

UNION PUBLIC UTILITY DISTRICT
REGULAR MEETING
WEDNESDAY, SEPTEMBER 18, 2019
7:00 PM

Request to add New Business Items:

Request authorization to add item per the Brown Act "Exceptions to the Agenda Requirements":

NEW BUSINESS:

- 8.d. *APPLICATION FOR TRANSFER OF IRRIGATION SERVICE AT 344 HWY 4, MURPHYS (APN #066-003-016) – FROM DIANE EASTMAN TO HILLARY WALSH & JOHNNY LENIHAN: DISCUSSION/POSSIBLE ACTION – Office just notified that property is currently in escrow & scheduled to close 9/18/2019 & would like irrigation service to transfer with domestic service.

Copy of The Brown Act “Exceptions to the Agenda Requirements”:

The Act identifies three situations in which a body is permitted to discuss or take action on a matter at a regular meeting where the matter was not first described on a duly noticed agenda (§54954.2(b).) Prior to discussing a matter which was not previously placed on an agenda, the item must be publicly identified so that interested members of the public can monitor or participate in the consideration of the item in question.

1) The body may discuss a non-agenda item at a regular meeting. If by majority vote, the body determines that the matter in question constitutes an emergency pursuant to section 54956.5 (§ 54954.2(b)(1).) Any discussion held pursuant to this exception must be conducted in open session, since emergency meetings held pursuant to section 54956.5 cannot be conducted in closed session.

2) The body may discuss an item which was not previously placed upon an agenda at a regular meeting, when the body determines that there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meet. (§54954.20(b)(2).) However, the Act specifies that in order to take advantage of this agenda exception, the need for immediate action must have come to the attention of the local “agency” after the agenda had already been posted. (§54954.2(b)(2).) The Legislature’s choice of the term “agency” rather than “body” seems calculated to limit use of this exception by prohibiting its usage if the local agency, i.e. staff, and not merely the body, had knowledge of the situation requiring action prior to the posting of the agenda. Lastly, the determination that a need for immediate action exists must be made by two-thirds of the members present or, if two-thirds of the body is not present, by a unanimous vote of those remaining. (§ 54954.2(b)(2).)”

3) Finally, where an item has been posted on an agenda for a prior meeting, the item may be continued to a subsequent meeting that is held within five days of the meeting for which the item was properly posted. Under these circumstances, the items need not be posted for the subsequent meeting. (§ 54954.2 (b)(3)); see also. § 54955-55.1 [concerning adjournment and continuances], *infra* at p.25.)