

BROWN ACT REVIEW

1. **Purpose** The government does not own the County; it operates it in trust for the people. People have the right to be informed and to participate in government decisions.
2. **Basic Rule** All meetings of a legislative shall be open and public. Boards must deliberate and act on the public business openly. Exceptions to this rule are few and narrowly construed.
3. **What is a meeting?** A meeting is when a majority of members are present at the same time and place and “hear, discuss or deliberate” business. A meeting may occur even if no action is taken.
4. **Committees** A committee composed solely of members and less than a quorum of the members is not subject to the Act. This exception does not apply to “standing committees.”
5. **What is not a meeting?** A majority of members may attend social occasions, conferences, and community forums so long as they do not discuss business. Members may attend committee meetings or meeting of other agencies if they attend only as observers.
6. **Illegal meetings** A majority of members may not “develop a concurrence as to action” on business through serial meetings, intermediaries, communication or other means of subterfuge. Any person may meet with an individual board member. However, “walking the board” can lead to a violation if a majority of members discuss business after such “individual” meetings.
7. **What is a legislative body?** The Board of Supervisors is the County’s legislative body. Advisory commissions created by formal action and committees are also “legislative bodies.”
8. **Rules for “Open and Public” Meetings** Meetings must be noticed and accessible to the public. Agendas must be posted. With limited exceptions (e.g., responses to statement or questions at public comment, referral to staff), only business that is on the agenda may be transacted.
9. **Agendas** Agendas must contain a brief description of every item to be discussed. Closed session items must be listed. Agendas must include time for public comment.
10. **Notices** Agendas for regular meetings must be posted 72 hours before the meeting in an accessible location, including teleconference sites, and mailed to persons who request notice.
11. **Rights of Public** The public has the right to address the Board on agenda items and to comment on matters not on the agenda within the Board’s jurisdiction. Public comment must be permitted before or during the body’s consideration of an item. The Board may adopt reasonable regulations, including limiting the amount of time for comment on issues and for each speaker.
12. **Rules of Order** The chair has the power to maintain order at meetings and to manage the Board’s business under established rules of procedure, subject to majority Board consensus. Robert’s Rules of Order may but need not be adopted.
13. **Writings** Materials distributed to the Board, except privileged items, are public records and must be made available for inspection and copying “without delay.”
14. **Closed Session** Closed Sessions are rarely authorized for most commissions. Agencies that act “judicially” may deliberate in private, particularly where rights of privacy may be affected.
15. **Civil and Criminal remedies** Violations of the Act may be enjoined by civil action. Some actions, if not cured, may be declared void. A violation may be prosecuted as a misdemeanor if a member attends a meeting “with wrongful intent to deprive the public of information.”
16. **Teleconference** Boards may meet by teleconference in multiple locations if the public may attend all locations and votes are by roll call.

The text of the Brown Act is available on line at <http://www.leginfo.ca.gov/>
The Brown Act is located at Government Code § 54950.
The Text of the Act with annotations follows.