
The Ralph M. Brown Act

Workforce Development Board

August 4, 2022

SCOPE



Governs meetings conducted by local legislative bodies

Brown Act Policy Declaration

- The intent of the BROWN ACT is that elected and appointed officials' actions “be taken openly and their deliberations be conducted openly.”
Government Code section 54950
 - Exceptions to this policy are legislatively enumerated matters which are heard only in closed sessions. Ex. – personnel matters, pending litigation, real estate negotiations, labor negotiations
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OPEN MEETINGS



All of a legislative bodies' deliberative processes – including discussion, debate, and the acquisition of information – must be open and available for public scrutiny.

PURPOSE

- To facilitate public participation in local government decisions.
- To curb misuse of the democratic process by public bodies through secret legislation.



How do we accomplish this?

- **Open, Noticed Meetings**

- Public Participation
 - Opportunity to Speak
 - Public Voting
 - Agendas
-

What constitutes a meeting?

- A “meeting” is a “congregation” of a majority of members of the legislative body at the same location “to hear, discuss, deliberate, or take action on any item within the subject matter jurisdiction of the legislative body.”
 - Government Code section 54952.2, subd. (a)
 - Ex – Attorney General Opinion, a majority of the members of a city council may not meet, either outside or inside the city’s boundaries, to attend a private tour of water district’s facilities which provide services to the city for purposes of acquiring information regarding those services. Op.Atty.Gen. 10-702 (August 26, 2011)
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Violations of the meeting rule

- Collective Briefings (any briefing involving the majority of members)
 - Informal Gatherings (unless scrupulous avoidance of topics within body's jurisdiction)
 - Retreats or Workshops
 - Teleconferencing
 - Serial Meetings (series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the members)
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Meeting Exceptions

- Attending conference together
 - Attending community meetings
 - Other legislative body meetings (ex. BOS)
 - Social or Ceremonial Events
 - Bottom line – don't talk about board business at the event unless agendaized and open to public (ex. part of conference is discussing business and conference open to public; BOS invites WDB members to meeting to discuss WDB business)
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Meetings (cont.)

- “Teleconferences”
 - Members are in different locations
 - Connected via phone, Skype, etc
 - At least a quorum must participate from locations within SLO County boundaries
 - Each location must be identified in the notice and agenda
 - Each location must be accessible to the public
 - Agenda posted at all teleconference locations
 - Public comment at each teleconference location
 - All votes taken by roll call
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Meetings (cont.)

- “Emergency meetings” – held only when prompt action is necessary due to the actual or threatened disruption of public facilities; may be held without notice in emergency situation (Gov’t Code § 54956.5)
 - “Adjourned meetings” – regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment (Gov’t Code § 54955)
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Serial Communications Prohibited

- Effective January 1, 2009, the Act prohibits a majority of members of a legislative body from using a **“series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”**
 - “hub-and-spoke” – call person A, then call person B to discuss convo with person A, etc.
 - “daisy chain” – often via email forwarding
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Still Permitted . . . Separate Conversations With Agency Staff

- Separate conversations or communications between an employee or official of a local agency and members of its legislative body
 - Purpose:
 - Efficiency/Effective Operation of Government
 - To answer questions or provide information regarding a matter within the subject matter jurisdiction.
 - Agency staff must not communicate to a member or members of the legislative body the comments or position of any other member or members.
 - Unilateral written communication to a legislative body (such as informational memo) not a violation
 - But may become public record
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Subcommittees

- Brown Act also applies to meetings of all:
 - Standing committees (committee that has continuing JX over a particular topic – ex. budgets, personnel, etc)
 - Advisory committees that include a majority of the board and are NOT standing committees (committee that serves only to make recommendations to the board - ex. meeting attendance, conflict-of-interest, ethics policies, etc)
 - Exception – subcommittee made up of less than majority of directors, that is advisory and not standing
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How do we accomplish this?

- Open, noticed meetings
 - **Public Participation**
 - **Opportunity to Speak**
 - Public Voting
 - Agendas
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PUBLIC PARTICIPATION

- Members of the public can attend, and testify, without giving their names;
 - Information given to the legislative body in connection with an open meeting must be equally available to members of the public;
 - Unless disruptive, any person may record (video or audio) or broadcast an open meeting.
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Opportunity to Speak

- Every regular meeting agenda must provide opportunity for the public to speak:
 - On items of interest to the public;
 - Before/during consideration of each item;
 - On items not on the agenda (but within the jurisdiction of the legislative body).
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Reasonable Regulations

- The legislative body may:
 - Adopt regulations limiting the total amount of time for public comment on each issue and as to each speaker
 - May order the room to be cleared of persons interrupting orderly conduct of the meeting.



Reasonable Regulations



- The legislative body may not:
 - Prohibit a speaker from criticizing the policies, procedures, programs or services of the agency or the acts or omissions of the legislative body.

How do we accomplish this?

- Open, noticed Meetings
 - Public Participation
 - Opportunity to Speak

 - **Public Voting**

 - Agendas
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PUBLIC VOTING

- No secret ballots
- The legislative body must publicly report any action taken and the vote or abstention on that action of each member present for the action.
- New requirement as of Jan. 1, 2014.



How do we accomplish this?

- Open, noticed Meetings
 - Public Participation
 - Opportunity to Speak
 - Public Voting
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- Agendas
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Agendas



MARIPOSA COUNTY

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JOHN CARRIER, CHAIR
MARSHALL LONG, VICE-CHAIR
ROSEMARIE SMALLCOMBE
MERLIN JONES
KEVIN CANN

DISTRICT V
DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV

AGENDA of the BOARD OF SUPERVISORS

Meetings convene at 9:00 a.m., the first four Tuesdays of each month, at the Mariposa County Government Center, Board Chambers at 5100 Bullion Street.

Board may take action sitting as the Board of Supervisors, or as the governing body of: County Service Area 1M (Don Pedro); Mariposa Pines Sewer Zone; Sewer Zone (Don Pedro); Coulterville Sewer and Water Zone; Vehicle Parking District No. 1 of Mariposa County; Wawona County Services Area 2-W; Horion Lighting District; Mariposa Lighting District; Coulterville Lighting District; Mariposa Air Pollution Control District; Yosemite West Maintenance District; Mariposa County Water Agency; Local Transportation Commission; Countywide Service Area; Mariposa County In-Home Supportive Services Public Authority; and the Mariposa County Public Finance Corporation.

Citizens wishing to schedule matters for Board consideration or to appear before the Board must contact the Clerk of the Board in writing stating the action requested, sponsoring department, and requested date. Appropriate requests will be scheduled as time allows. Submission deadline is on Friday prior to noon (11 days in advance of meeting), so that the Agenda can be processed and packages available on Thursday for the following week's meeting. One copy of all supporting materials must be submitted.

Public Comment on Non-Agenda Items: The law provides the opportunity for the public to be heard on any item within the subject matter jurisdiction of the Board, either before or during consideration of an item. For items on the agenda, this will be at the time the item is called by the Chair. For all other items, the public comment time at the start of each meeting is appropriate. Speakers are limited to five minutes. Please note that state law does not allow action to be taken on any item not appearing on the Agenda unless the action is otherwise authorized by Government Code Section 54954.2(b) which permits items not on the Agenda to be acted upon as delineated in Section 54954.2(b).

Agendas and supporting documentation generally are available for review on the Thursday prior to the Board meeting, as soon as it is completed, at the Mariposa County Government Center. They are also available online at: www.mariposacounty.org/bosagendas.

PLEASE SILENCE CELL PHONES.

March 8, 2016

A. Call to Order and Roll Call

9:00 AM Meeting Called to Order at the Mariposa County Government Center

B. Pledge of Allegiance

C. Introductions

D. Approval of Consent Agenda (Items designated by "CA")

NOTE: The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office.

Agendas

- Must list the items to be considered
 - Items off agenda may not be discussed; no action may be taken on such items . . . **except**
 - Commission Members may report on their activities,
 - In response to public comment on a non-agenda item
 - Brief questions may be asked
 - Staff can be requested to respond
 - Item can be placed on future agenda
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Agenda Posting/Notice Requirements

- Must be posted in an area freely accessible to the public 24 hours/day
 - Regular Meetings: must be posted at least 72 hours in advance of a meeting
 - Inside an accessible bulletin board
 - Internet posting alone is inadequate
 - Special Meetings: must be posted 24 hours in advance
 - ***Practical Pointer:*** Agendas take time to plan, set and create.
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Violations & Remedies

- **Cease and Desist Letter/Invalidation** – any interested person may seek to invalidate certain actions of a legislative body through court action
 - **Injunction/Civil Action to Prevent Future Violations** – any interested person can file a lawsuit asking the court to take action
 - **Costs and Attorney's Fees** – someone who successfully invalidates an action taken in violation of the Brown Act may seek court costs and attorney's fees
 - **Criminal Charges** – may be brought against a member whose intent was “to deprive the public of information to which the member knows or has reason to know the public is entitled” by the Brown Act (rarely occurs)
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The End

- Thank you for participating in this open and public meeting
 - Your public service and interest is greatly appreciated.
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