

**WEST CONTRA COSTA UNIFIED SCHOOL
DISTRICT CITIZENS' BOND
OVERSIGHT COMMITTEE**

Brown Act Training



May 30, 2012

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Brown Act Overview

- The Brown Act is California's open meeting law
- Proposition 59 – the Brown Act is now of Constitutional significance
- Types of meetings subject to the Brown Act:
 - Any congregation of a majority of the members of a legislative body to hear, discuss, or deliberate upon any item within its jurisdiction



■ What is a “Legislative Body”?

- All subcommittees and commissions created by formal actions of the board are subject to the Brown Act



Legislative Bodies

- Include:
 - “Appointed bodies – whether permanent or temporary, decision-making or advisory – such as planning commissions, civil service commissions and other subsidizing committees, boards, and bodies.”

League of Cities, Open & Public IV,
A Guide to the Ralph M. Brown Act



Legislative Bodies

- Include:
 - “Volunteer groups, executive search committees, task forces, and ‘blue ribbon committees’ created by formal action of the governing body are legislative bodies.”

League of Cities, *Open & Public IV*,
A Guide to the Ralph M. Brown Act



Ad Hoc Committees

- Ad Hoc Committees are exempt from the Brown Act if:
 - Must be purely advisory, with no decision-making authority
 - Must be composed solely of less than a quorum of the governing body
 - Must not have continuing subject matter jurisdiction
 - Must not have a meeting schedule fixed by formal action of the governing body



Subcommittees

- How do the Brown Act and these rules regarding committees apply to a subcommittee of a committee appointed by the Board?



Subcommittees

- From the By-Laws of the WCCUSD Citizens' Bond Oversight Committee, Section 9: "Subcommittees **may** be subject to the Ralph M. Brown Act, pursuant to Government Code, section 54952, subdivision (b)."



Brown Act Overview

- Notice and agenda requirements:
 - Post an agenda at least 72 hours before a regular meeting, or 24 hours before a special meeting



Brown Act Overview

- The agenda should:
 - Contain brief and general, but unambiguous, descriptions of each business item to be discussed or transacted at the meeting
 - Specify the time and location of the regular meeting
 - Be posted in a location freely accessible to the public
 - Upon request, be made available in appropriate alternative formats to a person with a disability



Brown Act Overview

- Generally, the legislative body may not discuss or take action on any item that is not in the posted agenda. However, there are four categories of exemptions:
 - Emergency situation
 - “Subsequent need” items
 - Held-over items
 - Brief response to public comments

Closed Sessions

- Closed session items must be identified on the agenda
- Closed session items must be announced in open session, and time allowed for public comment

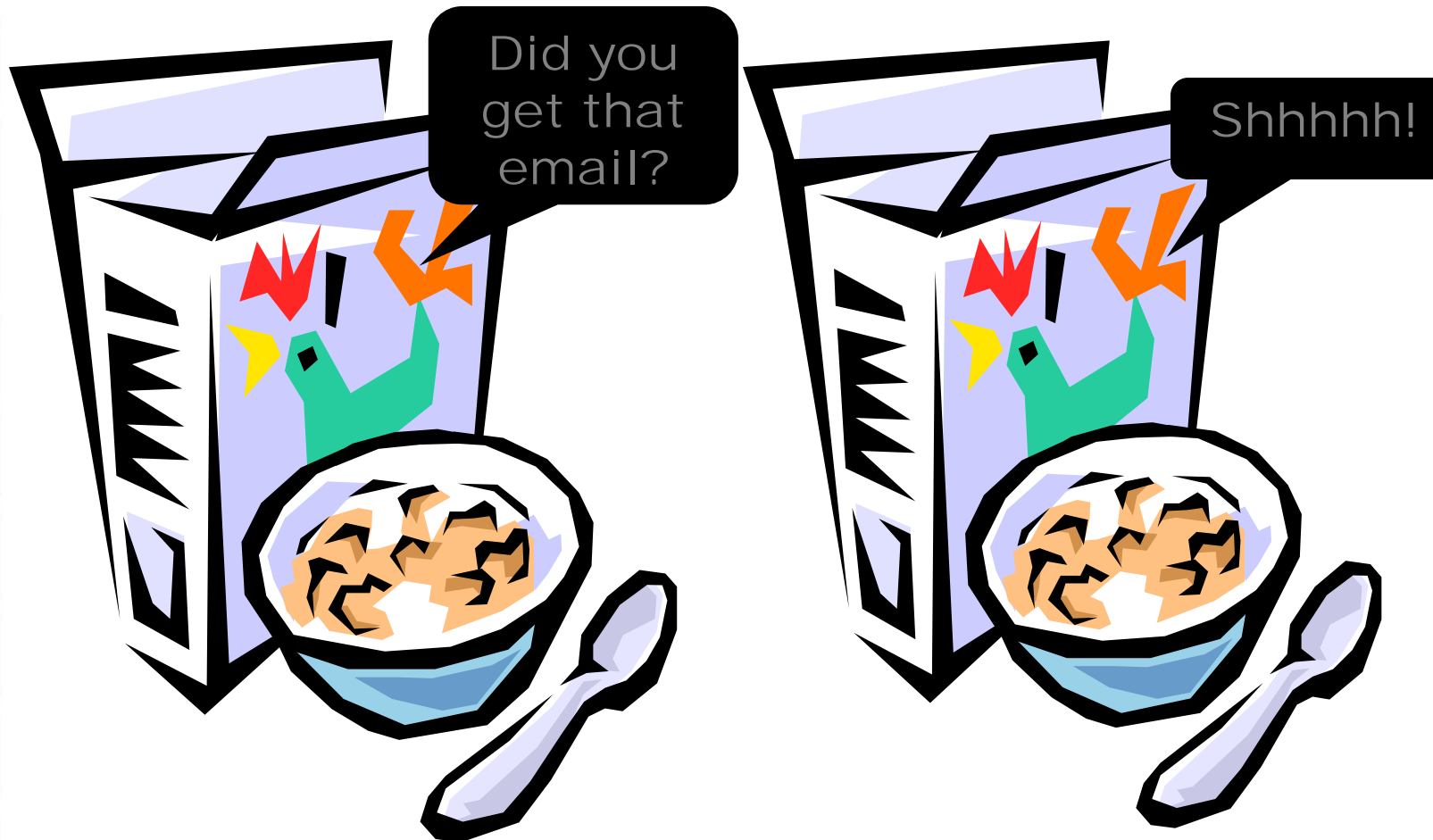




Closed Sessions

- Some items that may be discussed and acted upon in closed session include:
 - Public employment
 - Student discipline
 - Pending or anticipated litigation
- Generally, only board members and necessary support staff may attend a closed session
- The board must publicly report any action taken in closed session, and the vote or abstention of every member present

Serial Meetings





Serial Meetings

- A meeting can occur through intermediaries
- Avoiding the “hub” and “spokes”
- The key: avoid a quorum whether at one time or in a series



Serial Meetings and Technology

- The Brown Act prohibits the use of technology by a quorum of the legislative body to discuss their business
- Examples:
 - A quorum of the legislative body should not e-mail each other regarding a topic within the body's jurisdiction
 - According to the Attorney General, e-mail discussions by a legislative body cannot be made Brown Act compliant by thereafter disclosing or posting the e-mails



Serial Meetings and Technology

- Examples:
 - An internet “chat room” has the potential of violating the Brown Act by allowing the development of a “collective concurrence as to action to be taken” or other discussion of District/Committee business



Board Member Attendance

- Note regarding Board attendance at committee meeting:
 - Board members may attend open and noticed standing committee meetings without creating a quorum as long as the board members who are not also committee members attend only as observers




Materials Distributed to the Committee/Subcommittees

- If related to open session, must be made available to the public
- If distributed less than 72 hours prior to a regular meeting, the writing must be made available for public inspection at a designated location
- May be posted on a website so that it is clear that the writing relates to an agenda item for an upcoming meeting
- Writings distributed at a meeting must be available for public inspection at the meeting, or after the meeting if prepared by another person



Materials Distributed to the Committee/Subcommittees

- Information that is properly confidential pursuant to the Public Records and/or Brown Act remains confidential



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Thank you

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