



# The Brown Act

California Open Meeting Law

*City of Los Altos*

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# Background

- Authored by Ralph M. Brown
- Enacted by California State Legislature in 1953
- Government Code §§54950-54963



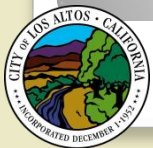
# Purpose

- Ensure that deliberations and actions of local agency bodies are open to the public
- Ensure that there is meaningful public access to the local agency's decision-making process



# Purpose

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



# Who does it apply to?

YES	NO
City Council	Ad hoc committees consisting of less than a majority of a single legislative body
Commissions	
Standing Committees	



# Essentials

- Meetings must be publicly noticed and open to the public
- Agendas must adequately describe items to be considered
- No action may be taken on items not on the agenda
- Members of the public must be given the opportunity to address the legislative body



# What is a meeting?

“Any congregation of a majority of the members at the same time and location...to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body” GC 54952.2(a)

- Digital congregations apply



# Beware of serial meetings

- A series of communications by individual members of less than a majority, but ultimately involving a majority
- “Daisy-Chain”
  - Member A talks to Member B who talks to Member C, etc.
- “Hub and Spoke”
  - Member A talks individually with Member B and Member C, etc.

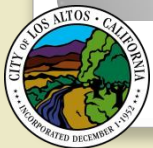




# Beware of serial meetings

## The biggest danger is email

- Do not reply all
- Send communications through staff liaison
- Do not reply all
- Do not forward emails from one Commissioner to another
- Do NOT reply all



# What is not a meeting?

- Individual contact between you and another person (member of the public)
  - Beware of that person becoming the “Hub”
- Conferences
- Open and publicized community meetings
- Social events
- Open and publicized meetings of another legislative body
- Meetings of less than a majority of the Commission (ad hoc subcommittees)
  
- So long as you do not discuss the business of the Commission



# Penalties for violations

- Invalidation of action taken
- Civil injunctive action
- Misdemeanor against individual members
- Costs and attorney fees may be awarded
- Looks really, really, really bad for you and the City



# Important things to remember

- All business of the Commission must be done in public
- Avoid serial meetings
- Do not reply all to emails
- When in doubt, ask the City Clerk and/or City Attorney

