

The City Attorney
City of San Diego
MEMORANDUM
236-6220

DATE: March 5, 1986
TO: Honorable Deputy Mayor and City Council
FROM: City Attorney
SUBJECT: Brown Act; Closed Sessions of City Council;

It was called to my attention this morning by the media that Deputy Mayor Struiksma and four other members of the Council, Messrs. Martinez, Gotch, Cleator and Ms. McCarty met today with members of the San Diego Symphony Board of Directors. When asked by members of the press concerning the meeting, I am told a reply was given that it was a "private meeting."

As you all know, certain provisions of California law, commonly referred to as the Brown Act, are specific concerning your meetings. I should point out to you that:

- 1) A meeting can be construed to take place if five (5) or more of you assemble. (Government Code section 54952)
- 2) An "action taken" can consist of a collective commitment or promise to make a positive or a negative decision. (Government Code section 54952.6)
- 3) Any member of a legislative body who attends a meeting where action is taken in violation of the Brown Act, with knowledge of the fact that the meeting is in violation of the Act, is guilty of a misdemeanor. (Government Code section 54959)

I trust this memorandum is sufficient to guide you in this matter.

Respectfully submitted,
JOHN W. WITT
City Attorney

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