



Vina Subbasin Stakeholder Advisory Committee Meeting

February 18, 2020



CBI

CATALYZING COLLABORATION

Ralph M. Brown Act Overview

Purpose of Act

The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the “Brown Act”) is intended to provide public access to meetings of California local government agencies.

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” Gov’t Code § 54950.

Who is Subject to Act?



A commission, **committee**, board, or other body of a local agency created by **charter**, ordinance, resolution, or **formal action of a legislative body**.

What notice must be given of a public meeting?

Advance notice of meetings must be provided



Regular meetings

- must be noticed through the posting of an agenda at least **72 hours** before the meeting.

Special meetings

- may be called, but only upon **24 hours** notice to each local newspaper of general circulation, radio or television station that has in writing requested notice.
- The notice must be posted in a location freely accessible to the public. Only the business specified for discussion at the special meeting may be addressed.

Emergency meetings

- may be called under specific, drastic circumstances.
- the 24 hour notice is not necessary, but a **1 hour** notification of those media requesting notice is necessary if possible.

Agenda Requirements



The agenda must contain a brief description of each item of business to be transacted (generally not to exceed 20 words)

- Agenda descriptions must not be misleading.

“The purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body.”

Agenda Requirements: Actions Taken



No action can be taken on items not on the agenda, except:

- Brief responses to public testimony.
- Requests for clarification from or references of matters to staff.
- Brief reports on personal activities.
- When there is an emergency meeting
- When two-thirds of the legislative body agree there is a need to take immediate action on a matter about which the body could not have been aware earlier.



Time **must** be provided for comment by the public

- Public bodies may impose time limitations on public comment.
- Public may comment on agenda items before or during consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction.
- Public bodies may not prohibit criticism of “the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.”

What constitutes a meeting?



A meeting as defined by the Act includes any “congregation by a majority” of a legislative body at the same time and place to “hear, discuss, or deliberate” on any matter within the jurisdiction of the body.

Serial meetings, either in person or by telephone or fax or go-betweens, constitute a meeting if done to “develop a collective concurrence as to action.”

What's not defined as a Meeting?

Exempt from the definition of a meeting



- Individual contacts or conversations
- Attendance of a majority of members at a conference open to the public that involves a discussion of general interest to the public provided the members do not discuss legislative business among themselves.
- Attendance by a majority of the members at an open and publicized meeting called by someone other than the legislative body to discuss topics of community interest.

What's not defined as a Meeting?

Exempt from the definition of a meeting- continued



- Attendance by a majority of members at an open and publicized meeting of another body of the local agency, provided the members do not discuss among themselves matters within their jurisdiction that is not the subject of the meeting.
- Attendance at a ceremonial or social event by a majority of members provided they do not discuss among themselves matters within their jurisdiction.
- Attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

Other Meeting Requirements



- The meeting must be held within the boundaries of the agency's jurisdiction.
- Regular meetings must be held at a time, place, and location fixed by official action.
- If it is unsafe to meet at the designated place due to an emergency, the new location must be publicized by a notice to the local media in the most rapid means of communication available at the time.
- The meeting place must be accessible to all members of the public.

Other Meeting Requirements



- No fees may be charged for admission to meetings.
- Registration of one's name or any other condition of admission is prohibited.
- Cameras, both still and video, and tape recorders are permitted, and any recording of a meeting subject to the Act made at the direction of the public body is a public record.
- Public bodies must permit broadcast of their meetings, unless they can demonstrate that doing so would cause a persistent disruption of their proceedings.

Public Records



- Records distributed at a public meeting are public records, unless otherwise exempted under the Public Records Act.
- The public is entitled to obtain them at the meeting if they were prepared by the public agency, or after the meeting if prepared by someone else. (This does not mean that the agency does not have to provide them prior to the meeting if they are available, only that it must make them available by the time of the meeting at the latest.)



Questions/Comments?