

Overview California's Open Meeting Requirements

Ralph M. Brown Act

California Government Code

Section 54950 and following



INSTITUTE FOR
LOCAL GOVERNMENT

Plan of Action

- Welcome & Introductions
 - *Institute for Local Government*
 - *California Clerk of the Board of Supervisors Association*
- Presentation:
 - *Michael Martello, Local Agency Attorney & Volunteer, ILG*
- Questions & Answers
- Additional Resources

ILG Mission

- Promote good government at the local level
- Practical, impartial and easy-to-use resources
- We  local government





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www.ca-ilg.org

ILG

Program Areas



California Clerk of the Board of Supervisors Association



Goal: Open Meeting Laws

Promote transparency and public trust through:

- Public Access to Meetings
- Public Attendance and Participation in Meetings
- Open Deliberations and Action

Brown Act Requirements

Legislative Body

+

Meeting

=

Notice & Agenda

Legislative Body

The Brown Act covers members of virtually every type of local government body, including elected and appointed decision-making or advisory bodies.

Elected bodies:

The governing body of a local agency

Appointed bodies:

Created by formal action of the legislative body

“Legislative Body”

- **Standing committees** (less than a quorum of the whole committee) which have either:
 - Continuing subject matter jurisdiction, or
 - A fixed meeting schedule
- **New Member**, but not yet seated
 - Brown Act still applies
 - Good issue to cover in orientation materials/sessions

Meetings Defined

“any congregation of a **majority** of the members of a legislative body at the same time and place to **hear, discuss or deliberate** upon any item that is within the subject matter jurisdiction of the legislative body or the local agency...”

Meetings Include

- Retreats or workshops of legislative body
- Informal gatherings can be meetings
- Serial meetings by telephone, email or personal intermediaries



“Serial Meetings”

- Daisy Chain



- Hub-and-Spoke



- Forwarding or responding to emails

Usually Meetings Are Not

- Contacts with constituents or staff
- Conferences



Meetings: Time & Place

- Establish regular time and place for meetings
- Must meet within the boundaries of the territory, except:
 - To inspect real or personal property
 - For multi-agency discussions
 - To meet with federal/state officials
 - At legal counsel's office



Notice & Agenda

- Must include
 - Meeting time and place
 - Brief description of each item
- Post
 - Publicly accessible place
 - Website, if agency has one
 - When:
 - Post 72 hours in advance (regular meetings)
 - Post 24 hours in advance (special meetings)

Notice & Agenda, *cont'd*

- If something isn't on the agenda,
 - No action or discussion
 - Limited exceptions for emergencies with majority vote
 - Limited response to public comment

Notice & Agenda, *cont'd*

Agenda Packet

- Include supporting items for meeting
- If materials are distributed at meeting, copy of item available at county administrative building or city hall
- The agenda needs to explain where materials can be obtained

Notice & Agenda, *cont'd*

- Exceptions to general notice & agenda requirements:
 - Special meetings
 - Adjourned meetings
 - Emergency meetings
 - Subsequent need



Public Attendance Comment And Participation

- At all regular meetings
 - Before or during consideration of item
 - Any issue within subject matter jurisdiction
- At special meetings
 - Agenda topics only
- Reasonable time limits and other management measures okay
 - Speaker cards must be voluntary/optional

Responding To The Public

- The public can talk about anything; the legislative body cannot
- If not on the agenda, legislative body limited to
 - Brief response
 - Refer to staff
 - Future agenda



Open Meeting Exceptions: Closed Sessions

- Specific Authority for Closed Sessions:
 - Real property negotiations
 - Labor negotiations
 - Personnel
 - Litigation
- Agenda Descriptions
 - “Safe Harbor” formats/cheat sheet
- Pre-closed Session Announcement
- After Closed Session
 - Report to public



Violation Of Brown Act

- Action taken on item not on agenda or not properly on agenda
- Action can be legally challenged and invalidated
 - Opportunity To Correct
 - Must Show Harm
 - Civil Suit
 - Criminal Action



Clerk's Minutes

- Is the E-recording the new minutes?
- What the camera doesn't see:
 - Board members coming and going
 - Items handed to board members

Clerk's Minutes, *cont'd*

- Record
 - Statements about conflicts of interest and recusals; note if member left the room
 - Pre- or post-closed session announcement were made

Additional Resources

www.ca-ilg.org/webinar/brown-act-webinar-keeping-clerks-ahead-curve



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THIS ITEM APPEARS IN:

[Transparency](#)

WEBINAR

Brown Act Webinar: Keeping Clerks Ahead of the Curve

June 10, 2013 - 2:00pm - 3:00pm



This webinar will focus on the nuts and bolts of the Brown Act and its implications for staff members supporting elected officials and boards and commission members. Whether you are a seasoned professional or new to administering a board or commission, this webinar will provide information and keep you

DOCUMENTS & RESOURCES

[Open & Public: A User's Guide to the Ralph M. Brown Act](#)

[Attorney General's Guide to the Brown Act](#)

[ILG Pamphlet for Electeds and Appointed](#)

[Safe Harbor Listings - Closed Session Agenda](#)

[Presentation Slides - Brown Act Webinar, June 2013](#)

Questions?

Resources for in-person AB 1234 training: www.ca-ilg.org/ab1234trainermaterials



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THIS ITEM APPEARS IN:

Ethics Education (AB 1234 Training)

Ethics Education Resources for Trainers



Standards adopted by the Fair Political Practices Commission and Attorney General explain who can offer California's required ethics training for local officials and what the training must cover.

Sample PowerPoint slides are offered in the box at right. Trainers can use either digital or purchase hard copy versions of handout material the Institute has developed to satisfy California's training content requirements. (see below)

[Print-friendly](#) [ShareThis](#)

Pamphlet: Ethics Law Principles for Public Servants »

This handy, four-page pamphlet summarizes the kinds of issues and financial interests that ought to trigger a conversation with one's agency counsel about what the law requires.

[Read more](#)

Support the Institute's Work »

A tax-deductible contribution to the Institute for Local Government is an investment in making local public agencies more responsive and helping to make a difference in your community.

[Read more](#)

The Limits of This Information

Although the Institute endeavors to help local officials understand

DOCUMENTS & RESOURCES

[Sample Powerpoint Slides](#)

[Sample Forms](#)

[Designing an Effective AB 1234 Course](#)

ABCs of Open Government Laws:

www.ca-ilg.org/orientationmaterials

ILG INSTITUTE FOR
LOCAL GOVERNMENT

The

ABCs

of Open Government Laws

The underlying philosophy of the open government laws is that public agency processes should be as transparent as possible. Such transparency is vital in promoting public trust in government.

This concept of governmental transparency is so important to the public that some 83 percent of voters supported adding it to California's constitution by adopting Proposition 59 in 2004.

California's open government laws require public officials to:

A

Conduct meetings of public bodies openly, except for limited circumstances under which the law allows the public's business to be conducted privately in closed sessions.

B

Allow the public to participate in meetings of public bodies through a public comment process.

C

Allow inspection and copying of public records, except when non-disclosure is authorized by law.

This pamphlet summarizes these three requirements in general terms.

Local officials are also encouraged to consult with their agency attorneys for information about how these requirements apply in any given situation or more information about this area of the law.

Orientation materials available at www.ca-ilg.org/orientationmaterials

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THIS ITEM APPEARS IN:
[Newly Elected Officials Orientation Materials](#)

Orientation Materials for Newly Elected Officials

Agency staff: Preparing orientation materials for incoming newly elected officials? In addition to your agency's own materials (policies, calendars, staff rosters), the Institute's resources can help officials understand and pursue their leadership role.



Make your life easier by taking advantage of ILG's resources for newly elected officials.




The materials at right are from the Institute's [New to Public Service](#) website resources. Please feel encouraged to print out whichever of these materials might help with your agency's orientation for newly elected officials.

The materials in this section can be downloaded and organized into an orientation manual that works best for your agency and elected official's needs. A sample table of contents is available to tailor when selecting among ILG's resources and combining

DOCUMENTS & RESOURCES

-  [Table of Contents \(editable document, updated June 2013\)](#)
-  [Responsibilities and Powers - Local Agency Powers and Limitations](#)
-  [Responsibilities and Powers - Who Does What in California Local Government](#)
-  [Responsibilities and Powers - Sources of Law Affecting Local Agencies](#)
-  [Responsibilities and Powers - Legislative versus Adjudicative Decision Making](#)
-  [Budgeting and Finance - The Basics of County and City Revenue](#)
-  [Budgeting and Finance - Financial Management for Elected Officials: Questions to Ask](#)
-  [Leadership Skills - Governing Board Member Strategies](#)
-  [Leadership Skills - Understanding the Role of Chair](#)
-  [Leadership Skills - Working Together to Achieve Our Goals: Some Strategies for Success](#)

Resources on public engagement strategies: www.ca-ilg.org/public-engagement

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Researching an Issue?

- Ethics & Transparency
- Collaboration & Partnerships
- Local Government 101
- Public Engagement
 - Basics of Public Engagement
 - Broadening Participation
 - Difficult Situations in Public Engagement
 - Engaging the Public in Planning, Housing & Sustainability
 - Engaging the Public in Budgeting
 - Engaging the Public in Health and Other Human Services
 - Engaging the Public in Public Safety, Reentry and Emergency Preparedness
 - Engaging the Public in Public Works
 - Measuring Public Engagement Success
 - Online Public Engagement & Technology
 - Sustaining Public Engagement
- Sustainable Communities

Public Engagement



The Public Engagement pages of the Institute's website provide information and resources to help local officials and their communities make good decisions about the design, delivery and assessment of their public engagement processes.

Page content includes links to Institute publications and tip sheets on multiple public engagement topics and strategies, stories of local government efforts to involve residents on a variety of topics, best practices, and much more.

See the Public Engagement Program flyer [here](#) or at right for a complete listing of the Institute's resources and services in this area. [Click here](#) or at right for the Institute's list of public engagement guides, tip sheets and rosters.

[Read more](#)

Basics of Public Engagement

Information and resources about the "basics" of public engagement benefits, principles, design, and other related topics to help local and regional agencies successfully involve residents and others in local public decision-making.

[More](#)

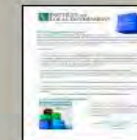
Broadening Participation

Resources and case stories to help ensure that participation in public engagement efforts more fully reflect the demographics of your community.



Sponsor Thank You!

The Institute is grateful to The James Irvine Foundation for its support of the Institute's Public Engagement Program.



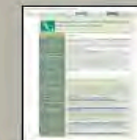
ILG Public Engagement Program Flyer

Overview of ILG's Public Engagement program and its offerings.



Public Engagement Publications & Resources

Institute guides, tip sheets, reports and other resources to help local officials plan, design, implement and assess successful public engagement efforts.



Fourth Issue! Perspectives on Public Engagement and Local Government

ILG's public engagement

For additional resources on local agency transparency strategies: www.ca-ilg.org/transparency

Ethics & Transparency

[Leading by Values](#)

[Ethics Law Information](#)

[Ethics Education \(AB 1234 Training\)](#)

[Transparency Strategies](#)

[Analyzing Public Service Dilemmas](#)

[Ethics Tools](#)

[Ballot Measure Activities](#)

[Campaigning for Office](#)

Transparency Strategies

Transparency is a key element of public trust and confidence. A commitment to transparency demonstrates to the community that an agency and its officials have nothing to hide.

There are a variety of ways to show this commitment:

- Conscientious observance of [transparency laws](#)
- Concerted efforts to share information with the public about local agency operations and decision-making process
- Commitment to [engaging the public in the decision-making process](#).

See below for specific applications of these concepts.

Spotlight on Marin County's Social Media Efforts

At a recent CSAC Institute session on effective meetings and public engagement, Marin County's Chief Assistant County Administrator, Mona Miyasato, shared the county's approach to social media.

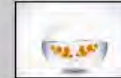
[Read more](#)



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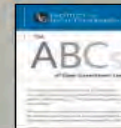
Transparency in Local Government: Protecting Against Corruption

What can local officials and their communities do to prevent a culture of self-interest over public interest from taking hold? What can they do to make sure abuses of authority do not occur in



Brown Act Webinar: Keeping Clerks Ahead of the Curve

The Brown Act webinar will focus on the nuts and bolts of the Brown Act and its implications for staff members supporting elected officials and boards and commission members.



Pamphlet: The ABCs of Open Government Laws

This is a plain-language explanation of what decision-makers need to know about California's open government requirements.



California Attorney General's Open Government Resources

This page offers resources on local and state open meetings laws as well as the Public Records Act. [Read more»](#)



Ballot Measure Advocacy Rules of the Road

This pamphlet explains restrictions on use of public resources for ballot measure

Feel Encouraged To Share

- The webinar recording will be available in three days.
- ILG welcomes sharing of this webinar and all of our resources.

**Thank you for participating in
today's webinar:**

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**Ralph M. Brown Act
California Government Code
Section 54950**