

CITY COUNCIL STAFF REPORT

DATE: JULY 05, 2017 CONSENT CALENDAR

SUBJECT: REVIEW, APPOINT, AND/OR REAPPOINT CITY COUNCIL
SUBCOMMITTEES AND OTHER APPOINTMENTS

FROM: David H. Ready, City Manager

BY: Kathleen D. Hart, Interim City Clerk

SUMMARY

Review of the City Council Subcommittees and other appointments.

RECOMMENDATION:

- 1) Review, appoint, and/or reappoint City Council Subcommittees and other appointments.
- 2) Delete any subcommittees and other appointments no longer needed.

STAFF ANALYSIS:

The City Council routinely creates and appoints two-member ad hoc subcommittees, standing subcommittees, and makes other appointments. Lists of all the current City Council appointments are attached for your reference and review.

Attached is Attorney General Opinion 95-614 to this memorandum for the Council's reference. In this opinion, the Attorney General distinguishes between "standing committees" and "ad hoc committees" on the basis of "function over form" and suggests that "ad hoc committees" should have "a limited term . . . charged with accomplishing a specific task in a short period of time."

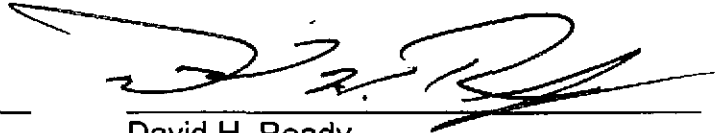
ITEM NO. S.A.

FISCAL IMPACT:

None.



Kathleen D. Hart
Interim City Clerk



David H. Ready
City Manager

Attachments:

- City Council Standing Subcommittee List
- City Council Ad Hoc Subcommittee List
- City Council Representatives to Projects List
- City Council External Organizations, Appointees List
- City Council Liaisons to City Boards, Commissions, and Committees
- Attorney General Opinion 95-614

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



Standing Subcommittees

Created	Committee	Member/Appointed	Member/Appointed
Resolution	Finance/Budget	Mayor Moon 12-16-15	Councilmember Kors 12-16-15
2016-12-14	BUZZ Trolley	Mayor Moon 12-14-16	Councilmember Mills 12-14-16
2016-10-19	Cannabis	Councilmember Foat 10-19-16	Councilmember Kors 10-19-16
2016-04-06 (Standing 2016-06-15)	Trails	Councilmember Roberts 04-06-16	Councilmember Kors 04-06-16
2015-01-21	Homelessness	Councilmember Kors 12-16-15	Councilmember Foat 12-16-15
2014-03-19	iHub/CVEP	Mayor Moon 12-16-15	Councilmember Roberts 12-16-15
2013-12-18	Vacation Rentals	Councilmember Roberts 06-01-16	Councilmember Kors 08-03-16

Ad Hoc Subcommittees

Created	Committee	Specific Task	Sunset Date	Member/Appointed	Member/Appointed
2017-06-21	Property Negotiations	Assist with Property Negotiations, 4449 N. Indian Canyon Dr., APN 669-330-047	2017-12-31	Councilmember Kors	Councilmember Mills
2017-06-21	Potential 2017 Ballot Measures	Explore potential November 2017 Ballot Measure	2017-12-31	Councilmember Kors	Mayor Pro Tem Foat
2017-05-17	Tahquitz Creek Golf Course Operation	Renew Agreement	2017-12-31	Councilmember Roberts 05-17-17	Councilmember Mills 05-17-17
2017-05-17	Communications	Communications	2017-12-31	Mayor Pro Tem Foat 05-17-17	Councilmember Kors 05-17-17
2017-03-01	Vision Agua Caliente Master Plan	Review & work with ACBCI regarding downtown master plan	2017-12-31	Councilmember Mills 03-01-17	Mayor Moon 03-01-17
2017-02-01	Oswit Canyon	Initiative Measure	2017-12-31	Mayor Pro Tem Foat 02-01-17	Councilmember Kors 02-01-17
2017-01-25	Andaz Hotel Development	Review Hotel development	2017-12-31	Councilmember Mills 01-25-17	Councilmember Roberts 01-25-17
2016-11-16	Joint Powers Agreement	Review Greater Palm Springs Convention and Visitors Bureau's JPA	2017-06-30	Mayor Pro Tem Foat 11-16-16	Councilmember Kors 11-16-16
2016-11-16	Planned Development District	Review Planned Development District process	2017-06-30	Mayor Moon 11-16-16	Councilmember Mills 11-16-16
2016-10-19	Vacation Rentals	Study and make recommendations on current vacation rental regulations	2017-03-31	Councilmember Kors 10-19-16	Councilmember Roberts 10-19-16
2016-09-07	Solid Waste Franchise Agreement	Review and make recommendations to the Solid Waste Franchise Agreement	2017-06-30	Councilmember Kors 09-07-16	Councilmember Roberts 09-07-16
2016-09-07	Welwood Outdoor Landscaping	Advise Staff on the Welwood Outdoor Landscaping Project	2017-12-31	Mayor Moon 09-07-16	Councilmember Mills 09-07-16
2016-06-15	Street Naming	Advise on the naming of streets within the Downtown Project	2017-12-31	Councilmember Mills 06-15-16	Councilmember Roberts 06-15-16
2016-06-15	Annexations and Land Acquisitions	Advise City Attorney and City Manager on potential areas for Sphere of Influence/Annexation	2017-12-31	Mayor Pro Tem Foat 06-15-16	Councilmember Roberts 06-15-16
2016-06-15	Palm Canyon / Desert Arts Center	Review potential use agreements for this city facility	2017-12-31	Mayor Moon 06-15-16	Councilmember Kors 06-15-16

Created	Committee	Specific Task	Sunset Date	Member/Appointed	Member/Appointed
2016-05-18	Fundraising	Review Grants/Special Events Fundraising opportunities	2017-12-31	Councilmember Roberts 05-18-16	Councilmember Kors 05-18-16
2016-05-18	Affordable Housing	Review current Affordable Housing opportunities and make recommendations to City Staff	2017-12-31	Mayor Pro Tem Foat 05-18-16	Councilmember Kors 05-18-16
2016-05-04	Rules of Procedure and Conduct of City Council Meetings	Review and make recommendations to the City Council on the Conduct of meetings and rules of procedure	2017-12-31	Councilmember Roberts 05-04-16	Councilmember Kors 05-04-16
2016-04-06	Medical Cannabis	Review current and proposed state legislation with current city regulations	2017-12-31	Mayor Pro Tem Foat 04-06-16	Councilmember Kors 04-06-16
2016-03-02	Audio/Visual System Upgrade	Advise City Staff on the City Hall Audio/Visual Upgrade Project	2017-06-30	Councilmember Mills 03-02-16	Councilmember Roberts 03-02-16
2016-02-17	Recognition of Lawrence Crossley	Recommend Appropriate recognition of Lawrence Crossley	2017-12-31	Mayor Pro Tem Foat 02-17-16	Councilmember Roberts 02-17-16
2016-02-17	Information Technology	Advise City Staff on the preparation of the preparation of a technology master plan	2017-12-31	Mayor Moon 02-14-16	Councilmember Kors 02-14-16
2016-02-03	Palm Springs International Film Festival	Advise City Staff and City Attorney to amendments to the contract with the Palm Springs International Film Festival.	2017-12-31	Mayor Moon 02-03-16	Councilmember Kors 02-03-16
2016-02-03	Palm Springs Dog Park	Advise Staff and work with consultant on the Dog Park Renovation Project	2016-12-31	Mayor Moon 12-16-15	Mayor Pro Tem Foat 12-16-15
2015-12-16	2016 Strategic Planning Retreat	Recommend Facilitator and plan agenda and objectives for Strategic Planning sessions	2017-12-31	Mayor Pro Tem Foat 12-16-15	Councilmember Roberts 12-16-15
2015-12-16	Governmental Reform, Ethics and Transparency	Review current administrative regulations for Conflict of interest, elections, transparency and disclosure	2017-12-31	Mayor Moon 12-16-15	Councilmember Kors 12-16-15
2015-12-16	Sign Ordinance Revision	Advise City Staff and City Attorney on regulations for signs	2017-06-30	Councilmember Mills 12-16-15	Councilmember Kors 06-01-16
2015-12-16	City Hall Landscape	Advise City Staff on the proposed City Hall Landscape Project	2017-12-31	Councilmember Mills 12-16-15	Councilmember Roberts 12-16-15
2015-04-01	Vacant Building and Lot	Advise City Staff and City Attorney		Mayor Moon	Councilmember Mills

Updated as of 06/21/17 meeting

Created	Committee	Specific Task	Sunset Date	Member/Appointed	Member/Appointed
	Regulations	on regulations of vacant buildings	2017-12-31	12-16-15	12-16-15
2015-12-16	Indian Canyon Improvements	Advise City Staff on the Phase 1 preparation and design of Indian Canyon to a two-way street	2017-12-31	Mayor Pro Tem Foat 12-16-15	Councilmember Roberts 12-16-15
2015-12-16	Walk of Stars	Advise City Staff and City Attorney to amendments to the contract with the Palm Springs Walk of Stars	2017-12-31	Mayor Moon 12-16-15	Councilmember Roberts 12-16-15
2015-12-16	Non-motorized Transportation Plan (Bike Lanes)	Advise City Staff on completion of bike lanes	2017-12-31	Councilmember Kors 12-16-15	Councilmember Roberts 12-16-15
2015-07-01	Coachella Valley CVLink	Review and advise City Staff on the initial design and implementation of CVLink	2017-12-31	Mayor Pro Tem Foat 12-16-15	Councilmember Mills 12-16-15
2014-06-18	Historic Site Preservation Code Review	Advise City Staff and City Attorney on historic site regulations and code	2017-12-31	Councilmember Roberts 12-16-15	Councilmember Mills 12-16-15
2014-04-02	Historic Plaza Theater	Review potential use agreements for this city facility	2017-12-31	Councilmember Mills 12-16-15	Councilmember Roberts 12-16-15
2014-02-19	Water Conservation	Review and advise City Staff of achieving water conservation goals and State mandates.	2007-12-31	Mayor Moon 12-16-15	Councilmember Roberts 12-16-15
2012-12-05	Measure J Commission Ordinance	Review Ordinance and duties of the Measure J Commission	2017-12-31	Councilmember Kors 12-16-15	Councilmember Mills 12-16-15
2011-12-14	Downtown Palm Springs Park	Review, design and construction of the Downtown Park and integration into the Downtown Project	2017-12-31	Councilmember Mills 12-16-15	Councilmember Roberts 12-16-15
2008-04-02	Library Remodel/Expansion	Review Phase 1 Design and upgrades and advise City Staff.	2017-12-31	Mayor Moon 12-16-15	Councilmember Mills 12-16-15
2007-12-12	Sustainability	Review and advise City Staff on goals/amendments to the Sustainability Master Plan.	2017-12-31	Councilmember Kors 12-16-15	Mayor Moon 12-16-15
2007-12-12	College of the Desert	Review implementation, design of a Palm Springs Campus	2017-12-31	Mayor Moon 12-16-15	Mayor Pro Tem Foat 12-16-15
2007-12-12	Special Events	Review current and proposed events to ensure Tourism goals	2017-12-31	Mayor Moon 12-16-15	Councilmember Roberts 12-16-15
2006-12-07	Business Retention	Review current Business regulations and retention opportunities and make recommendations to City Staff	2017-12-31	Mayor Pro Tem Foat 12-16-15	Councilmember Kors 12-16-15

Updated as of 06/21/17 meeting

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



**City Council Liaisons
to
City Boards, Commissions, and Committees**

Commission/Board/Committee	Member/Appointed
Office of Neighborhood Involvement	Councilmember Foat 12-16-2015
Airport Commission	Councilmember Mills 12-16-2015

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



External Organizations Appointees

Agency	Phone	Designee	Alternate
CVAG – Executive Committee (Meet last Monday of the month)	760-346-1127	Mayor Moon 12-16-2015	Mayor Pro Tem Mills 12-16-2015
CVAG – Energy and Environment (2 nd Thursday of the month)		Councilmember Kors 12-16-2015	Councilmember Roberts 12-16-2015
CVAG – Homelessness Committee (3 rd Wednesday of the month)		Councilmember Foat 12-16-2015	Councilmember Kors 12-16-2015
CVAG – Public Safety (2 nd Monday of the month)		Mayor Moon 12-16-2015	Councilmember Roberts 12-16-2015
CVAG – Transportation (1 st Monday of the month)		Councilmember Foat 12-16-2015	Councilmember Kors 12-16-2015
Coachella Valley Conservation Commission (2 nd Thursday of the month)		Mayor Pro Tem Mills 12-16-2015	Councilmember Kors 12-16-2015
Coachella Valley Mountains Conservancy Board (2 nd Thursday of the month)	760-776-5026	Mayor Pro Tem Mills 12-16-2015	Councilmember Roberts 12-16-2015
Main Street/Uptown Business Assoc.		Mayor Moon 12-16-2015	Councilmember Kors 12-16-2015
Palm Springs Chamber of Commerce (3 rd Thursday of the month)	760-325-1577	Councilmember Kors 12-16-2015	Mayor Moon 12-16-2015
Greater Palm Springs Convention and Visitors Bureau (CVB) (3 rd Friday of the month)	760-770-9000	Mayor Moon 12-16-2015	Mayor Pro Tem Mills 12-16-2015
Riverside County Community Action Commission		Mayor Moon 12-16-2015	Dale Cook 12-16-2015
Riverside County Community Benefit Committee (Appointed by the County Supervisor)			No alternate.
Riverside County Transportation Commission (2 nd Wednesday of the month)		Councilmember Foat 12-16-2015	Councilmember Kors 12-16-2015
Sunline	760-343-3456	Councilmember Foat 12-16-2015	Councilmember Kors 12-16-2015

Agency	Phone	Designee	Alternate
Eastern Riverside County Interoperable Communications Authority (ERICA)		Mayor Moon 12-16-2015	City Manager 12-16-2015
Riverside County Airport Land Use Commission		Councilmember Roberts 12-16-15	None.
Friends of the Palm Springs Animal Shelter	760-416-5718	Councilmember Foat 12-16-15	None.
PS Resorts	760-275-0963	Councilmember Kors 06-01-16	Mayor Moon 06-01-16
Southern California Association of Governments (SCAG) General Assembly on May 4, 2017		Mayor Moon 02-01-17	Councilmember Mills 02-01-17

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

DANIEL E. LUNGREN
Attorney General

OPINION	:	
	:	No. 95-614
of	:	
	:	June 10, 1996
DANIEL E. LUNGREN	:	
Attorney General	:	
	:	
MAXINE P. CUTLER	:	
Deputy Attorney General	:	
	:	

THE HONORABLE BRUCE McPHERSON, MEMBER OF THE CALIFORNIA STATE ASSEMBLY, has requested an opinion on the following questions:

1. Are the meetings of a standing committee composed of less than a quorum of the legislative body of a local public agency subject to the notice, agenda, and public participation requirements of the Ralph M. Brown Act, if the committee has the responsibility of providing advice concerning budgets, audits, contracts, and personnel matters to and upon request of the legislative body?

2. May a fourth member of a seven member legislative body of a local agency attend, as a member of the public, an open and noticed meeting of a less than a quorum advisory committee of that body, without violating the notice, agenda, and public participation requirements of the Ralph M. Brown Act applicable to meetings of the parent legislative body?

CONCLUSIONS

1. The meetings of a standing committee composed of less than a quorum of the legislative body of a local public agency are subject to the notice, agenda, and public participation requirements of the Ralph M. Brown Act, if the committee has the responsibility of providing advice concerning budgets, audits, contracts, and personnel matters to and upon request of the legislative body.

2. A fourth member of a seven member legislative body of a local agency may not attend, as a member of the public, an open and noticed meeting of a less than a quorum advisory

committee of that body, without violating the notice, agenda, and public participation requirements of the Ralph M. Brown Act applicable to meetings of the parent legislative body.

ANALYSIS

A public water district in Central California is governed by a seven member board of directors. The board has established a subcommittee of three members to advise the board on administrative matters as needed. The subcommittee has been in existence for several years and generally meets monthly, but it does not have a fixed meeting schedule and operates under the following rule:

"The Administrative Committee shall consist of the three Directors appointed by the Chair and approved by the Board. *This committee shall not exercise continuing subject matter jurisdiction.* Its purpose shall be to advise the Board on administrative matters as appropriate. The Board of Directors shall not fix the meeting schedule of this committee. The committee may meet on the call of the chair or as decided by the members. Action taken by the Administrative Committee shall be subject to final Board approval." (Italics added.)

The two questions presented for resolution concern the circumstances and conditions under which the meetings of the board's subcommittee must be open to the public.

The Ralph M. Brown Act (Gov. Code, §§ 54950-54962; "Act")¹ provides that "[a]ll 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 a legislative body, except as otherwise provided in this chapter." (§ 54953, subd. (a).)² Unless otherwise authorized, notice must be given of each meeting to those who request it (§ 54954.1), an agenda must be posted (§ 54954.2), and the public must be provided an opportunity "to directly address the legislative body" (§ 54954.3).

The issues we are asked to address center upon the requirements, conditions, and limitations of sections 54952 and 54952.2. Section 54952 states:

"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.

¹Unless otherwise indicated, all section references hereafter are to the Government Code.

²Various subjects may be discussed in closed session, such as real estate acquisitions, pending litigation, liability issues, personnel issues, labor negotiations, and certain ongoing criminal investigations, if proper notice and disclosures are made. (See §§ 54954.5, 54956.7-54957.7.)

"(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 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." (Italics added.)

Section 54952.2 states:

"(a) As used in this chapter, 'meeting' includes 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 or the local agency to which it pertains.

".....

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

".....

"(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, 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.*" (Italics added.)

1. Continuing Subject Matter Jurisdiction

The first question presented concerns whether a standing committee, composed of less than a quorum of the legislative body, has "continuing subject matter jurisdiction" for purposes of section 54952, subdivision (b), if it provides advice on budgets, audits, contracts, and personnel matters upon request of the legislative body. We conclude that the Act's requirements would be applicable to the subcommittee's meetings.

With respect to the application of the phrase "continuing subject matter jurisdiction" as used in section 54952, we are guided by well established principles of statutory construction. "When interpreting a statute our primary task is to determine the Legislature's intent." (*Freedom Newspapers, Inc. v. Orange County Employees Retirement System* (1993) 6 Cal. 4th 821, 826.) "To determine the intent of legislation, we first consult the words themselves, giving them their usual and ordinary meaning." (*Da Fonte v. Up-Right, Inc.* (1992) 2 Cal.4th 593, 601.) "In construing a statute the court will consider the purpose of the law and adopt a construction which will further that purpose."

(*Robinson v. Fair Employment and Housing Com'n* (1992) 2 Cal.4th 226, 234.) "Consistent with the intent of the Legislature, a statute should be accorded a reasonable and common sense interpretation, avoiding absurd or impractical results." (*Dakin v. Department of Forestry & Fire Protection* (1993) 17 Cal.App.4th 681, 686.)

The general purposes of the Act are set forth in section 54950:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and 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."

The courts have liberally construed the terms of the Act so as to effectuate its purposes. (See *Rowan v. Santa Clara Unified School Dist.* (1981) 121 Cal.App.3d 231, 235; *Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, 48.)

We note that a "standing committee" is commonly defined as "a committee to consider subjects of a particular class arising during a stated period; specif[ically] a permanent committee of a legislative body." (Webster's Third New Internat. Dict. (1971) p. 2224.) "Permanent" may be commonly defined as "to endure, remain." (*Id.*, at p. 1683.)

As for the phrase "continuing subject matter jurisdiction," we find that "continuing" means "needing no renewal" (Webster's, *supra*, at p. 493), "subject matter" means "matter presented for consideration" (*id.*, at p. 2276), and "jurisdiction" means "power, right, or authority to hear . . . a cause" (*id.*, at p. 1227).

Applying these common definitions in carrying out the Act's purposes, we believe that the subcommittee in question has the authority to hear and consider issues relating to budgets, audits, contracts, and personnel matters and that its authority needs no renewal. As such, it is a "legislative body" under the terms of section 54952, subdivision (b), and its meetings are subject to the Act's requirements of notice, a posted agenda, and public participation. Although under its local operating rule, the subcommittee "shall not exercise continuing subject matter jurisdiction," we do not find such rule provision to be determinative. The language of the local rule appears inconsistent at best and may not be used to thwart the purposes and requirements of the Act.

We thus follow function over form in carrying out the Legislature's purposes. In particular, this subcommittee does not have a limited term, and it is not an ad hoc committee charged with accomplishing a specific task in a short period of time. Further, it is irrelevant for purposes of section 54952 that the subcommittee is advisory rather than decision making, that its meetings are

called by the chair of the subcommittee rather than by formal action of the legislative body, or that some, but not all, of the matters under its jurisdiction are referred to it. The purpose of the subcommittee is to advise the legislative body when requested on those matters within its continuing subject matter jurisdiction.

We conclude that the meetings of a standing committee composed of less than a quorum of a legislative body are subject to the notice, agenda, and public participation requirements of the Act, if the committee has the responsibility of providing advice on budgets, audits, contracts, and personnel matters upon request of the legislative body.

2. Presence of a Quorum

The second inquiry concerns whether a fourth member of a seven member legislative body of a local agency may attend, as a member of the public, a public meeting of a less than a quorum advisory committee of that body, without violating the notice, agenda, and public participation requirements applicable to meetings of the parent legislative body.

As quoted above, the term "meeting" is defined in section 54952.2, subdivision (a), to include "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 or the local agency to which it pertains."³ Unless an exception applies, attendance by a fourth member of a seven member legislative body of a local agency at a less than a quorum subcommittee meeting would constitute a meeting of the legislative body itself and thus would result in a violation of the notice, agenda, and public participation requirements for meetings held by the parent legislative body.

Section 54952.2, subdivision (c)(4), however, provides an exception to the requirements of the Act for 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, 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." (Italics added.)

It has been suggested that since a subcommittee with continuing subject matter jurisdiction is itself a "legislative body" (§ 54952, subd. (b)) subject to the notice, agenda, and public participation requirements of the Act, such a subcommittee would be "another body" of the local agency for purposes of the section 54952.2, subdivision (c)(4) exception. Under this interpretation, a fourth

³The term "meeting" was not defined by the Legislature prior to the enactment of section 54952.2 (Stats. 1993, ch. 1136, § 2) operative April 1, 1994. Prior to that time numerous judicial decisions and opinions of this office determined that the Act essentially governed all meetings of a quorum of the legislative body when the public's business was discussed. (See *Frazer v. Dixon Unified School Dist.* (1993) 18 Cal.App.4th 781, 796-797.)

member of the parent legislative body could attend, hear, and discuss, as a member of the public, items that are part of the scheduled subcommittee meeting. We reject this interpretation of section 54952.2, subdivision (c)(4), for several reasons.

"[I]f a statute is amenable to two alternative interpretations, the one that leads to the more reasonable result will be followed [citation]." (*Lungren v. Deukmejian* (1988) 45 Cal.3d 727, 735.) "In analyzing statutory language, we seek to give meaning to every word and phrase in the statute to accomplish a result consistent with the legislative purpose, i.e., the object to be achieved and the evil to be prevented by the legislation. [Citations.]" (*Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1142, 1159.)

As we explained in answer to the first question, the provisions of the Act are to be liberally construed to prevent subterfuge and evasion of the Legislature's purposes. The actions of public agencies are to be taken only after proper notice has been given to the public so that members of the public will have a meaningful opportunity to present their views while the decisions are still pending.

In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, for example, the court determined that a series of telephone conversations between members of a legislative body constituted a "meeting" subject to the requirements of the Act. In discussing the exception applicable for meetings of subcommittees composed of less than a quorum of the members, the court stated:

"... [T]his exception contemplates that the part of the governing body constituting less than a quorum will report back to the parent body where there will *then* be a full opportunity for public discussion of matters not already considered by the full board or a quorum thereof.' [Citations.] Such is not the case where a number of the members sufficient to constitute a quorum of the legislative body has already been informed and deliberated, albeit serially, on a matter of public business by the time the matter reaches the stage of public discussion. [Citation.]" (*Id.*, at pp. 102-103.)

The courts will thus carefully scrutinize the particulars of each situation and invalidate an attempt to evade the purposes of the Act.

Here, items within the subject matter jurisdiction of a subcommittee will necessarily also be within the subject matter jurisdiction of the parent legislative body. If a majority of the legislative body is allowed to be present at a subcommittee meeting held to consider items that presumably will appear on a future agenda of the legislative body, proper notice and public participation cannot be assured. An item may be resolved at the subcommittee meeting by a quorum of the members, with the action later taken at the legislative body's own meeting constituting a mere "rubber stamp." Although the subcommittee meeting would be noticed and open to the public, the public would not anticipate that items will be resolved at that meeting due to the less than a quorum composition of the subcommittee. Members of the public wishing to present their views when the item is to be decided will attend the legislative body's meeting only to find that the decision has in effect already been made. The public will effectively be denied the right to present views prior to the

legislative body's actual determination. Such result would undermine the Legislature's purposes in requiring notice, a posted agenda, and public participation prior to the resolution of a matter by a legislative body.

We believe that the section 54952.2, subdivision (c)(4) exception is intended to govern the situation where a majority of the members of a legislative body attend a meeting of another body of the local agency that is composed of persons different from the legislative body members themselves. For example, a majority of city council members may attend a meeting of the city's planning commission. The planning commission would be expected to take action with respect to the items on its published agenda, and the public would not expect the city council members to resolve any of the items at that time. Subdivision (c)(4) of section 54952.2 allows the entire city council to attend the planning commission meeting without it being considered a meeting of the city council, where the public will still have a meaningful opportunity to address the city council on any items referred to it by the commission. A contrary construction of section 54952.2 would allow a legislative body to conduct virtually all of its public business in subcommittee meetings without proper public notice or participation.

We conclude that a fourth member of a seven member legislative body of a local agency may not attend, as a member of the public, an open and noticed meeting of a less than a quorum advisory committee of that body, without violating the notice, agenda, and public participation requirements of the Act applicable to meetings of the parent legislative body.

* * * * *