

Brown Act

California's Open Meeting Law

Presented by:
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General Rule

“All 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 the legislative body of a local agency, except as otherwise provided in this chapter.”

- California Government Code section 54953 (a)

Purpose

- Give Californians access to actions and deliberations of local decision-making bodies
- Enable the public to attend and participate in local government meetings
- Prohibit governmental decisions from being made in secret



What is a legislative body?

- Local governing body, including newly elected members
- Commission or committee created by charter, ordinance, or formal action of the legislative body
 - May be temporary or permanent
 - May be decision making or advisory

What is a meeting?

- Any gathering of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or take action upon any item(s) within its subject matter jurisdiction
 - Be careful to avoid informal meetings

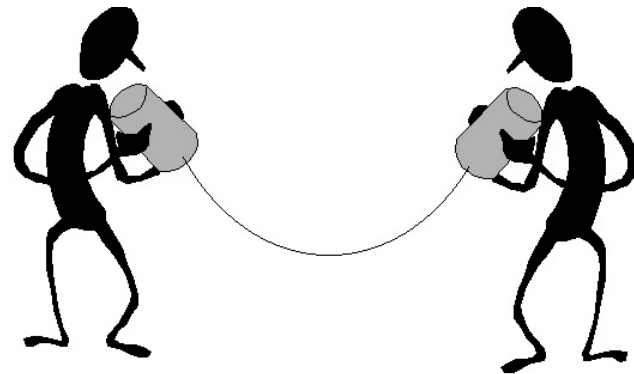


Types of meetings

- Formal Meetings
 - Regular meeting
 - Special meeting
 - Emergency meeting



- Informal Meetings
 - Daisy Chain
 - Hub and Spoke
 - Email/other technology



Formal Meetings

- Regular Meetings
 - Regular meetings of the legislative body must be held at the time and place set by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body
 - An agenda must be posted at least 72 hours in



Formal Meetings, cont.

- Special Meetings
 - May occur at any time
 - Can be called by the chair or a majority of the legislative body
 - Written notice 24 hours before the meeting delivered to each member and to all media outlets that have requested notice in writing
 - Only business stated in the notice may be considered at the meeting

Formal Meetings, cont.

- Emergency Meetings

- Very Rare

- Legislative body must determine:

- A work stoppage, crippling disaster, or other activity severely impairs public health or safety; or
 - A “dire” emergency exists, such as mass destruction, terrorist act or threat that poses immediate and significant peril

- One-hour telephone notice may be provided

- Otherwise, special meeting provisions apply



Informal Meetings: POSSIBLE BROWN ACT VIOLATION

- Serial meeting – a series of meetings to develop a decision, each of which involves less than a majority of members, but which taken together involve a majority of members
 - Daisy Chain: If member A contacts member B, and member B contacts member C, and so on, until a quorum has been involved.
 - Hub and Spoke: an intermediary contacts at least a quorum of the members to develop a collective concurrence on action to be taken by the legislative body



Informal Meetings, Cont.

POSSIBLE BROWN ACT VIOLATION

- Electronic Communications
 - Use of e-mail or other technology/media by a majority of a legislative body to discuss, deliberate, or take action on items within the body's jurisdiction violates the Brown Act
- Members of the Body should not use email:
 - To develop a collective consensus, agreement, or decision; or
 - Exchange information about their views or positions on public business

What is NOT a meeting?

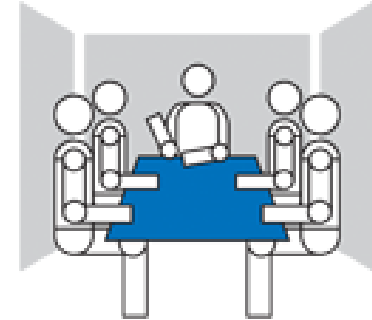
- Conversations between individual members of the body and any other person
- Attendance of a majority of members at a training, conference, public meeting of another organization, or open and publicized community meeting
- Majority attendance at a purely social or ceremonial occasion



Basic Requirements of a Meeting

Meeting must be:

- Properly noticed;
- Include only business described in the agenda;
- Take place within the City's geographic boundaries; and
- Be completely accessible to the public



Notice

- A written agenda must be prepared for each regular or adjourned regular meeting of each legislative body
- The agenda for a regular meeting must be posted at least 72 hours before the meeting
- Notice of all meetings must be posted on the City's website



Agendas

- Agendas must contain a brief description of every item to be discussed, including closed session items
- Descriptions must be clear enough to be understood by members of the public
- Agendas for regular meetings must include a time for public comment

Items not on the Agenda

- Action or discussion of items not on the agenda is generally prohibited.



Public Comment

- Public comment period must be on the agenda for any matter in the jurisdiction of the legislative body
- Public may also comment on items on the agenda prior to, or during, consideration of the item
- May limit the duration of the comment

Public Comment Cautions

- Do not prevent speakers from participating for failure to provide name or address
- Even if no speakers filled out a speaker card, ask if anyone wishes to speak before closing the public comment period
- Must allow for negative comments
 - But, if members of the public disrupt the meeting, preventing the legislative body from continuing with the business at hand, the board may clear the room and continue the meeting

Penalties

- Invalidation of action/decision
- Criminal misdemeanor



Questions?



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