

Ralph M. Brown Act



By Christopher Beck

Brown Act Preamble

section 54950



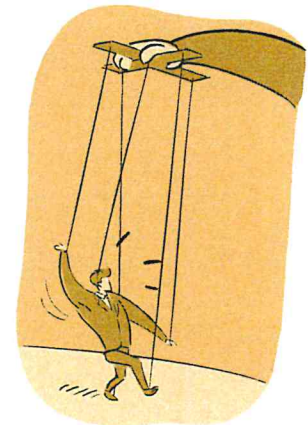
- ❖ In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.
- ❖ The people of this State do not yield their sovereignty to the agencies which serve them.
- ❖ The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.
- ❖ The people insist on remaining informed so that they may retain control over the instruments they have created.

Propositions



Two basic proposition that create the framework of the Brown Act are...

- 1) The open conduct of the people's business
- 2) Citizen's retain control of their government



Who MUST comply



☞ City Council

☞ Planning Commission

☞ Other Boards and Commissions

☞ All Standing Committees



Open Conduct of the Public's Business



- ☞ Public agencies exist to aid in the conduct of the people's business
- ☞ Actions taken openly
- ☞ Deliberations conducted in public
- ☞ At a public meeting



Open Meetings



MEETING...any gathering of a quorum at which business under the Board's jurisdiction is discussed or transacted.

** Special quorum requirements (4) exist for purpose of conducting a hearing or meeting.*

Exceptions



❧ Individual Contacts

❧ Conferences

❧ Community Meetings

❧ Meetings of Other Government Agencies

❧ Social or Ceremonial Events

Tragic Meetings

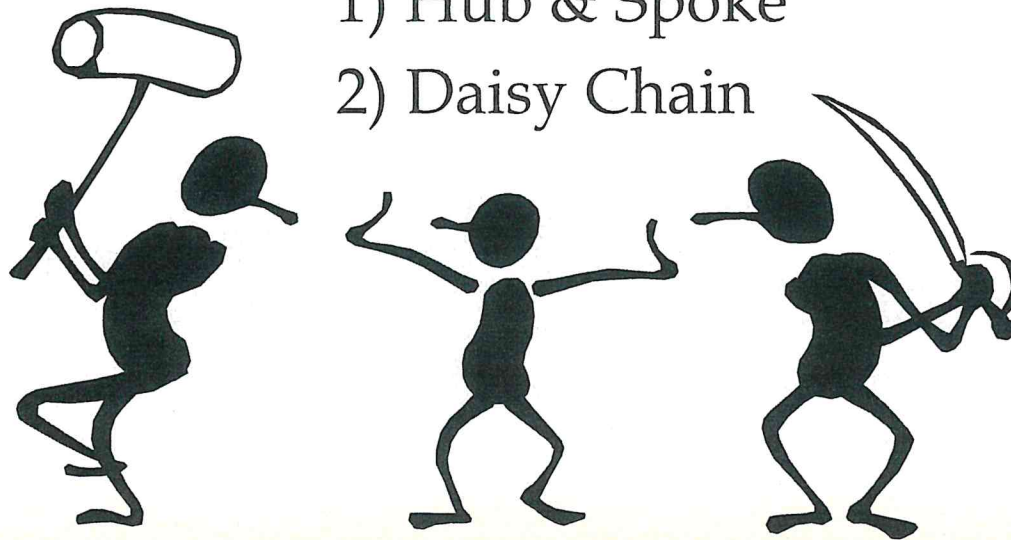
a.k.a. Serial Meetings



A meeting that at one time may involve less than a majority but eventually involves a majority.

examples:

- 1) Hub & Spoke
- 2) Daisy Chain



What to Watch OUT for



☞ Contact with staff

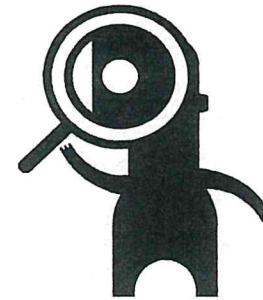
☞ Contact with Board members

☞ Contact with constituents, developers and lobbyists

☞ Technology

a) Emails

b) Social Media



Notices & Agendas



- ⌘ Agendas for regular meetings must be posted 72 hours in advance
- ⌘ 24 hours for Special Meetings
- ⌘ 1 hour for Emergency Meetings



Citizens' Control



Purpose of the Brown Act is to ensure the citizens retain control of its government by protecting citizens' rights:

☞ The right to be informed

- Agendas
- Public votes
- Public records



☞ The right to meaningful participation

- Public testimony
- No conditions to attendance



Right to be Informed



- Public has the right to review agendas and other writings distributed to a majority of the Board
- Documents must be available to public at the meeting if prepared by agency staff
- If prepared by some other person, document must be available after the meeting



Right to Participate



Public has the right...

- To have prior notice of meetings and items to be discussed
- To attend meetings
- To record meetings, both audio and video
- To speak on a specific item during its consideration



Public Participation



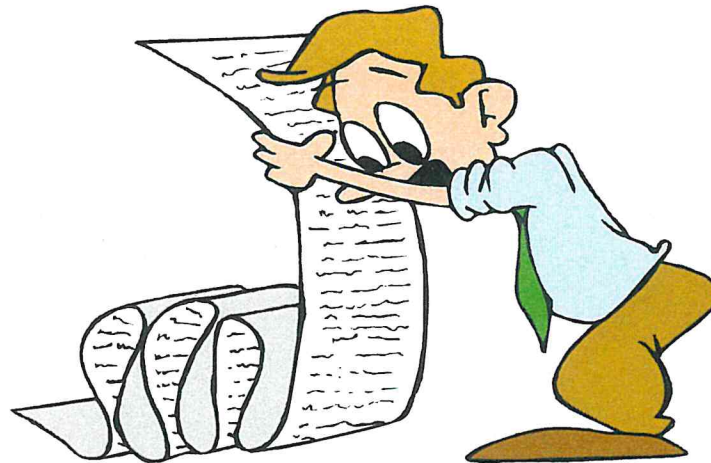
- ❧ Cannot prohibit public criticism of policies, procedures, programs or services of the agency or the acts or omissions of the Board itself.
- ❧ May enforce time limits, restrict repetitious or irrelevant comments and prohibit disruptive comments or behavior



Agenda ~ Notice of Items



- Board may **ONLY** discuss those items listed on the agenda



Closed Session



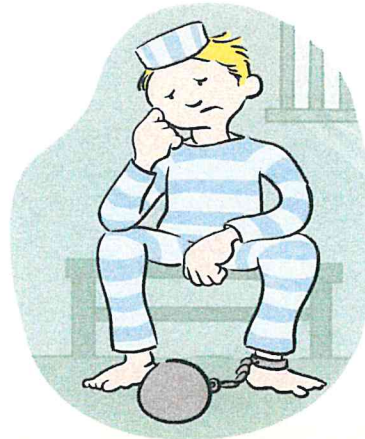
Executive sessions, closed to the public are permitted in very limited circumstances but these do not generally apply to PRWA



Remedies



- ❧ Action taken in violation may be invalidated
- ❧ Violation with improper intent is a criminal misdemeanor by a member of the legislative body



Questions?

