



Redwood
Public Law



Brown Act Training

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I. What is the Brown Act?

II. What does the Brown Act require?

III. Common Pitfalls

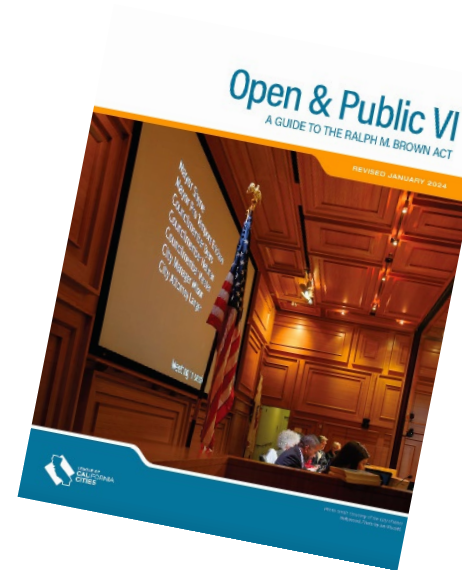
IV. Remote Attendance at Meetings

V. Quiz

What is the Brown Act?

Ralph M. Brown Act

Government Code sections 54950 et seq.



Brown Act Key Elements

Open Meeting Requirements

- Meetings...
- Of Legislative Bodies...
- *Shall be open and public*
- And all persons shall be permitted to attend any meeting



Default: All committee meetings must be open and public, unless an exception is permitted.

Who Does the Brown Act Apply To?

The Brown Act applies to Legislative Bodies:

- Committees, Commissions, Advisory Bodies
 - Created by action of the City Council
 - Continuing subject matter jurisdiction
 - Fixed meeting schedule



What is a “Meeting”?

- A congregation of a majority of Commissioners at the same time and location to hear, discuss, or act on public business.
- Exceptions:
 - Individual contacts
 - Conferences *
 - Open community meetings *
 - Another body of the agency *
 - Social or ceremonial events *
 - Standing committee meetings



**Provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, City business.*

Avoiding Serial Meetings:

- Outside of an open and noticed public meeting, a majority of a Committee may not discuss, deliberate, or take action by direct communication, intermediaries, or technology
 - Does not prevent employees and officials from engaging in separate conversations outside of a meeting provided that the comments or positions of other members are not communicated



Examples of Serial Meetings

Hub and spoke

- A staff member or Committee member (hub) communicates with other members of the Committee (spokes) one-by-one for input on a proposed action
- During this process, members' positions are revealed to other members.



Daisy chain

- Chain conversation results in a quorum discussing and taking action



Serial Meetings

Email, Texts and Social Media



- Do not *reply-all* when responding to emails or texts copying other Committee members
- Social Media, Blogs, NextDoor (AB 992)
 - Commissioners may not discuss, or respond directly to any communications posted online by other committee members, regarding a matter within its jurisdiction.
 - i.e. posting or using emojis



Agendas

AGENDA



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Discuss & act only on items on a posted agenda

- Posting requirements:
 - ***Regular meetings***
must be posted **72**
hours before meeting
 - ***Special meetings***
must be posted **24**
hours before meeting
- *Exceptions:*
 - Emergency Meetings
 - Urgency → need for
immediate action
came to agency's
attention after
posting the agenda

What items can be agendized?

- Those that are within the Committee's jurisdiction
- The scope of the Committee's review is limited to what has been assigned to it by the City Council.



Public Participation

- Regular meetings must provide an opportunity for the public to speak regarding any matter within the body's jurisdiction
 - Public can address the legislative body on agenda items before or during consideration.
 - Legislative body may briefly discuss these items and refer matters to staff, ***but cannot take action.***
- Special meetings
 - Agenda topics only
- Reasonable time limits and other management measures are okay
 - Speaker cards must be voluntary/optional
 - May not limit “negative” comments



Traditional Teleconference Rules:

- Agenda posted at all locations, with teleconference locations specifically identified
- All locations open to the public with public participation possible at each location
- At least quorum of legislative body member must participate from locations within city boundaries
- Roll call votes only



“Just Cause” Teleconference Rules:

- Qualifying circumstances:
 - Caregiving needs;
 - Contagious illness;
 - Need related to a non-disability mental or physical condition;
 - Travel while on official business of the body or another agency;
 - Immunocompromised family member;
 - Physical or family medical emergency;
 - Military service obligations



“Just Cause” Teleconference Rules:

- Process:
 - State the need to participate remotely for just cause by providing general description of reasons; note if anyone 18+ is present.
 - Camera and microphone must remain on for the entire meeting.
 - No agenda posting or public participation required at remote location.
 - Public must be able to remotely attend the meeting.
 - Roll call votes only.
 - At least quorum of the body must be at the same physical location that’s within city limits and clearly identified on the agenda. The location must allow for public comment and participation.

Members may only use this provision up to two times per calendar year.

Remote Meetings

Teleconference Rules for Members with Disabilities:

- Disability requires remote participation as a reasonable accommodation under any applicable law.
- Process:
 - Member's camera and microphone must remain on for the entire meeting, except if disability results in need to participate off camera.
 - Chair must ask if anyone 18+ is present with the member and note their relationship.
 - Remote participation is treated as in-person participation in this instance.



Consequences-Summary

Violations of the Brown Act can result in:

- Nullification of a decision made in violation of the Brown Act's requirements;
- Willful violation can incur criminal penalties;
- A possible award of attorneys' fees to the party successfully bringing a Brown Act lawsuit;
- Loss of public confidence.



QUIZ

Question

- A Committee member e-mails her concerns about the current Measure W financial report to the other 2 Committee members regarding an item on the next meeting agenda.
- 1 member responds back to the email group and indicates that they also have concerns about the financial report.



Was this a Brown Act violation?

Answer to Question

- **Yes;** the 2 Committee members have participated in a discussion of an item within the jurisdiction of the body that was not noticed, open, or public.

Questions?

