



Neighborhood- University Relations Committee (NURC)

**Overview of the Brown
Act, Meeting Procedures
and Protocols, and the
Public Records Act**

March 2, 2026



Agenda

- The Ralph M. Brown Act
- Meeting Procedures and Protocols
- The Public Records Act



The Brown Act

- State law, passed by the State Legislature in 1953
- Incorporated into the State Constitution in 2004
- Intended to:
 - Provide openness and transparency
 - Ensure that the public has meaningful access to its agencies
 - Provide the public with the means to provide their input



- Core tenet of the Brown Act: “All **meetings** of the **legislative body** of a **local agency** shall be **open and public**, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.” Gov’t. Code § 54953(a)
- Is Santa Clara a “local agency?” YES
- Is the Neighborhood-University Relations Committee a “legislative body?” YES



- What constitutes a meeting? (GC § 54952.2)
 - A majority of the Committee to be present
 - The Committee must be in the same location at the same time (teleconference included)
 - The purpose is “to hear, discuss, deliberate, or take action on any item”
 - The item being discussed or decided is within the subject matter jurisdiction of the Committee



- Exceptions to the definition of “meeting”
 - Attending a conference
 - Attending a community meeting
 - Attending an open/noticed meeting of another local agency legislative body
 - Attending a social/ceremonial event
- DO NOT discuss Committee business
- Also, communications of less than a majority

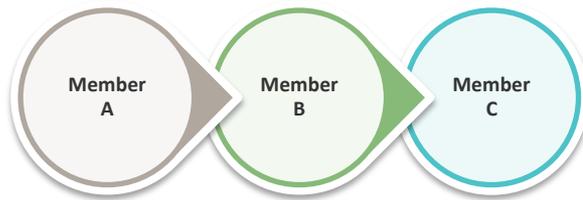


“Serial” Meetings Prohibited

- Serial meetings are:
 - A series of communications of any kind (including any type of electronic means), either directly or through intermediaries
 - Involving a majority of the body
 - To discuss, deliberate, or take action
 - On an issue within the body’s subject matter jurisdiction

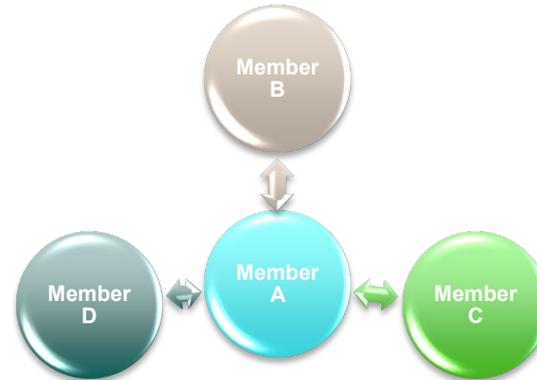
Serial Meeting Examples

Daisy Chain



A chain of communications (via phone, email, in person, etc.) involving contact from Member A to Member B, who then communicates with Member C would constitute a serial meeting in the case of a five-person body.

Hub & Spoke



When a person acts as the hub of a wheel (Member A) and communicates individually with the various spokes (Members B and C) regarding a matter under the jurisdiction of the board/commission a serial meeting may have occurred.



- Social media constraints
 - No “discussions” on social media
 - Cannot respond in any way (including posting comment or using the “like” button) to a post by another commissioner relating to something within the subject matter jurisdiction of the Committee



- How can we make meetings “open and public?”
 - First, we provide notice via published agendas
 - Second, public can provide their input
 - Public comment allowed both generally (“Public Presentations”) and specifically as to each item on the agenda
 - Third, no substantive non-agendized discussions



Consequences of Brown Act Violation

- Invalidation of Actions Taken
- Personal Liability in Extreme Cases
- Loss of Public's Trust



Practice Tips

- Don't gather and discuss committee business in groups outside of formal meetings
- Do not direct or cc emails to a quorum or more of your Committee, or “reply all” on committee business
- Don't respond to committee members on Social Media
- Don't discuss items not on agenda; instead, refer them to staff for future discussions with consensus of your Committee
- If unclear, seek advice from City Attorney's office-in advance whenever possible



Meeting Procedures and Protocols

- City Council Policy 055 is a guide designed to facilitate the conduct of City meetings and developed using Rosenberg's Rules of Order.
- The purpose of such rules is to promote orderly conduct, clarity, and protect the rights of the minority by facilitating discussion



“Quorum” Required to Meet and Act

Quorum:

- Majority of the entire membership of the body. The NUCR
- For this 7-member Committee, a quorum is **4**
- The act of a majority of Committee present at a meeting at which a quorum is present shall be the act of the Committee
- If only 4 members are present, the meeting may continue, but all votes must be unanimous to act



Remote Attendance

A legislative body may meet by teleconference for the benefit of the public and the agency, so long as the meeting and remote attendee meet additional requirements. Two ways to attend a meeting remotely:

1. Notable Requirements for Standard Remote Attendance:
 - Remote location must be published on agenda
 - Public access must be allowed at remote location
 - Advance notice
2. Remote Attendance (“Just Cause” and “Emergency Circumstances”) requirements:
 - No more than 2 meetings per calendar year
 - Limited justifications such as a family caregiving need or a physical medical emergency



Format for each agenda item:

- 1.** Chair reads the agenda item description
- 2.** Chair asks for staff report/presentation
- 3.** Members can ask questions of staff
- 4.** Chair invites public comment on the item
- 5.** Chair invites a motion and second
- 6.** Chair asks Members to discuss motion
- 7.** Vote is taken



Role of Chair and Vice-Chair

- Chair is “presiding officer” responsible for conducting meeting
- Vice-Chair serves in absence of Chair
- Chair typically spokesperson for the Committee
- Other procedural rules may be developed by majority vote of the Committee



Public Records Act (PRA)

- Followed the Brown Act, same policy intent
- Enacted in 1968, modeled on FOIA
- Was incorporated into the Cal Const.
- Basic tenet: Public records shall be disclosed to the public, upon request, unless there is a legal basis not to do so (exemptions)
- As a legislative body of the City, the work of the Neighborhood-University Relations Committee is subject to the PRA



What is a public record?

- Broadly defines “public records” as “***any writing*** containing information relating to the ***conduct of the public’s business prepared, owned, used, or retained*** by any state or local agency regardless of physical form or characteristics.”
- A record can be in any format: either physical or electronic, structured or unstructured; and will be retained in accordance with the City’s Record Retention Schedule
- City business conducted on private devices or accounts is subject the PRA and such records must be kept and disclosed



PRA: Practice Tips

- Be prepared to promptly disclose records if requested.
- Communicate carefully, especially in emails.
- Search every place a record is reasonably likely to be located
- Document your search
- It's best not to use a private accounts/devices to conduct City business.
- If you do, such records must be kept and disclosed
- Create email folders specifically for City emails
- See “The People’s Business, a Guide to the California Public Record’s Act [Revised September 2022] for more info.



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