

COUNCIL POLICY 600-24
DRAFT PROVISIONS RELATED TO BROWN ACT
Prepared by CPCI staff 1/25/07

General Provisions

1. As advisory bodies created by resolution of the City Council, recognized community planning groups must comply with California's Open Meeting Law, the Ralph M. Brown Act. The purpose of the Act is to ensure the actions and deliberations of public bodies occur openly with public access and input. Planning groups shall ensure that all meetings are noticed in accordance with the Brown Act and open to members of the public. Planning group actions in violation with the Ralph M. Brown Act may be subject to legal action.
2. Meetings of the community planning groups shall be held within these boundaries, except that when a community planning group does not have a meeting facility within the boundary, they may meet at the closest meeting facility. [*determining if there are any exceptions*]
3. Each member who participates in a meeting of the planning group where actions are alleged to have been in violation of the Brown Act may be subject to criminal investigation.
4. It shall be the duty of all recognized community planning group members to conduct official business of the planning group in a public setting

Meeting Procedures

1. At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item and giving notice of the date, time and location of the meeting shall be posted in a place freely accessible to the general public. The agenda shall include information on how a request for accessible accommodation may be made. The brief general description of each agenda item need not exceed 20 words. The listing of the agenda item shall include the intended action of the planning group regarding that item [e.g., information, action]
2. If an item continued from a prior regular meeting of the planning group is placed on a planning group agenda, the item should be noticed as in the paragraph above, unless the prior meeting was held less than five days earlier.
3. A quorum, defined in this Policy as a majority of non-vacant seats of a planning group, must be present in order to conduct business and/or to vote on projects or to take actions at regular planning group meetings.
4. Each agenda for a regular planning group meeting shall also allow for a public comment period at the beginning of the meeting for items not on that agenda but within the scope of authority of the planning group. The planning group response to any public comment is limited to a brief response or asking questions. No discussion, debate, or action on the public comment is allowed. The chair may indicate the need for future scheduling of the item as a noticed matter on a regular agenda or for the need for factual information. Planning group members may make brief announcements or reports to the planning group on their own activities under the public comment section of the agenda.

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5. Any person attending a meeting of the planning group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the planning group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
6. For items to be considered for a "Consent Agenda" all of the following are required:
 - o a subcommittee of the planning group has discussed the item at a noticed subcommittee meeting, and
 - o all interested members of the public were given an opportunity to address the subcommittee, and
 - o the comments of the subcommittee and those made by interested members of the public are reflected in the minutes of the subcommittee, and
 - o the item has not changed since the subcommittee's consideration.
7. Any interested member of the public shall be given an opportunity to comment on agenda items during planning group meetings, even if the item has been placed as a "Consent Agenda" item. The planning group may adopt time limits for comment to ensure operational efficiencies.
8. In the event that any planning group meeting is willfully interrupted by a group of persons so as to make the orderly conduct of the meeting infeasible, the planning group may first cause removal of the individuals. If that is unsuccessful then the planning group may order the meeting room cleared and continue in session on scheduled agenda items except that representatives of the media shall be allowed to remain.
9. No member of the public shall be required, as a condition of attendance at any meeting of a planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary.
10. No action shall be taken on any item not noticed on the agenda. However, by two-thirds vote of the elected membership present at a meeting, or if less than two-thirds are present by a unanimous vote of those members present, a planning group may add an item to the agenda if it is determined there is a need to take an immediate action and that the need for action came to the attention of the planning group subsequent to the agenda being posted.
11. Any attempt to develop a collective concurrence of planning group members as to action to be taken on an item by the planning group, other than at a properly noticed public meeting, either by direct communication, personal intermediaries, serial meetings, or technological devices, is prohibited.
12. Planning groups shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as telephoning or emailing a vote, are also prohibited.
13. The chair of a planning group, or a majority of planning group members, may call a special meeting when there is a need to do so. An agenda for a special meeting shall be prepared and posted at least 24 hours before a special meeting. Each member of the planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in

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the notice unless the member files with the planning group secretary a written waiver of notice at, or prior to the time of, the meeting. Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting as specified in the notice. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

14. If a planning group does not convene a regularly scheduled meeting, there shall be a copy of the “notice of adjournment” of the meeting posted on or near the door of the place where the adjourned meeting was to be held, and regular notice must be given.

Subcommittees

1. Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as development review, and are subject to noticing and meeting requirements of the Brown Act.
2. While the Brown Act does not impose open meeting requirement upon ad hoc subcommittees, Council Policy 600-24 does require that all subcommittee meetings be noticed and open to the public. [*note: The Brown Act does require that if an ad hoc subcommittee composed exclusively of planning group members adds a non-planning group member to the subcommittee, the meetings must adhere to open meeting requirements.*]

Meeting Documents and Records

1. Requests for copies of a regular agenda and any accompanying material shall be granted and the material shall be mailed when the agenda is posted, or upon distribution to a majority of the members of the recognized community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year that is valid for that entire year. A fee may be charged for the cost of providing this service.
2. Any written documentation prepared or provided by City staff, applicants, or planning group members that is distributed at the meeting shall be made available for public inspection at the meeting. If material is prepared by someone other than City staff, applicants, or planning group members, or received from a member of the public during public testimony on an agenda item, the material shall be made available for public inspection after the meeting. A fee may be charged for the cost of duplication of any materials requested from the planning group.
3. Planning groups are not required to audio- or videotape their meetings but, if recordings are made, they are subject to a public request to inspect without charge.