

## **Brown Act (Open Meetings)**

The Ralph M. Brown Act (**Open Meetings**), California Government Code Sections 54950 *et seq*<sup>1</sup>, regulates many aspects of all government agency meetings including those of Citizens' Bond Oversight Committee (CBOC) meetings.

The Brown Act is essentially a body of rules designed to ensure open government and fairness. Because of the complexities and potential penalties, we recommend that qualified legal counsel educate CBOC members and staff on the Brown Act at the beginning of their terms of service and that the advice of legal counsel be obtained in advance of any matters that may be questionable.

The main provisions of the Act include:

1. All CBOC meetings, including those of standing committees, must be open to the public.
2. A meeting is defined as any congregation of a majority of the CBOC at the same time and place including Zoom or other electronic meetings. Meetings can also include an e-mail threads that include a quorum of the CBOC.
3. E-mails that are sent out by staff to inform CBOC members, such as transmitting a meeting agenda package, are not subject to the Brown Act. However, these should be used with caution because if any of the members "respond to all," they can become subject to the Brown Act requirements. It may, therefore, be a good idea to send such e-mails with most addresses as "bcc's" to avoid the potential problem of members being able to respond to all. CBOC members should not send out e-mails to what could become a quorum of members discussing such matters.
4. A quorum of CBOC members is generally a majority of the active membership. For example, if there are nine CBOC seats and all nine are filled, a quorum is five – but, if two of the seats are unfilled, a quorum is four.
5. A regular meeting must be noticed 72 hours in advance on the CBOC or district website. If the CBOC does not have a website, the meeting notice must be posted at a stipulated place accessible to members of the public. Weekend hours may be counted as part of the 72-hour period.

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<sup>1</sup> [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5](https://leginfo.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5)

## The Brown Act

6. Special meetings require 24 hours' notice.
7. A "meeting," as that term is defined under the Brown Act, can be deemed to occur whenever a majority of the members are in one location, including electronically – even at a social event where the members did not know that other members would be in attendance.
8. "Serial meetings" must not be allowed to occur. For example, if there is a five-member board, with a quorum being three members, Member A can meet privately with Member B, but if Member B then meets with Member C to discuss the same topics, an unallowable meeting may be deemed to have occurred. This can happen even if a non-member is the person who is the common link if the positions or concerns of members are relayed to other members.
9. Upon written request by the media, or any member of the public, the agenda and all documents shall be sent by the district to the person making the request at the time the agenda is posted.
10. All meetings must have an agenda and the agenda must include a description of each item on the agenda.
11. For regular meetings, the public must be provided an opportunity to address not only any item on the agenda, but any item within the subject matter of the CBOC.
12. For special meetings, the public must be provided an opportunity to address any item on the agenda.
13. Certain items, such as personnel matters and/or active legal actions, may be considered in executive session where the public is not allowed to participate. However, such items must be placed on the agenda and the results of any actions taken in executive session announced. The public has the same right to comment as any other items.
14. Minutes of meetings must be kept.
15. Members of the public are entitled to know how each member of the CBOC voted on action items.
16. Standing subcommittee meetings are also subject to the Brown Act rules shown above. Task forces that are established for limited specific purposes

## **The Brown Act**

and terms are not subject to the Brown Act rules if a quorum of CBOC members is not in attendance.

17. Members of the public cannot be required to give names or sign a register as a condition of attendance or speaking. They may be required to go through security procedures such as metal detectors.
18. The media and public may record and broadcast meetings if they do not interfere with the conduct of the meeting and comply with all applicable regulations, such as not blocking fire escape access isles.