Brown Act & CP 600-24 Meeting Procedures Training

CPCI, Planning and Urban Form Division

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Topics Covered

- What is a Meeting
- How to Avoid Serial Communication
- Collective Concurrence Defined
- What is Okay under the Act.
- Project Review Ideas
- Agenda Do's and Don'ts
- Public Participation
- Committees
- Violations of the Brown Act

On-Line Resources

- The Brown Act, Cal. Gov't Code 54950
  www.leginfo.ca.gov

- California Attorney General's Office publication, "The Brown Act," 2003.
  ag.ca.gov/publications/2003_Intro_BrownAct.pdf

- California First Amendment Coalition
  www.cfac.org

A Meeting is a Majority

Any congregation of a majority of the members at the same time and place, to hear, discuss, or deliberate on any item that is within the subject matter jurisdiction of the board or commission.

All meetings are subject to Brown Act procedural requirements.

How to Avoid Serial Communications

- Ask "Who else on the board have you contacted?" Keep notes.

- Review e-mails including the whole e-mail chain. See who is copied. Ask for more if you have a concern.

- Tell others who else you have contacted before you start the conversation.

- Keep records just in case.

Collective Concurrence Defined

- Substantive Conversations about an Action Item
- Advancing and Understanding or Clarifying and Issue
- Facilitating Agreement or Compromise
- Circulating a Draft Motion for Advance Review
- Debating, Discussing the Pros and Cons
- Holding Briefing or Informational Sessions

Rule: A majority can not collectively concur about a project or action item before the meeting.

What is OK Under the Act.

- **Less than majority** meeting, communicating serially, or developing a collective concurrence.

- **Writing a letter to the editor** is okay and is not a meeting.

- **Contact** between you and another person is not a meeting.

- **When a majority of your board members congregate for a:**
  - Conference open to the public
  - Local, public, noticed meeting
  - Social or ceremonial event

  . . . But only if you do not discuss board matters at these events.

Project Review Ideas

If your group does not have enough time o review projects at regular meetings you might consider:

- ☐ Establishing a Project Review Subcommittee

- ☐ Creating a Temporary Ad Hoc Committee

- ☐ Holding a Special Meeting for a Particular Project

- ☐ Starting a Regular 2nd Monthly Meeting Just for Projects.

Agenda Do's and Don't's

- Post 72 hours before meeting; 24 for special meeting.
- Include date, time and location of the meeting.
- Briefly describe each item – usually 20 words.
- State if it is an Information item or Action item.
- Post it at physical location "freely accessible to members of the public."
- Use internet posting only as a supplement.
- Provide agenda back up materials, meaning if materials were provided: 1) by the City, 2) to the Chair, or 3) by a Committee.

Public Participation

- Public may comment on any matter during non-agenda public comment.
- Be prepared for harsh criticism.
- Allow comment on all agenda items before voting.
- Time limits are okay if applied equally.
- Speaker slips okay but not required.
- Sign in must be voluntary.

Committees Require Notice

- Committees noticed same as a board meeting.
- Agenda requirements same as board meeting.
- Must be composed of less than a quorum.
- Other members can attend but only as passive, neutral observers.
- Ad hoc committees under CP 600-24 must also conform to Brown Act.

Violations of Brown Act

- **Civil Actions**
  - ☐ Any interested party may begin an action.
  - ☐ The board would have chance to cure and correct actions.
  - ☐ With judgment, action is void.
  - ☐ Costs & attorney fees may be awarded.

- **Criminal penalties**
  - ☐ With intent to deprive public of information.
  - ☐ Guilty of a misdemeanor.

Quiz:
Do these violate the Brown Act?

- Member, acting as an individual, publishes letter to the editor?
- Applicant meets with each member to explain project issues?
- Agenda is posted, on the internet, as substitute for library?
- All public comment is placed as last item on the agenda to save time?
- Requiring all speakers to completely fill out a speaker slip?
- Agenda item that reads: "Building the new grocery store."
- Applicant tries to resolve differences among members?
- A resident asks about member's opinion in the grocery store?
- Two members talk about a project in detail on the phone?
- Chair retains committee minutes but summarizes them to the Board?
- One member e-mails "project information" to a majority?
- Two members vote on project as board members of a non profit?