



Bicycle and Pedestrian Advisory Committee

Overview of the Brown Act and Public Records Act

January 25, 2021



California Constitution

The people have the right of access to information concerning the conduct of the people's business, and, therefore, **the meetings of public bodies and the writings of public officials and agencies** shall be open to public scrutiny.



The Brown Act

- Provide openness and transparency
- Ensure that the public has meaningful access to its agencies
- Provide the public with the means to provide input



“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.” California Government Code § 54953(a)



- What is a “meeting”?
 - Quorum
 - Same location at the same time*
 - To *hear, discuss, deliberate, or take action* on any item
 - Item being discussed or decided is within the subject matter jurisdiction of the Commission



- Meeting Exceptions
 - Conferences
 - Community meetings
 - Attendance at meeting of another local agency legislative body
 - Social/ceremonial event
- DO NOT discuss committee business
- Also, communications of less than a majority



- Serial Meetings
 - Communications with staff
 - Email/text
 - Social media platforms



- Open and Public
 - Agendas
 - Public comment
 - No substantive discussion on other topics
- Action by majority vote
- Teleconferences
- COVID-19 exceptions



- Exception: Closed Session Discussion
 - Litigation, real property negotiations, personnel matters, labor negotiations
- Violations/Penalties



Robert's Rules of Order

- City Code § 2.10.020 requires that City Council meetings be conducted pursuant to Robert's Rules of Order and Boards & Commissions follow this requirement as well
- The purpose of such rules is to promote orderly conduct, clarity, and protect the rights of the minority by facilitating discussion



- Establish Quorum with Roll Call
 - Quorum = minimum number to make decision
 - If only a quorum is present, the meeting may continue, but all motions must be unanimous to pass
 - Charter Section 1003, “The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action. ”



- 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



City of Santa Clara

The Center of What's Possible

