

THE BROWN ACT



To Whom Does the Brown Act apply?



- 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
- Legislative body includes an advisory commission created by ordinance, resolution, or formal action of the Board of Supervisors

What is a Meeting



- Any congregation of a **majority** of the members of a legislative body at the same time and location ... to **hear, discuss, deliberate, or take action** on any item that is within the **subject matter jurisdiction** of the legislative body.
- The legislative body does not need to take action in order for it to be considered a meeting.

What Else is a Meeting



- A majority of members of a legislative body shall not, outside of an open and public meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business within the subject matter jurisdiction of the legislative body.
- Also known as the Serial Meeting
 - Daisy Chain
 - Hub and Spoke

What is Not a Meeting



- Individual board member discussions with constituents, staff, etc.
- Attending a purely social or ceremonial occasion
- Attending a conference (e.g., CSAC), provided the conference is not by invitation only (must be open to the public, who may be required to pay to attend)

What is Not a Meeting (cont.)



- Attending a public meeting of some other entity
- Attending a properly noticed public meeting of another legislative body of the same agency (e.g., Planning Commission attending BOS meeting) or of a legislative body of another agency (e.g., BOS attending a city council meeting)
- Attending a public meeting of a standing committee of the body, provided the board members creating a quorum of the full body attend only as observers

Rules for Meetings



- **Regular Meetings**

- Time and place specified in an ordinance, resolution, or bylaws. Excepts advisory or standing committees, which can meet “as needed”
- Post the agenda 72 hours in advance
- Brief general description of each item of business
- Separate public comment item
- Closed sessions may be held
- No special notice to board members or media is required
- If requested, must be made available in alternative format for disabled person and describe procedure for accommodations

Rules for Meetings



- **Special Meetings**

- Can be called at anytime by the chair or majority of the Board
- Post the agenda 24 hours prior
- Items cannot be added to the agenda at the meeting
- No need to have separate public comment period

Rules for Meetings



- **Special Meetings**

- Can be called at anytime by the chair or majority of the Board
- Post the agenda 24 hours prior
- Items cannot be added to the agenda at the meeting
- No need to have separate public comment period

Items Not on the Agenda



- No discussion or decision on items not on the posted agenda
- Members or staff may respond briefly to questions posed by the public
- Members may ask staff a question, make a brief announcement, or make a brief report on his/her own activities
- Members may ask staff to report back on an item at a later meeting or place a matter on a future agenda

Public Comment



- Every agenda must allow the public to speak on any item of interest within the subject area of the legislative body
- Public must be allowed to speak on specific item of business before or during the consideration of the item
- May adopt reasonable regulations for public comment (e.g. time limits)
- May not prohibit criticism of policies, procedures, programs or services, or of the acts or omissions of the legislative body

Brown Act Violations



- Any individual or the DA may file a civil lawsuit for injunctive relief or to void an action taken in violation of the Brown act
- Attorneys fees are available to plaintiff
- Any member who attends a meeting where action is taken in violation of the Brown Act where the member intends to deprive the public of information the members knows or should know the public is entitled to, is guilty of a misdemeanor.