

**RALPH M. BROWN ACT
OPEN MEETING REQUIREMENTS**

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Scope of Presentation

Overview of the Ralph M. Brown Act,
California Government Code Section
54950 *et seq.*
For Approval Authority and UASI
Management Team personnel

Philosophy

The intent of the Brown Act is to
ensure that "the actions [of public
bodies] be taken openly and their
deliberations be conducted openly."
- Ralph M. Brown Act

What is a Legislative Body?

The governing body of a local agency or other local body created by state or federal statute

A body of a local agency created by formal action of a legislative body

Committees

A committee of a legislative body, whether permanent or temporary, decision-making or advisory, is a legislative body.

Except an advisory committee composed solely of members of the legislative body where the committee is less than a quorum of the legislative body

Approval Authority as Legislative Body

Approval Authority may be a legislative body under the Brown Act

Parties have agreed to conduct Approval Authority meetings in compliance with the Brown Act

Types of Seriatim Meetings

Sequential – A to B, B to C, C to D
Simultaneous – A, B, C, and D have a joint conversation, by phone rather than in person
Hybrid

How Seriatim Meetings Occur

Technology

- Phone
- Fax
- E-mail - **BEWARE OF E-MAIL EXCHANGES!**

Human intermediaries

Non-Meetings of a Majority

Individual communications with another person (nonmember)

Attendance at

- educational/professional conference
- local meeting open to the public
- social, recreational, ceremonial event not sponsored by or for the body

IF no collective discussion of business

Mailing the Agenda

To those with "standing request" for agenda

Standing request should be renewed each January

E-mail versus U.S. mail

Describing an Agenda Item

Brief general description

Each item of business

To be transacted or discussed

- Specify whether item is discussion or action
- If action, specify proposed action

What is a Sufficient Description?

How much specificity?

Who is the audience?

- Level of intelligence?
- Level of education?
- Interests?

Other Exceptions

- Announcements
- Request to agenda future items
- Direction to staff
- Limited follow-up to general public comment

Rights Of The Public

Basic Rights

- To notice of meetings
- To attend meetings
- To record meetings
- To receive agenda materials
- To comment at meetings

The Right To Comment
On each agenda item
On any matter within the body's jurisdiction that is not an agenda item – "General Public Comment"

Comment on Agenda Items
Before conclusion of consideration of item (discussion item)
Before action taken (action item)

General Public Comment
May schedule for any time in meeting
Members may not discuss or respond substantively
Not required at special meetings

Closed Sessions

Subjects

- Personnel matters
- Security
- Instruct real estate negotiator
- Miscellaneous

Requirements Before

- Special agenda format
- Public comment before going into closed session
- Deciding to go into closed session

Additional Remedies

Voiding of action taken in violation of Act

Injunction or declaratory relief to stop or prevent violations of Act

Prevailing plaintiff may get attorneys' fees and costs
