

Your Right to Open Government

The Ralph M. Brown Act — how to spot a violation and how to complain

SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY'S OFFICE • 1035 Palm Street, 4th Floor, San Luis Obispo, CA 93408 • (805) 781-5800

What the Brown Act Guarantees

California's Ralph M. Brown Act (Government Code §§ 54950–54963) requires that the people's business be conducted openly. It applies to city councils, boards of supervisors, school and special district boards, planning commissions, and many advisory committees they create.¹

- **Open meetings.** A majority of a body may not meet to hear, discuss, or deliberate on business within its jurisdiction outside a properly noticed public meeting.
- **Posted agendas.** Regular meetings need an agenda posted at least **72 hours** ahead with a brief general description (about 20 words) of each item. Special meetings require **24-hour** notice.²
- **No action on unagendized items,** except in narrow situations the body must find on the record.
- **No serial meetings.** Members may not use calls, emails, texts, or intermediaries to develop a collective concurrence outside a meeting.²
- **Limited closed sessions.** Closed sessions are allowed only for listed subjects (litigation, real property negotiations, personnel, labor), must be described on the agenda, and must be reported out.
- **Public participation.** The public may attend, may not be required to register or identify themselves, and must be given a chance to comment.

What It Takes to Prove a Violation

A complaint is far more likely to go somewhere if you can establish each of these:

1. **Covered body.** The group is a "legislative body" of a "local agency" — an elected board, or a commission, committee, or standing committee created by formal action of that board.
2. **A meeting occurred.** A majority (quorum) gathered at the same time and place, by teleconference, or through a chain of one-on-one communications, and agency business was discussed, deliberated, or decided.
3. **A legal requirement was skipped.** No proper notice or agenda, an item added or acted on without proper findings, the public excluded, or a closed session held with no valid legal basis or with an inadequate agenda description.
4. **No exemption applies.** The Act excludes individual contacts, attendance at conferences and community meetings open to the public, purely social gatherings, and standing committee meetings that are themselves properly noticed — so long as no business is discussed among a majority.
5. **For voiding a decision:** the body actually **took action**, you made a timely written demand to cure, and the agency was not in **substantial compliance**. Certain actions (bonds, contracts relied on in good faith, tax collection) cannot be voided.²
6. **For a criminal charge** under § 54959: a member attended a meeting where action was taken in violation of the Act **and intended to deprive the public of information** the member knew, or should have known, the public was entitled to. This specific intent is rarely provable, which is why almost all Brown Act cases are civil.²

How to Complain — Step by Step

Step 1 — Build a record

Note the date, time, body, and what happened. Save the posted agenda and any packet, the posting time-stamp, minutes, audio or video recordings, and any emails or texts you have. You can request records under the California Public Records Act to fill gaps.

Step 2 — Raise it with the agency first

Write to the clerk, the board chair, and the city or county counsel. Many problems are honest mistakes and get fixed voluntarily — and courts and the Grand Jury expect you to try.

Step 3 — Send a written "demand to cure and correct"

To undo a decision, a written demand describing the challenged action and the alleged violation must be delivered **within 90 days** of the action — or **within 30 days** if the action was taken in open session but violated the agenda rules. The body then has **30 days** to cure or respond; silence counts as a refusal. Suit must be filed **within 15 days** after the response or the expiration of the 30 days, whichever comes first, or the claim is barred.²

Step 4 — For a past violation, send a cease-and-desist letter

To get a court ruling on a past practice, mail or fax a cease-and-desist letter to the clerk **within nine months** of the violation. If the body responds with an unconditional written commitment not to repeat it, no suit may be filed — but repeating the conduct is then an independent violation. Otherwise, file within 60 days.²

Step 5 — Court, if needed

The District Attorney **or any interested person** may sue for mandamus, injunction, or declaratory relief to stop ongoing or threatened violations, and no cure demand is required for that kind of relief. A prevailing plaintiff may recover court costs and reasonable attorney fees from the agency; a clearly frivolous case can result in fees against the plaintiff.²

Where to Take Your Complaint

- **The agency itself** — clerk, board chair, and agency counsel. Start here.
- **San Luis Obispo County District Attorney's Office** — 1035 Palm Street, 4th Floor, San Luis Obispo, CA 93408; (805) 781-5800.³ The DA reviews reports of Brown Act violations and may seek civil relief or, in rare intentional cases, criminal charges.
- **SLO County Civil Grand Jury** — P.O. Box 4910, San Luis Obispo, CA 93403; (805) 706-3611. File the Citizen Complaint Form after other efforts are exhausted.⁴
- **California Attorney General** — publishes "The Brown Act: Open Meetings for Local Legislative Bodies," a free plain-English guide.¹
- **Your own attorney** — for a cure demand, cease-and-desist letter, or lawsuit on your behalf.

Deadlines are short and unforgiving. If you believe a decision was made unlawfully, act within days, not months. This brochure is general public information, not legal advice, and does not create an attorney-client relationship. Consult a lawyer about your specific situation.

1. California Attorney General, "The Brown Act: Open Meetings for Local Legislative Bodies," <https://oag.ca.gov/system/files/media/the-brown-act.pdf>

2. Ralph M. Brown Act, Cal. Gov. Code §§ 54950–54963 — including §§ 54952.2 (meetings, serial meetings), 54954.2 (agendas), 54956 (special meetings), 54959 (misdemeanor), 54960, 54960.1 (civil actions; cure and correct), 54960.2 (cease and desist), 54960.5 (fees): leginfo.ca.gov

3. County of San Luis Obispo, District Attorney — Contact Us, <https://www.slocounty.ca.gov/departments/district-attorney/contact-us>

4. San Luis Obispo County Grand Jury Citizen Complaint Form, slo.courts.ca.gov