

**MINUTES**  
**SPECIAL MEETING/RETREAT**  
**CITY COUNCIL**  
**CITY OF MONTEREY**  
**Thursday, December 14, 2006**  
**3:00 – 6:00 P.M.**  
**Monterey Conference Center**  
**MONTEREY, CALIFORNIA**

**CALL TO ORDER:**

Mayor Della Sala called the meeting to order at 3:10 p.m.

**Council Members**

**Present:** Councilmembers: Downey (arrived at 3:23 p.m.), Haferman, Selfridge, Sollecito, Mayor Della Sala

**Absent:** None

**City Staff:**

**Present:** City Manager, City Attorney, City Clerk, Assistant City Manager

**STUDY SESSION/RETREAT**

1. Discussion of the Considerations of the Brown Act (G.C. 54950 - 44963)

City Attorney Mall presented a summary of Brown Act provisions, including the following topics: ad hoc committees, definition of a quorum, application of the Brown Act, types of gatherings that are exceptions, ex-parte, serial, hub-and-spoke, and daisy chain meetings, teleconference capabilities, and due process. She reviewed types of meetings, such as adjourned, special and regular, how to add items to the agenda, and closed session provisions.

City Manager Meurer noted that Council can schedule field trips to look at projects, and he stressed the importance of keeping one's mind open during public hearings. Mayor Della Sala explained that questions could be asked after hearing a staff report, then comments made after the public speaks.

City Attorney Mall cautioned Councilmembers regarding the use of e-mail communication, because one could violate the Brown Act without knowing. City Manager Meurer said that Councilmembers must publicly disclose what is said during ex parte contacts. City Attorney Mall said that existing case law clarifies that staff can meet with individual Councilmembers to give them information, and City Manager Meurer confirmed that he not talk about agenda items during his meetings with Councilmembers. Councilmember Haferman noted that he often brings up constituents' issues to the City Manager at these meetings.

City Attorney Mall explained that the Charter specifies that Council must work through City Manager, rather than directing employees.

Councilmember Downey stated that getting last minute items on the dais is a problem because Councilmembers do not have adequate time to review them. City Manager Meurer suggested that Council continue an item or ask for a recess to read the material, and that Councilmembers should only vote on an item when they are ready.

