

10/8/2020

ITEM 2

City of Santa Clara

Ralph M. Brown Act

October 8, 2020



**City of
Santa Clara**
The Center of What's Possible



2

Ralph M. Brown Act



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POST MEETING MATERIAL

“Open and Public”

"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).



Applies to “Legislative Bodies”

- City Council
- Boards & commissions created by Council
 - Both decision-making and advisory
 - Both permanent and temporary

Gov't Code § 54952(a), (b).



What is a “Meeting”

- Congregation of a majority
- to hear, discuss, deliberate, or take action
- on items in subject matter jurisdiction
- at the same time & place



Avoid “serial” meetings

- Serial meetings are:
 - A series of communications
 - Used by a majority of the body
 - To discuss, deliberate, or take action
 - On an issue within the subject matter jurisdiction

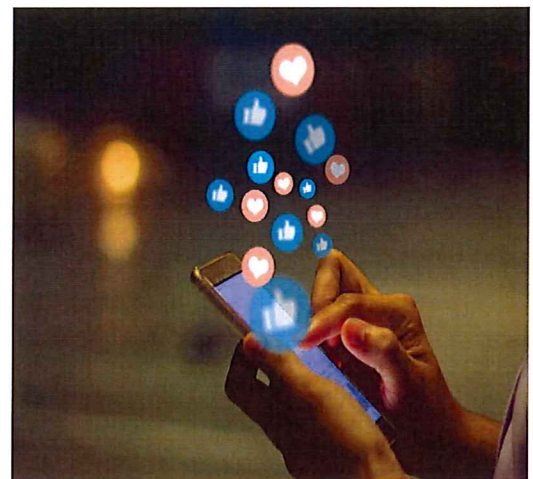
Kinds of “serial” meetings



- Daisy Chains
- Hub and spoke
- Most common serial meeting: EMAIL

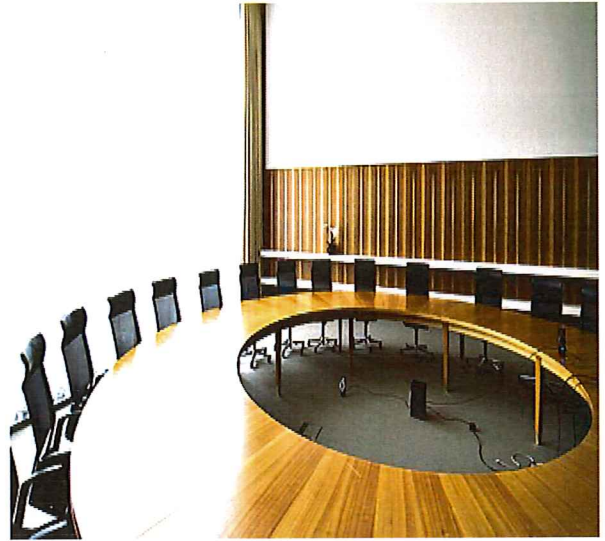
Serial meetings on social media

- Facebook, twitter, snapchat are all fertile ground for serial meetings
- Brown Act prohibits legislative body from using social media to “discuss among themselves” official business.
- It is ok to participate in social media
- But, bright-line prohibition on responding *directly* to communications of other members

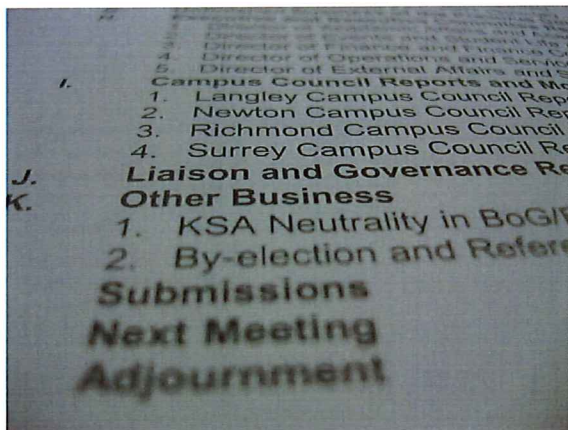


Types of Meetings

- Regular
- Special
- Adjourned



Regular Meetings



- Agenda must be posted 72 hours in advance
- Agenda must contain brief description of items of business
- Agenda must be posted in 3 physical locations & on website
- Must have a general comment period for the public



Special Meetings

- Called by Chair
- Agenda posted 24 hours in advance
- Must notify each member & press
- No general public comment period required



Adjourned Meeting



- Continuation of previous meeting
- If held within 5 days, no new notice
- Less than a quorum may adjourn



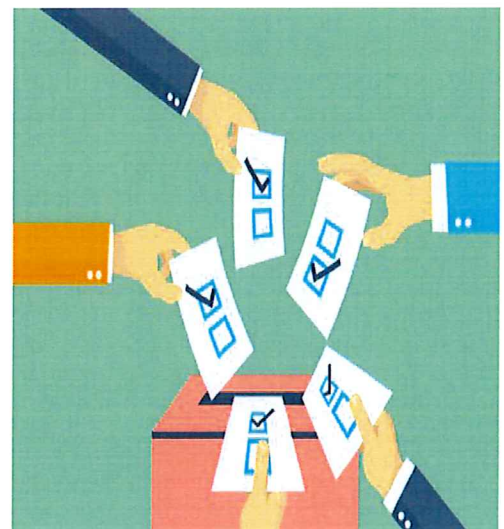
Non-agendized discussions

- Items added to the agenda
 - Came to the City's attention after agenda posted
 - Need to take action before the next meeting
 - Two-thirds vote required [6/9]
- Brief response to comments / questions
- Clarifications / reference to staff
- Brief announcements/report on activities



Conduct of Meetings

- Robert's Rules of Order
- Speakers should address Chair
- Rules of decorum permitted
- Time limits ok
- Comments must be germane
- Disruptive speakers can be ejected
- Public Comments



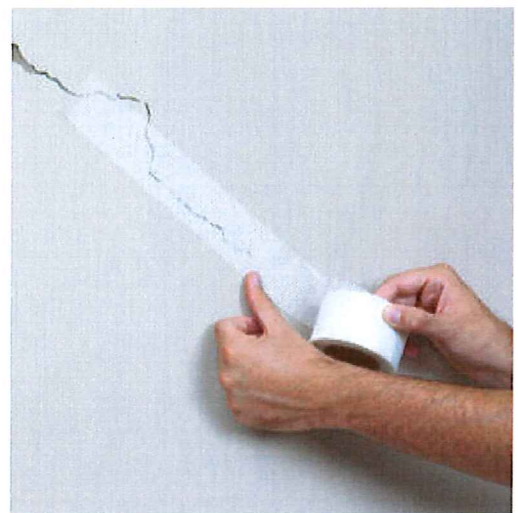
Meeting Exceptions

- When is a meeting not a “meeting?”
 - Social / ceremonial events
 - Conferences and seminars
 - Community meetings
 - Another body of the agency
 - Individual contacts



Enforcement & Consequences

- Opportunity to “cure” violations
- Civil action for invalidation of actions
- Attorneys fees and costs
- Criminal prosecution
 - Action taken at a meeting
 - In violation of the Act
 - Intent to deprive public of information



Recommended Reading

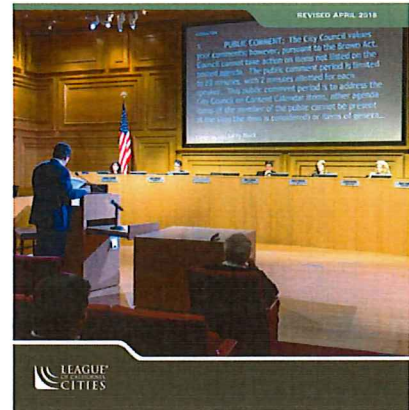
- Text of the Brown Act

<https://bit.ly/3kJiTFc>

- Open & Public V: A Guide to the Ralph M. Brown Act

<https://bit.ly/305Q1im>

Open & Public V A GUIDE TO THE RALPH M. BROWN ACT



Questions?





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