



Planning Commission

**Item 2: AB 992 (2020)
The Brown Act &
Social Media**

October 28, 2020



Ralph M. Brown Act

- Applies to *legislative bodies*
- Requires meetings to be *open & public*
- Quorum = 4 members
- Agendas must be posted in advance





Ralph M. Brown Act

- No discussion of non-agenda items at meetings
- Members of the public must be able to participate
- Exceptions for ceremonial, educational events; meetings of other legislative bodies
- Serial meetings are prohibited.



Serial Meetings Prohibited

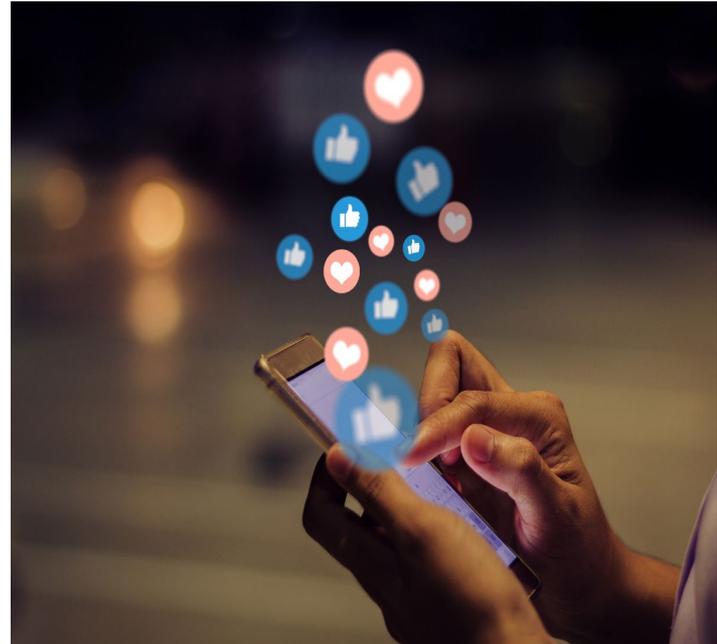


- Daisy Chain
- Hub & Spoke
- Most common type: email



Serial Meetings on Social Media

- Facebook, Instagram, Twitter, Pinterest, Reddit, etc. are all fertile ground for serial meetings
- AB 992 now expressly bars officials from using social media to discuss City business.





Posting on Social Media is OK

OK to use social media to...

- provide information to the public,
- solicit information from the public
- answer questions

...regarding a matter that is within your subject matter jurisdiction



But Don't Forget Due Process...

- Reasonable notice
- Reasonable opportunity to be heard
- Hearing before an *impartial decisionmaker*
- Due Process applies to *quasi-judicial* acts:
 - Variances
 - CUP's
 - Subdivision Maps
 - Architectural appeals
 - Revocations
 - Employee discipline



No “Direct Responses” to Posts

- New, bright-line prohibition on responding to social media posts of other Commissioners:
 - No Comments
 - No Retweets
 - No Emoji’s
 - No *Likes*





Applicable Dates of AB 992

- Effective January 1, 2021
- Sunsets January 1, 2026



Questions



City of Santa Clara

The Center of What's Possible

