

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

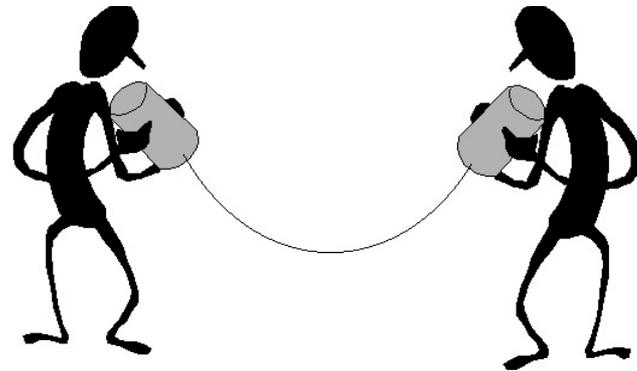


Types of meetings

- 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, or bylaws
 - An agenda must be posted at least 72 hours in advance



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

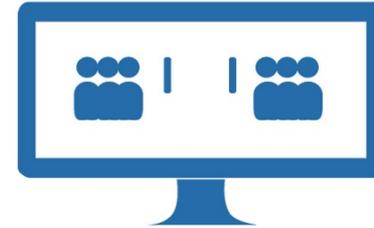
- One-hour telephone notice may be provided

- Otherwise, special meeting provisions apply



Formal Meetings, cont.

- Video/Teleconference



- May occur only if:

- Agendas are posted at the video teleconferencing locations specifying all teleconference locations
 - There is public access to teleconference locations
 - There is public opportunity to speak at each teleconference location; and
 - All votes are taken by roll call

- A quorum of the members of the legislative body must participate from locations within its jurisdiction

Informal Meetings

MAY VIOLATE BROWN ACT

- 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.

MAY VIOLATE BROWN ACT

- 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?

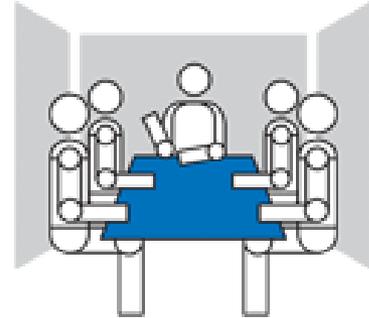
- Conversations between individual members of the body and any other person
- Attendance of a majority of members at a training, conference, public meeting of another organization, or open and publicized community meeting
- Majority attendance at a purely social or ceremonial occasion



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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