

Jan Lopez

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**From:** Jim Underwood <jim.uandwlaw@gmail.com>  
**Sent:** Wednesday, September 10, 2014 4:00 PM  
**To:** Jan Lopez  
**Subject:** Re: Agenda issue

Jan:

Here is the basic agenda additions limitations:

**(1) Brief or Limited Communications**

Limited questions, requests, and responses on matters not appearing on the posted agenda are allowed under [Govt C §54954.2\(a\)](#) as follows:

- Brief responses by members of the legislative body and staff to statements or questions posed by the public;
- Questions for clarification;
- References to staff or other resources for factual information;
- Requests to staff to report back on an issue at a subsequent meeting;
- Requests to agendaize a matter of business for some future meeting; and
- Brief announcements by members of the body or staff and brief reports on their activities.

**Note:** Responses, reports, and directions to staff should be brief and not entail lengthy discussion. If there is disagreement over whether to place a matter on a future agenda or whether to have staff return with a report, the matter should be put to an immediate vote without discussion. Note that the provisions allowing individual members of the body to give direction to staff do not override the city's procedural rules governing the authority of individual members to give such directions. [Govt C §54954.2\(a\)\(2\)](#).

**(2) Emergencies**

Discussion and action on an item not appearing on the posted agenda may occur if a defined statutory emergency situation is determined to exist by a majority vote of the legislative body. [Govt C §54954.2\(b\)\(1\)](#). See also [Govt C §54956.5](#).

Additionally, I have found no authority indicating that the Commission cannot change the order of noticed agenda items, and determine to continue or not to consider a noticed agenda item. Nor would any such action run afoul of the open-meeting objectives of the Brown Act, as any such decisions would be done in open session with any interested parties able to observe and comment on such actions.

Let me know if there are related questions.

*Jim*

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