	-3.5%
Materials and Supplies		4300	70,982.61	45,365.87	116,348.48	77,200.00	14,510.00	91,710.00	-21.2%
Noncapitalized Equipment		4400	55,300.12	11,760.71	67,060.83	40,500.00	0.00	40,500.00	-39.6%
Food		4700	0.00	303.16	303.16	0.00	0.00	0.00	-100.0%
TOTAL, BOOKS AND SUPPLIES			147,528.22	64,064.41	211,592.63	147,450.00	18,010.00	165,460.00	-21.8%
SERVICES AND OTHER OPERATING EXPENDITURES									
Subagreements for Services		5100	154,100.88	190,294.80	344,395.68	196,382.00	212,585.00	408,967.00	18.7%
Travel and Conferences		5200	12,111.77	1,127.43	13,239.20	16,150.00	250.00	16,400.00	23.9%
Dues and Memberships		5300	15,677.76	79.00	15,756.76	16,500.00	0.00	16,500.00	4.7%
Insurance		5400 - 5450	48,244.11	0.00	48,244.11	47,950.00	0.00	47,950.00	-0.6%
Operations and Housekeeping Services		5500	67,526.22	0.00	67,526.22	67,250.00	0.00	67,250.00	-0.4%
Rentals, Leases, Repairs, and Noncapitalized Improvements		5600	7,067.40	10,902.65	17,970.05	3,850.00	10,950.00	14,800.00	-17.6%
Transfers of Direct Costs		5710	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers of Direct Costs - Interfund		5750	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Professional/Consulting Services and Operating Expenditures		5800	168,818.02	151,565.40	320,383.42	85,200.00	106,600.00	191,800.00	-40.1%
Communications		5900	11,468.49	15,720.42	27,188.91	14,700.00	0.00	14,700.00	-45.9%
TOTAL, SERVICES AND OTHER OPERATING EXPENDITURES			485,014.65	369,689.70	854,704.35	447,982.00	330,385.00	778,367.00	-8.9%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
CAPITAL OUTLAY									
Land		6100	0.00	1,474.69	1,474.69	0.00	5,000.00	5,000.00	239.1%
Land Improvements		6170	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Buildings and Improvements of Buildings		6200	0.00	6,604.91	6,604.91	0.00	5,500.00	5,500.00	-16.7%
Books and Media for New School Libraries or Major Expansion of School Libraries		6300	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Equipment		6400	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Equipment Replacement		6500	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Lease Assets		6600	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, CAPITAL OUTLAY			0.00	8,079.60	8,079.60	0.00	10,500.00	10,500.00	30.0%
OTHER OUTGO (excluding Transfers of Indirect Costs)									
Tuition									
Tuition for Instruction Under Interdistrict Attendance Agreements		7110	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
State Special Schools		7130	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Tuition, Excess Costs, and/or Deficit Payments Payments to Districts or Charter Schools		7141	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Payments to County Offices		7142	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Payments to JPAs		7143	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers of Pass-Through Revenues To Districts or Charter Schools		7211	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To County Offices		7212	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To JPAs		7213	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Special Education SELPA Transfers of Apportionments To Districts or Charter Schools	6500	7221		0.00	0.00		0.00	0.00	0.0%
To County Offices	6500	7222		0.00	0.00		0.00	0.00	0.0%
To JPAs	6500	7223		0.00	0.00		0.00	0.00	0.0%
ROC/P Transfers of Apportionments To Districts or Charter Schools	6360	7221		0.00	0.00		0.00	0.00	0.0%
To County Offices	6360	7222		0.00	0.00		0.00	0.00	0.0%
To JPAs	6360	7223		0.00	0.00		0.00	0.00	0.0%
Other Transfers of Apportionments All Other		7221-7223	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers		7281-7283	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Transfers Out to All Others		7299	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Debt Service									
Debt Service - Interest		7438	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Debt Service - Principal		7439	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, OTHER OUTGO (excluding Transfers of Indirect Costs)			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
OTHER OUTGO - TRANSFERS OF INDIRECT COSTS									
Transfers of Indirect Costs		7310	(150.00)	150.00	0.00	(150.00)	150.00	0.00	0.0%
Transfers of Indirect Costs - Interfund		7350	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, OTHER OUTGO - TRANSFERS OF INDIRECT COSTS			(150.00)	150.00	0.00	(150.00)	150.00	0.00	0.0%
TOTAL, EXPENDITURES			3,846,056.15	1,407,543.97	5,253,600.12	4,059,917.19	1,070,290.35	5,130,207.54	-2.3%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals			2022-23 Budget			% Diff Column C & F
			Unrestricted (A)	Restricted (B)	Total Fund col. A + B (C)	Unrestricted (D)	Restricted (E)	Total Fund col. D + E (F)	
INTERFUND TRANSFERS									
INTERFUND TRANSFERS IN									
From: Special Reserve Fund		8912	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
From: Bond Interest and Redemption Fund		8914	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Authorized Interfund Transfers In		8919	1,764,678.77	109,228.75	1,873,907.52	1,745,000.00	0.00	1,745,000.00	-6.9%
(a) TOTAL, INTERFUND TRANSFERS IN			1,764,678.77	109,228.75	1,873,907.52	1,745,000.00	0.00	1,745,000.00	-6.9%
INTERFUND TRANSFERS OUT									
To: Child Development Fund		7611	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To: Special Reserve Fund		7612	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To: State School Building Fund/ County School Facilities Fund		7613	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
To: Cafeteria Fund		7616	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Authorized Interfund Transfers Out		7619	1,786,832.77	109,228.75	1,896,061.52	1,825,000.00	0.00	1,825,000.00	-3.7%
(b) TOTAL, INTERFUND TRANSFERS OUT			1,786,832.77	109,228.75	1,896,061.52	1,825,000.00	0.00	1,825,000.00	-3.7%
OTHER SOURCES/USES									
SOURCES									
State Apportionments Emergency Apportionments		8931	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Proceeds Proceeds from Disposal of Capital Assets		8953	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Other Sources Transfers from Funds of Lapsed/Reorganized LEAs		8965	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Long-Term Debt Proceeds Proceeds from Certificates of Participation		8971	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Proceeds from Leases		8972	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Proceeds from Lease Revenue Bonds		8973	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Financing Sources		8979	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
(c) TOTAL, SOURCES			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
USES									
Transfers of Funds from Lapsed/Reorganized LEAs		7651	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
All Other Financing Uses		7699	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
(d) TOTAL, USES			0.00	0.00	0.00	0.00	0.00	0.00	0.0%
CONTRIBUTIONS									
Contributions from Unrestricted Revenues		8980	(351,091.20)	351,091.20	0.00	(330,000.00)	330,000.00	0.00	0.0%
Contributions from Restricted Revenues		8990	0.00	0.00	0.00	(36,000.00)	36,000.00	0.00	0.0%
(e) TOTAL, CONTRIBUTIONS			(351,091.20)	351,091.20	0.00	(366,000.00)	366,000.00	0.00	0.0%
TOTAL, OTHER FINANCING SOURCES/USES									
(a - b + c - d + e)			(373,245.20)	351,091.20	(22,154.00)	(446,000.00)	366,000.00	(80,000.00)	261.1%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	117,836.75	90,000.00	-23.6%
3) Other State Revenue		8300-8599	11,745.90	6,800.00	-42.1%
4) Other Local Revenue		8600-8799	6,387.10	27,825.00	335.6%
5) TOTAL, REVENUES			135,969.75	124,625.00	-8.3%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	77,168.69	103,023.47	33.5%
3) Employee Benefits		3000-3999	61,601.81	49,381.83	-19.8%
4) Books and Supplies		4000-4999	72,903.22	63,000.00	-13.6%
5) Services and Other Operating Expenditures		5000-5999	5,088.17	4,168.85	-18.1%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			216,761.89	219,574.15	1.3%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(80,792.14)	(94,949.15)	17.5%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	69,284.00	95,000.00	37.1%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			69,284.00	95,000.00	37.1%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(11,508.14)	50.85	-100.4%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	39,296.27	3,504.13	-91.1%
b) Audit Adjustments		9793	(24,284.00)	0.00	-100.0%
c) As of July 1 - Audited (F1a + F1b)			15,012.27	3,504.13	-76.7%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			15,012.27	3,504.13	-76.7%
2) Ending Balance, June 30 (E + F1e)			3,504.13	3,554.98	1.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	1,000.00	0.00	-100.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			2,504.13	3,554.98	42.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	25,000.00	25,000.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	389.98	250.00	-35.9%
5) TOTAL, REVENUES			25,389.98	25,250.00	-0.6%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	6.84	0.00	-100.0%
5) Services and Other Operating Expenditures		5000-5999	782.50	16,000.00	1944.7%
6) Capital Outlay		6000-6999	14,591.00	0.00	-100.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			15,380.34	16,000.00	4.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			10,009.64	9,250.00	-7.6%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			10,009.64	9,250.00	-7.6%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	61,531.50	71,541.14	16.3%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			61,531.50	71,541.14	16.3%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			61,531.50	71,541.14	16.3%
2) Ending Balance, June 30 (E + F1e)			71,541.14	80,791.14	12.9%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	71,541.14	80,791.14	12.9%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	2,828.67	2,500.00	-11.6%
5) TOTAL, REVENUES			2,828.67	2,500.00	-11.6%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			2,828.67	2,500.00	-11.6%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	20,000.00	0.00	-100.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			(20,000.00)	0.00	-100.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(17,171.33)	2,500.00	-114.6%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	506,217.23	489,045.90	-3.4%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			506,217.23	489,045.90	-3.4%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			506,217.23	489,045.90	-3.4%
2) Ending Balance, June 30 (E + F1e)			489,045.90	491,545.90	0.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	489,045.90	491,545.90	0.5%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	4,691.37	4,200.00	-10.5%
5) TOTAL, REVENUES			4,691.37	4,200.00	-10.5%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			4,691.37	4,200.00	-10.5%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	27,130.00	15,000.00	-44.7%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			(27,130.00)	(15,000.00)	-44.7%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(22,438.63)	(10,800.00)	-51.9%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	840,847.13	818,408.50	-2.7%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			840,847.13	818,408.50	-2.7%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			840,847.13	818,408.50	-2.7%
2) Ending Balance, June 30 (E + F1e)			818,408.50	807,608.50	-1.3%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	818,408.50	807,608.50	-1.3%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	22,907.36	5,000.00	-78.2%
5) TOTAL, REVENUES			22,907.36	5,000.00	-78.2%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	347.42	0.00	-100.0%
5) Services and Other Operating Expenditures		5000-5999	108,271.86	25,400.00	-76.5%
6) Capital Outlay		6000-6999	1,133,930.18	2,207,176.82	94.6%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			1,242,549.46	2,232,576.82	79.7%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(1,219,642.10)	(2,227,576.82)	82.6%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	7,449.43	7,449.43	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			7,449.43	7,449.43	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(1,212,192.67)	(2,220,127.39)	83.1%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	4,091,776.82	2,879,584.15	-29.6%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			4,091,776.82	2,879,584.15	-29.6%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			4,091,776.82	2,879,584.15	-29.6%
2) Ending Balance, June 30 (E + F1e)			2,879,584.15	659,456.76	-77.1%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	2,879,584.15	659,456.76	-77.1%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	1,136.32	650.00	-42.8%
5) TOTAL, REVENUES			1,136.32	650.00	-42.8%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	6,427.84	0.00	-100.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			6,427.84	0.00	-100.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(5,291.52)	650.00	-112.3%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(5,291.52)	650.00	-112.3%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	200,379.14	195,087.62	-2.6%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			200,379.14	195,087.62	-2.6%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			200,379.14	195,087.62	-2.6%
2) Ending Balance, June 30 (E + F1e)			195,087.62	195,737.62	0.3%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			195,087.62	195,737.62	0.3%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	0.03	0.00	-100.0%
5) TOTAL, REVENUES			0.03	0.00	-100.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			0.03	0.00	-100.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	10.70	0.00	-100.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			(10.70)	0.00	-100.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(10.67)	0.00	-100.0%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	10.67	0.00	-100.0%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			10.67	0.00	-100.0%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			10.67	0.00	-100.0%
2) Ending Balance, June 30 (E + F1e)			0.00	0.00	0.0%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	0.00	0.00	0.0%
4) Other Local Revenue		8600-8799	1,999.89	1,800.00	-10.0%
5) TOTAL, REVENUES			1,999.89	1,800.00	-10.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	0.00	0.00	0.0%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			0.00	0.00	0.0%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			1,999.89	1,800.00	-10.0%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	10.70	0.00	-100.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			10.70	0.00	-100.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			2,010.59	1,800.00	-10.5%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	349,043.35	351,053.94	0.6%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			349,043.35	351,053.94	0.6%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			349,043.35	351,053.94	0.6%
2) Ending Balance, June 30 (E + F1e)			351,053.94	352,853.94	0.5%
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted			0.00	0.00	0.0%
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	0.00	0.00	0.0%
d) Assigned					
Other Assignments		9780	351,053.94	352,853.94	0.5%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%


Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
A. REVENUES					
1) LCFF Sources		8010-8099	0.00	0.00	0.0%
2) Federal Revenue		8100-8299	0.00	0.00	0.0%
3) Other State Revenue		8300-8599	1,816.10	0.00	-100.0%
4) Other Local Revenue		8600-8799	399,527.83	0.00	-100.0%
5) TOTAL, REVENUES			401,343.93	0.00	-100.0%
B. EXPENDITURES					
1) Certificated Salaries		1000-1999	0.00	0.00	0.0%
2) Classified Salaries		2000-2999	0.00	0.00	0.0%
3) Employee Benefits		3000-3999	0.00	0.00	0.0%
4) Books and Supplies		4000-4999	0.00	0.00	0.0%
5) Services and Other Operating Expenditures		5000-5999	0.00	0.00	0.0%
6) Capital Outlay		6000-6999	0.00	0.00	0.0%
7) Other Outgo (excluding Transfers of Indirect Costs)		7100-7299, 7400-7499	621,166.67	567,725.00	-8.6%
8) Other Outgo - Transfers of Indirect Costs		7300-7399	0.00	0.00	0.0%
9) TOTAL, EXPENDITURES			621,166.67	567,725.00	-8.6%
C. EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES BEFORE OTHER FINANCING SOURCES AND USES (A5 - B9)			(219,822.74)	(567,725.00)	158.3%
D. OTHER FINANCING SOURCES/USES					
1) Interfund Transfers					
a) Transfers In		8900-8929	0.00	0.00	0.0%
b) Transfers Out		7600-7629	0.00	0.00	0.0%
2) Other Sources/Uses					
a) Sources		8930-8979	0.00	0.00	0.0%
b) Uses		7630-7699	0.00	0.00	0.0%
3) Contributions		8980-8999	0.00	0.00	0.0%
4) TOTAL, OTHER FINANCING SOURCES/USES			0.00	0.00	0.0%

Description	Resource Codes	Object Codes	2021-22 Unaudited Actuals	2022-23 Budget	Percent Difference
E. NET INCREASE (DECREASE) IN FUND BALANCE (C + D4)			(219,822.74)	(567,725.00)	158.3%
F. FUND BALANCE, RESERVES					
1) Beginning Fund Balance					
a) As of July 1 - Unaudited		9791	872,567.05	652,744.31	-25.2%
b) Audit Adjustments		9793	0.00	0.00	0.0%
c) As of July 1 - Audited (F1a + F1b)			872,567.05	652,744.31	-25.2%
d) Other Restatements		9795	0.00	0.00	0.0%
e) Adjusted Beginning Balance (F1c + F1d)			872,567.05	652,744.31	-25.2%
2) Ending Balance, June 30 (E + F1e)					
Components of Ending Fund Balance					
a) Nonspendable					
Revolving Cash		9711	0.00	0.00	0.0%
Stores		9712	0.00	0.00	0.0%
Prepaid Items		9713	0.00	0.00	0.0%
All Others		9719	0.00	0.00	0.0%
b) Restricted					
c) Committed					
Stabilization Arrangements		9750	0.00	0.00	0.0%
Other Commitments		9760	652,744.31	85,019.31	-87.0%
d) Assigned					
Other Assignments		9780	0.00	0.00	0.0%
e) Unassigned/Unappropriated					
Reserve for Economic Uncertainties		9789	0.00	0.00	0.0%
Unassigned/Unappropriated Amount		9790	0.00	0.00	0.0%



Meeting Date:	9/14/2022 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.5 Consideration of Gann Limit Resolution 2022/23-4
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:

 Gann Limit Resolution 22-23.pdf

 GANN.pdf

Description:

This item involves the annual preparation and approval of the District's Gann Limit appropriation limit for this fiscal year.

Background Information:

In 1979 Proposition 4 was approved by the voters of California. This constitutional amendment placed limits on the growth of expenditures. Each school district is required to adopt its appropriations limit. The Gann Limit has become an exercise in number crunching since the Gann Limit has grown significantly faster than the appropriations subject to this limit.

Fiscal Implications:

At this time, there are no implications.

Recommendation:

That the Board consider for approval the Gann Limit Resolution 2022/23-4

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal



RESOLUTION 2022/23-4 FOR ADOPTING THE "GANN" LIMIT

WHEREAS, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called "Gann Limits," for public agencies, including school districts; and,

WHEREAS, the District must establish a revised Gann limit for the fiscal year and a projected Gann Limit for the 2022-2023 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the attached calculations and documentation of the Gann limits for the 2021-2022 2022-2023 fiscal years are made in accord with applicable constitutional and statutory law;

AND BE IT FURTHER RESOLVED that this Board does hereby declare that the appropriations in the Budget for the 2021-2022 and 2022-2023 fiscal years do not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED that the Superintendent provides copies of this resolution along with the appropriate attachments to interested citizens of this district.

The foregoing resolution was introduced by Board Member _____

who moved its adoption, seconded by Board Member _____

and adopted on September 14, 2022 by the following vote:

Ayes: _____ Noes: _____ Abstentions: _____

PASSED AND ADOPTED, on this 14th day of September 2022 by the Governing Board of the Harmony Union School District.

Clerk of the Board

	2021-22 Calculations			2022-23 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
A. PRIOR YEAR DATA (2020-21 Actual Appropriations Limit and Gann ADA are from district's prior year Gann data reported to the CDE)	2020-21 Actual			2021-22 Actual		
1. FINAL PRIOR YEAR APPROPRIATIONS LIMIT (Preload/Line D11, PY column)	4,366,168.25		4,366,168.25			3,924,820.51
2. PRIOR YEAR GANN ADA (Preload/Line B3, PY column)	609.69		609.69			518.34
ADJUSTMENTS TO PRIOR YEAR LIMIT	Adjustments to 2020-21			Adjustments to 2021-22		
3. District Lapses, Reorganizations and Other Transfers						
4. Temporary Voter Approved Increases						
5. Less: Lapses of Voter Approved Increases						
6. TOTAL ADJUSTMENTS TO PRIOR YEAR LIMIT (Lines A3 plus A4 minus A5)			0.00			0.00
7. ADJUSTMENTS TO PRIOR YEAR ADA (Only for district lapses, reorganizations and other transfers, and only if adjustments to the appropriations limit are entered in Line A3 above)						
B. CURRENT YEAR GANN ADA (2021-22 data should tie to Principal Apportionment Software Attendance reports and include ADA for charter schools reporting with the district)	2021-22 P2 Report			2022-23 P2 Estimate		
1. Total K-12 ADA (Form A, Line A6)	41.17		41.17	40.59		40.59
2. Total Charter Schools ADA (Form A, Line C9)	125.52	351.65	477.17	137.97	382.20	520.17
3. TOTAL CURRENT YEAR P2 ADA (Line B1 plus B2)			518.34			560.76
C. CURRENT YEAR LOCAL PROCEEDS OF TAXES/STATE AID RECEIVED	2021-22 Actual			2022-23 Budget		
TAXES AND SUBVENTIONS (Funds 01, 09, and 62)						
1. Homeowners' Exemption (Object 8021)	14,461.76		14,461.76	15,000.00		15,000.00
2. Timber Yield Tax (Object 8022)	3,585.91		3,585.91	2,000.00		2,000.00
3. Other Subventions/In-Lieu Taxes (Object 8029)	0.00		0.00	0.00		0.00
4. Secured Roll Taxes (Object 8041)	2,703,178.41		2,703,178.41	2,751,000.00		2,751,000.00
5. Unsecured Roll Taxes (Object 8042)	83,393.13		83,393.13	82,000.00		82,000.00
6. Prior Years' Taxes (Object 8043)	1,360.83		1,360.83	0.00		0.00
7. Supplemental Taxes (Object 8044)	0.00		0.00	0.00		0.00
8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045)	0.00		0.00	0.00		0.00
9. Penalties and Int. from Delinquent Taxes (Object 8048)	0.00		0.00	0.00		0.00
10. Other In-Lieu Taxes (Object 8082)	0.00		0.00	0.00		0.00
11. Comm. Redevelopment Funds (objects 8047 & 8625)	0.00		0.00	0.00		0.00
12. Parcel Taxes (Object 8621)	0.00		0.00	0.00		0.00
13. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only)	0.00		0.00	0.00		0.00
14. Penalties and Int. from Delinquent Non-LCFF Taxes (Object 8629) (Only those for the above taxes)	0.00		0.00	0.00		0.00
15. Transfers to Charter Schools in Lieu of Property Taxes (Object 8096)						
16. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C15)	2,805,980.04	0.00	2,805,980.04	2,850,000.00	0.00	2,850,000.00
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
17. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)	0.00		0.00	0.00		0.00
18. TOTAL LOCAL PROCEEDS OF TAXES (Lines C16 plus C17)	2,805,980.04	0.00	2,805,980.04	2,850,000.00	0.00	2,850,000.00

	2021-22 Calculations			2022-23 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
EXCLUDED APPROPRIATIONS						
19a. Medicare (Enter federally mandated amounts only from objs. 3301 & 3302; do not include negotiated amounts)			72,912.46			71,042.23
19b. Qualified Capital Outlay Projects						
19c. Routine Restricted Maintenance Account (Fund 01, Resource 8150, Objects 8900-8999)	7,000.00		7,000.00	36,000.00		36,000.00
OTHER EXCLUSIONS						
20. Americans with Disabilities Act						
21. Unreimbursed Court Mandated Desegregation Costs						
22. Other Unfunded Court-ordered or Federal Mandates						
23. TOTAL EXCLUSIONS (Lines C19 through C22)	7,000.00	0.00	79,912.46	36,000.00	0.00	107,042.23
STATE AID RECEIVED (Funds 01, 09, and 62)						
24. LCFF - CY (objects 8011 and 8012)	3,003,123.00	1,230,203.00	4,233,326.00	3,167,807.00	2,085,775.00	5,253,582.00
25. LCFF/Revenue Limit State Aid - Prior Years (Object 8019)	(4,601.00)	500,665.00	496,064.00	0.00	190,783.00	190,783.00
26. TOTAL STATE AID RECEIVED (Lines C24 plus C25)	2,998,522.00	1,730,868.00	4,729,390.00	3,167,807.00	2,276,558.00	5,444,365.00
DATA FOR INTEREST CALCULATION						
27. Total Revenues (Funds 01, 09 & 62; objects 8000-8799)	5,220,132.80	4,645,418.00	9,865,550.80	5,148,765.00	5,000,955.00	10,149,720.00
28. Total Interest and Return on Investments (Funds 01, 09, and 62; objects 8660 and 8662)	20,388.59	33,154.00	53,542.59	16,500.00	36,808.00	53,308.00
D. APPROPRIATIONS LIMIT CALCULATIONS						
PRELIMINARY APPROPRIATIONS LIMIT			2021-22 Actual			2022-23 Budget
1. Revised Prior Year Program Limit (Lines A1 plus A6)			4,366,168.25			3,924,820.51
2. Inflation Adjustment			1.0573			1.0755
3. Program Population Adjustment (Lines B3 divided by [A2 plus A7]) (Round to four decimal places)			0.8502			1.0818
4. PRELIMINARY APPROPRIATIONS LIMIT (Lines D1 times D2 times D3)			3,924,820.51			4,566,434.08
APPROPRIATIONS SUBJECT TO THE LIMIT						
5. Local Revenues Excluding Interest (Line C18)			2,805,980.04			2,850,000.00
6. Preliminary State Aid Calculation						
a. Minimum State Aid in Local Limit (Greater of \$120 times Line B3 or \$2,400; but not greater than Line C26 or less than zero)			62,200.80			67,291.20
b. Maximum State Aid in Local Limit (Lesser of Line C26 or Lines D4 minus D5 plus C23; but not less than zero)			1,198,752.93			1,823,476.31
c. Preliminary State Aid in Local Limit (Greater of Lines D6a or D6b)			1,198,752.93			1,823,476.31
7. Local Revenues in Proceeds of Taxes						
a. Interest Counting in Local Limit (Line C28 divided by [Lines C27 minus C28] times [Lines D5 plus D6c])			21,853.20			24,675.47
b. Total Local Proceeds of Taxes (Lines D5 plus D7a)			2,827,833.24			2,874,675.47
8. State Aid in Proceeds of Taxes (Greater of Line D6a, or Lines D4 minus D7b plus C23; but not greater than Line C26 or less than zero)			1,176,899.73			1,798,800.84
9. Total Appropriations Subject to the Limit						
a. Local Revenues (Line D7b)			2,827,833.24			
b. State Subventions (Line D8)			1,176,899.73			
c. Less: Excluded Appropriations (Line C23)			79,912.46			
d. TOTAL APPROPRIATIONS SUBJECT TO THE LIMIT (Lines D9a plus D9b minus D9c)			3,924,820.51			

	2021-22 Calculations			2022-23 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
10. Adjustments to the Limit Per Government Code Section 7902.1 (Line D9d minus D4)			0.00			
SUMMARY	2021-22 Actual			2022-23 Budget		
11. Adjusted Appropriations Limit (Lines D4 plus D10)			3,924,820.51			4,566,434.08
12. Appropriations Subject to the Limit (Line D9d)			3,924,820.51			

* Please provide below an explanation for each entry in the adjustments column.

Line B2 is the ADA for Pathways Charter.

Line 24 is Pathways' 8011 & 8012.

Line 25 is Pathways' 8019.

Line 27 is Pathways' Total Revenue.

Line 28 is Pathways' Total Interst.

Stacy Kalembert
Gann Contact Person

707-874-1205 ext 12
Contact Phone Number



Harmony Union School District

AGENDA ITEM

Meeting Date:	9/14/2022 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.6 Consideration of appointment of new staff: Garden Assistant, Monique Garrett; Paraeducator, Shell Brandt; Cafeteria Assistant, Hunter Bryson.
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	That the Board ratifies and approves contracts for Garden Assistant, Monique Garrett; Paraeducator, Shell Brandt; Cafeteria Assistant, Hunter Bryson.
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal