

THE BROWN ACT
PERFORMING ARTS COMMITTEE
JUNE 16, 2021

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RALPH M. BROWN ACT

- **Enacted in 1953**
- **Its purpose is to safeguard public's right to access and participate in govt meetings within the State**
- **Intent of the Brown Act**
 - **Ensure deliberations and actions of local legislative bodies are open and public**
 - **Ensure meaningful public access to local agency decisions**
 - **Meetings must be open to the public, held on a regular schedule, and follow a noticed agenda**

“OPEN AND PUBLIC”

“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.” Govt Code Section 54953(a)

“LEGISLATIVE BODY”

- **Governing body of a local agency**
- **Any commission, committee, board, or other body created by formal act of a local agency**
- **Examples**
 - **City Council**
 - **Boards and Commissions**
 - **Standing Committees w/ continuing subject matter jurisdiction or a meeting schedule fixed by formal action**
- **Does not apply to ad-hoc subcommittees composed solely of less than a quorum of the legislative body**
- **New members: applies once appointed/elected**

MEETINGS

- Congregation of a majority of the legislative body
- Same time and place (including teleconference location)
- To hear, discuss or deliberate
- Items in subject matter jurisdiction

AVOID “SERIAL” MEETINGS

- **Series of communications**
- **Used by a majority of the legislative body**
- **To discuss, deliberate, or take action**
- **On an issue within that body’s subject matter jurisdiction**

TYPES OF “SERIAL” MEETINGS

Daisy Chains

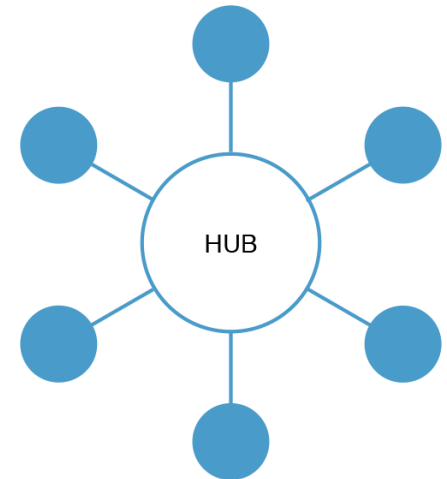
- Member A contacts Member B, Member B contacts Member C, Member C contacts member D and so on, until a quorum has discussed, deliberated or taken action as to some local agency business outside of a public meeting.



TYPES OF “SERIAL” MEETINGS

Hub and Spoke

- This involves, for example, an individual (the hub) communicating with members of a legislative body (the spokes) one -by -one prior to a formal meeting, and reveals the views of respective members.



Most common: EMAIL

TIPS TO AVOID SERIAL MEETINGS

- **Send communications to staff liaison**
- **Use caution when forwarding or replying all to emails and using social media**

SOCIAL MEDIA – NEW LEGISLATION

- AB 992 – effective January 1, 2021
- Members of a legislative body:
 - CAN use social media platforms to answer questions, provide information to and solicit information from members of the public
 - CANNOT comment on another member’s online post about a matter within the body’s subject matter jurisdiction
 - Includes making posts, commenting and even using digital icons that express reactions to communications (i.e., emojis) made by other members of the legislative body
- Applies to social media platforms that are open and accessible to the public

MEETING EXCEPTIONS

When is a meeting not a “meeting”?

- Individual contacts
- Conferences and seminars
- Community meetings
- Social/ceremonial events
- Another body of the agency
- Standing committee meetings

TYPES OF MEETINGS

- **Regular**
- **Special**
- **Adjourned**

REGULAR MEETINGS

- Agenda must be posted 72 hours in advance
- Agenda must contain brief description of items of business
- Agenda must be freely accessible to public
- Must have a general comment period for the public

SPECIAL MEETINGS

- **Called by Chair or majority of the body**
- **Agenda posted 24 hours in advance**
- **Must notify each member & press**
- **No general public comment period required**

ADJOURNED MEETING

- Continuation of a previous meeting
- If held within 5 days, no need for a new notice
- Less than a quorum may adjourn

PUBLIC COMMENT PERIOD

- Any item within the body's subject matter jurisdiction
- Before or during consideration of an item
- Rules of decorum permitted
- Time limits are OK
- Speakers should address the Chair
- Comments must be germane
- Disruptive speakers can be ejected

CONDUCT OF MEETINGS

- **Brown Act: Quorum required to conduct meeting**
- **City Charter 904 requires an affirmative vote of a majority of the entire membership to take any action**
- **City Council Code of Conduct**
 - **Council Policy A-13**
- **Rules of Procedure**
 - **Robert's Rules of Order**

NON-AGENDIZED DISCUSSIONS

- No discussion of items not posted on the agenda
- Exceptions:
 - Items added to the agenda
 - Came to the City's attention after agenda was posted
 - Need to take action before next meeting
 - Two-thirds vote required
 - Brief response to comments/questions
 - Clarifications/reference to staff
 - Brief announcements/ report on activities
 - Requests to place items on future agendas

ENFORCEMENT & CONSEQUENCES

- Notice and opportunity to cure
- Civil action for invalidation of actions
- Attorneys fees and costs
- Criminal prosecution
 - Action taken at a meeting
 - In violation of the Act
 - Intent to deprive public of information

QUESTIONS?

