



California Public Meeting Requirements

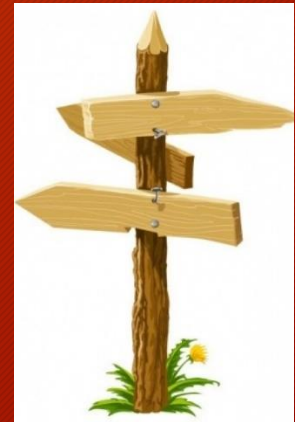
The Ralph M. Brown Act

February 2017

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Goals of This Session

- Participants will be able to identify the major requirements of the principles of the Brown Act.
- Participants will be able to apply the principles of the Brown Act to their individual actions as members of Brown Act bodies.



Self-Assessment Test

The Brown Act applies:

- a) Once one has taken the oath of office;
- b) Once the term has started; or,
- c) Once elected.

Agenda items must be posted for a regular meeting:

- a) At the beginning of the meeting;
- b) 24 hours in advance;
- c) 48 hours in advance; or,
- d) 72 hours in advance.

The legal consequences for violating the Brown Act can be:

- a) A fine;
- b) Jail time;
- c) Discipline; or,
- d) All of the above.



Basic Principles

- Notice to the public
- Opportunity for the public to be heard
- Transparency in decision-making



Groups required to follow the Brown Act

- Groups formed by statute
- Decision-making committees formed by a group required to follow the Brown Act
- Standing committees of a group required to follow the Brown Act



Quiz: Which of the following groups must follow the Brown Act?

- Academic Senate
- Student government
- Board of Trustees
- Shared governance council
- Standing committees of the Senate
- Decision-making bodies of the Senate
- Citizens' Advisory Committee
- Foundation Board
- AFT Chapter meeting



General Principles



- A majority should be engaged in a discussion related to business only as properly noticed and conducted in a public setting.
- Closed sessions are limited to certain topics.
- A majority may attend
 - Ceremonial or social events;
 - A committee meeting covered by the Brown Act, as long as the non-committee members do not comment or sit on the dais; or,
 - Other Brown Act meetings, without conferring privately.

Notice Requirements



Important Notice

- Items must be sufficiently described to put the public on reasonable notice.
- The agenda must be posted in a place freely accessible to the public and on the Website.
- Posting must occur 72 hours in advance for regular meetings, and 24 hours in advance for special meetings.
- Beginning in 2019, there may be specific requirements for the digital posting.

But we forgot...



URGENT

- Urgency items may only be added based on a two-thirds finding that there is
 - A need for immediate action; and,
 - The agency was unaware of the issue at the time the agenda was posted.
- Emergency items must involve “a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both,... [or] a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity ...as determined by a majority of the members of the legislative body...”

Discussion or Decision?

- The Brown Act applies to any discussion amongst a majority of the applicable group of the subject matter for that group.
- Individual contacts are allowed.
- Serial discussions or use of intermediary means are not allowed.



Meeting Location Requirements

- Meetings must be held within the District, subject to limited exceptions.
- Teleconferencing requires noticed, public access at all sites where a voting member is present.
- Reasonable room for the public should be available.
- The meeting room must be ADA compliant.



Quiz: Committees

- Which of the Senate Committees are required to follow the Brown Act?



Public Access Rights

A member of the public is entitled to:

- Record or broadcast without disruption of the meeting;
- Place matters on the agenda for consideration;
- Have a reasonable amount of time to address the Senate;
- Have an opportunity to be heard before a decision is made;
- Have access to staff-supplied documents contemporaneously;
- Attend in an ADA-compliant, non-discriminatory site; and
- Attend without signing in.



NOTICE

Special Meetings

- Special meetings may be held on 24 hours' notice, with written notice to all members of the body AND to the media.
- Emergency meetings may be held on one hour's notice IF there is an “emergency” as defined above.

Primary Uses of Closed Session

- Closed Sessions may only be held within the authority of the applicable Brown Act body.
- Common uses by the Board of Trustees include employee discipline, student discipline, and litigation.
- The Senate rarely has a basis for a closed session.



Related Laws

- Public Records Act
 - All documents in the District are presumptively public.
 - Even a non-Brown Act meeting's minutes may be public documents.
 - Emails are generally public documents.
- Collective bargaining
 - The public is entitled to notice and time to comment.



What happens if we don't?

- Liability for attorneys' fees
- Injunctions
- Voidability of actions
- Court order to record closed sessions
- Intentional violations are a misdemeanor
 - Up to \$1000 fine
 - Up to one year in jail
- Potential employee discipline



Final Exam

1. What are the three major principles of the Brown Act?
2. When is it appropriate to debate a Senate issue by email?
3. When may you add something to the agenda on the day of the meeting?

