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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 101. ADMINISTRATION OF PUBLIC HEALTH [100100 - 101997]** ( *Division 101 added by Stats. 1995, Ch. 415, Sec. 3.* )

**PART 4. SPECIAL HEALTH AUTHORITIES [101525 - 101881]** ( *Part 4 added by Stats. 1995, Ch. 415, Sec. 3.* )

**CHAPTER 6. Other [101860 - 101881]** ( *Chapter 6 added by Stats. 1997, Ch. 927, Sec. 2.* )

**ARTICLE 3. Enforcement of Public Meetings [101868- 101868.]** ( *Article 3 added by Stats. 1997, Ch. 927, Sec. 2.* )

**101868.** (a) Any interested person may institute proceedings for injunctive or declaratory relief or writ of mandate in any court of competent jurisdiction for the purpose of stopping or preventing violations or threatened violations of Article 2 (commencing with Section 101861) by the corporation. In addition, the corporation may institute proceedings for declaratory relief, or validation of its policy or policies under Article 2 (commencing with Section 101861). In the event the corporation institutes proceedings, the corporation shall give written notice, to the person or persons with an interest in the corporation's compliance with Article 2 (commencing with Section 101861), of the right to participate in the proceedings.

(b) Any interested person, including a corporation subject to this chapter, may institute proceedings for injunctive or declaratory relief or mandate in any court of competent jurisdiction for the purpose of obtaining a judicial determination as to whether an action taken by the corporation was in violation of Article 2 (commencing with Section 101861). In the event the corporation institutes proceedings, the corporation shall give written notice, to the person or persons with an interest in the corporation's compliance with Article 2 (commencing with Section 101861), of the right to participate in the proceedings.

(c) Any action seeking a judicial determination under this section shall be commenced within 30 days from the date the action was taken. Nothing in this section shall be construed to prevent the corporation from curing or correcting an action that is subject to review pursuant to this section. The fact that the corporation takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter. Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

(d) An action shall not be determined to be null and void if any of the following conditions exist:

- (1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.
- (2) The action taken gave rise to a contractual obligation.
- (3) The action taken was in substantial compliance with this chapter.
- (4) Invalidation of the action taken would substantially impair the corporation's ability to accomplish its primary public benefit purposes by either depriving the corporation of a material competitive or economic benefit, or exposing the corporation to a material competitive or economic risk.

(*Added by Stats. 1997, Ch. 927, Sec. 2. Effective January 1, 1998.*)