

# **BROWN ACT NOTICING REQUIREMENTS**

**By**

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# Brown Act Noticing Requirements

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# *The Brown Act - Purpose*

**“The people insist on remaining informed so that they may retain control over the instruments they have created.”**



**(Gov't Code 54950)**

# *The Brown Act - Application*

**To whom does the act apply?**

- **Local agencies**
- **Legislative bodies**
- **Meetings**
- **Persons elected to legislative bodies, even prior to assuming office**



# *The Brown Act - Application*

- *Meeting*
  - Any gathering of a majority of the members at the same time and place to hear, discuss or deliberate upon any matter under their jurisdiction.
  - No action needs to be taken for a meeting to occur; conversations between members of a legislative body about issues confronting the agency is sufficient.

# *The Brown Act - Application*

- *Not a Meeting*
  - Individual contacts;
  - Conferences and seminars – Attendance at conferences open to the public on issues of general interest to the public or public agencies;
  - Community meetings;
  - Purely social or ceremonial occasions;
  - Meetings with other legislative bodies – a majority of the governing body may attend as long as they do not discuss among themselves issues related to the agency.

# *Noticing Requirements:* **REGULAR MEETINGS**

- Post 72 hours prior to the meeting.
- Must include the time and location of the meeting.
- Must contain a brief general description of each item to be discussed or addressed, including closed-session items.
- Notices available in alternative ADA formats and distributed in advance to those who request copies.

# *Noticing Requirements:* ***SPECIAL MEETINGS***

- **Posted no later than 24 hours prior to the meeting.**
- **Must include the time and location of the meeting.**
- **Must contain a brief general description of each item to be discussed or addressed, including closed-session items.**
- **Notices available in alternative ADA formats**
- **Notice to be delivered to each member and to each local newspaper of general circulation and radio or television station requesting notice in writing and to those who request copies.**

# *Noticing Requirements:* **TELECONFERENCING**

- **Posted no later than 24 hours prior to the special meeting and 72 hours prior to the regular meeting and posted at the teleconference location.**
- **Must include the time and location of the meeting and identify the teleconference location.**
- **Must contain a brief general description of each item to be discussed or addressed, including closed-session items.**
- **Must have roll call vote on all items.**
- **Quorum must participate in location within the Commission's boundaries.**

# *Noticing Requirements:* ***OFF-SITE MEETINGS***

- **Posted no later than 24 hours prior to special meeting.**
- **Must include the time and location of the meeting.**
- **Must contain a brief general description of each item to be discussed or addressed.**
- **Must be accessible to the public without making payment or purchase.**
- **Must be within the boundaries of the Commission w/certain exceptions.**

# *Noticing Requirements*

## *CLOSED SESSIONS*



**CONFIDENTIAL**

- **Must be expressly authorized –**
  - **Conference with Legal Counsel – existing litigation or anticipated litigation**
  - **Public Employee Appointment**
  - **Public Employee Performance Evaluation**
- **Must be briefly described in agenda**
- **If action is taken, may need to report to the public**

# *Meeting Agenda Items*

**No action or discussion allowed for any item not listed on agenda except for:**

- Adding Items of Subsequent Need. Adding items by 2/3 vote because of need for immediate action that came to the attention after the agenda is posted
- Consideration of items continued to another meeting within 5 calendar days
- Brief responses to statements or questions from public
- Questions to staff for clarification of matters based upon public comments
- Brief announcements or reports on member's or staff's own activities
- Providing references or information to staff
- Asking staff to report back at a future meeting on any matter

# *The Public's Right to Comment:*

- At every regular meeting, members of the public have the right to directly address the body on any item of public interest if that item is under the jurisdiction of the body.
- For agenda items, the public must be given an opportunity to comment before or during the body's consideration of the item.
- At special meetings, members of the public have the right to address the body about any item that is listed on the agenda.



# *The Public's Right to Comment:*

Every agenda must provide opportunity for the public to speak:

- ✓ On items of interest to the public
- ✓ Before/during consideration of item
- ✓ On items not on agenda (but within jurisdiction of agency)
- ✓ Not required to register
- ✓ Rules of decorum are permitted (i.e. 3 minute requirement)

# *Public Recording of Meetings:*

- **The public must be allowed to audio or video tape a meeting unless the Commission can make a reasonable finding that the recording would constitute a persistent disruption of the proceedings**
- **Recordings of public meetings by the Commission are public records**

## *Penalties and Remedies:*

- **Violations may be prevented/stopped by court order.**
- **Actions not in compliance may be invalidated; however, there is an opportunity for the governing body to cure upon notification.**
- **Court costs and attorneys' fees are recoverable.**