



# Community Priorities Advisory Committee

## Meeting Procedures/Brown Act Review Presented July 12, 2017

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# Purpose of the Brown Act

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- Sunshine Laws: Open Legislative Meetings, Public Records, and Conflicts Of Interest.
- The public has the right to know what actions its elected and certain appointed officials take.
- Legislative body must meet in the open and not secretly.
- The public has the right to attend and participate in public meetings.



# Who Does the Brown Act Apply to?

- Legislative body of a local agency
  - Governing body of a city or county.
  - Subsidiary bodies created by formal action (e.g., Commissions, Boards, and Committees).
  - Standing committees with continuing subject matter jurisdiction.



# Before Holding a Public Meeting

- (1) Notice
  - Regular Meeting: Notice posted **72 hours** in advance in a publicly accessible place.
  - Special Meeting: Notice posted **24 hours** in advance in a publicly accessible place.
  - Meeting must be held within City (certain exceptions exist).



# Before Holding a Public Meeting

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## (2) Agenda

- Must provide an opportunity for public comment on matters within subject matter jurisdiction of local body (cannot prohibit criticism).
- Must contain a brief general description (approx. 20 words) of each item of business to be transacted or discussed at the meeting.
- No action or discussion can take place on an item not posted on the agenda.



# Meetings Subject to the Brown Act

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- A **meeting** is defined as, “any congregation 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 within the subject matter jurisdiction of the legislative body.” (SB 1732)



# Prohibited: *Seriatim Meeting*

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- A majority shall not, outside an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business of the legislative body (includes e-mail).
- **Examples**
  - “Chain of communications” - member A communicates with member B, member B then communicates with member C.
  - “Hub of a wheel” - member A (the hub) communicates individually with member B and member C (the spokes).
    - Applies to staff, as hub to A, B, and C.



# Permitted Individual Communications

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- An employee or official may engage in separate communications outside of a meeting to answer questions or provide information if that person does not communicate to members of the legislative body the comments or position of any other member(s). (SB 1732)



# What is not a Meeting?

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- Conferences open to the public that involve a discussion of issues of general interest (free admission not required).
- Open and publicized community meetings organized by person or organization other than the local agency.
- Attending an open and noticed meeting of another body of local agency or legislative body of another local agency.
- Attending a purely social or ceremonial occasion.
- Attending a standing committee as an observer.

# Penalties for Violating Brown Act

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## ▪ Criminal Penalties

- Each member of a legislative body who attends a meeting of a legislative body where an action is taken in violation of any provision of the Brown Act, and where the member intends to deprive the public of information to which the member knows, or has reason to know, the public is entitled to know under the Brown Act, is guilty of a misdemeanor.

## ▪ Civil Action

- Injunctions to prevent future violations.
- By District Attorney or any other person.

## ▪ Invalidation

- For acts which are not in substantial compliance with the Brown Act.



# Final Note of Caution

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- A majority of the members may not discuss CPAC business items amongst themselves.
  - No seriatim meetings.
  - Social media forums and comments.
  - Email forwards and replies.

# Questions?

**City Attorney's Office**

**(916) 774-5325**