



Legislation Text

File #: 19-1824, **Version:** 1

The Chief Administrative Office, Parks and Trails Division, recommends that the Parks and Recreation Commission receive an overview of The Brown Act, California Government Code 54950 - 54963, including proper Commissioner to Commissioner Communication and Staff to Commissioner Communication. (Est. Time: 30 Min.)

FUNDING: N/A

DISCUSSION / BACKGROUND

The Ralph M. Brown Act, California Government Code 54950 - 54963, was passed in 1953 and guarantees the public's right to attend and participate in meetings of local legislative bodies. Meetings subject to Brown Act should be open to the public to attend, allow the public witness how decisions are being made, and allow the public to participate in all phases of the decision making process. California Government Code 54950 specifies the requirements for a legislative body including but not limited to communication, regular and special meetings, agendas, public rights, public comment, etc.

It is important to note that all meetings must be properly noticed and open to the public. All discussions, actions, and deliberations must take place within meetings. It is also important to note that all items and discussions must pertain to the purpose of the Commission.

Commissioners should be aware of the Brown Act as they communicate on a Commissioner to Commissioner basis. Discussions, even between two Commissioners, can be in violation of the Brown Act if the same items are discussed at a different time with another Commissioner so that the majority of the Commission has been involved in a discussion or deliberation. While it is not permitted under the Brown Act for three or more Commissioners to meet outside of public meetings as specified in the legislation, it is important to note that other forms of communication such as email, text messages, phone calls, social media comments, etc are also prohibited. In addition, if Commissioner A and Commissioner B hear, discuss, deliberate, or take any action on any item that is within the Commission's subject matter jurisdiction and then one of them shares that information with Commissioner C outside of properly noticed public meetings, that is also a violation of the Brown Act. Please also note that this applies to any form of communication.

For the above reasons, when staff communicates to Commissioners via email, staff will send the email with a blind carbon copy (Bcc) to Commissioners to ensure that a "reply all" cannot mistakenly sent. If Commissioners need to contact staff to request an agenda item or ask a question, any email should be sent to staff only and not include more than one other Commissioner. If an email is sent with one other Commissioner, Commissioners may not discuss that with any other Commissioners until the next regularly scheduled meeting.

The purpose of this overview is to assist in better overall understanding and avoid violations of the Brown Act. Violations are handled both civilly and criminally and can involve either a lawsuit or a misdemeanor prosecution of any violating members.

ALTERNATIVES

N/A

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Chief Administrative Office concurs with the Parks Division recommendation.

FINANCIAL IMPACT

N/A

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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