

# **City of Santa Clara**

## **Downtown Community Task Force**

**Ralph M. Brown Act**

September 24, 2020



**City of  
Santa Clara**  
The Center of What's Possible



# Ralph M. Brown Act



**City of  
Santa Clara**  
The Center of What's Possible

# “Open and Public”

"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, except as otherwise provided in this chapter.”

Gov't Code § 54953(a).



# Applies to “Legislative Bodies”

- City Council
- Boards & commissions created by Council
  - Both decision-making and advisory
  - Both permanent and temporary

Gov’t Code § 54952(a), (b).



# What is a “Meeting”

- Congregation of a majority
- to hear, discuss, deliberate, or take action
- on items in subject matter jurisdiction
- at the same time & place



# Avoid “serial” meetings

- Serial meetings are:
  - A series of communications
  - Used by a majority of the body
  - To discuss, deliberate, or take action
  - On an issue within the subject matter jurisdiction



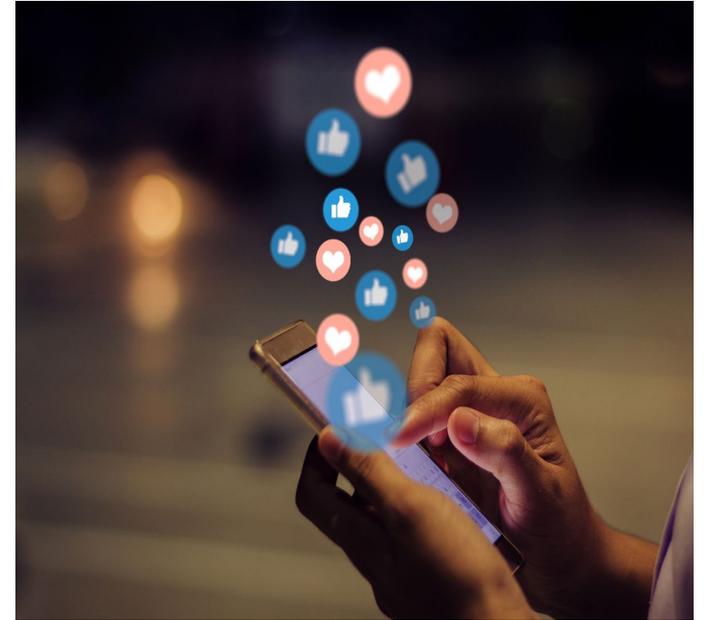
# Kinds of “serial” meetings



- Daisy Chains
- Hub and spoke
- Most common serial meeting: EMAIL

# Serial meetings on social media

- Facebook, twitter, snapchat are all fertile ground for serial meetings
- Brown Act prohibits legislative body from using social media to “discuss among themselves” official business.
- It is ok to participate in social media
- But, bright-line prohibition on responding *directly* to communications of other members

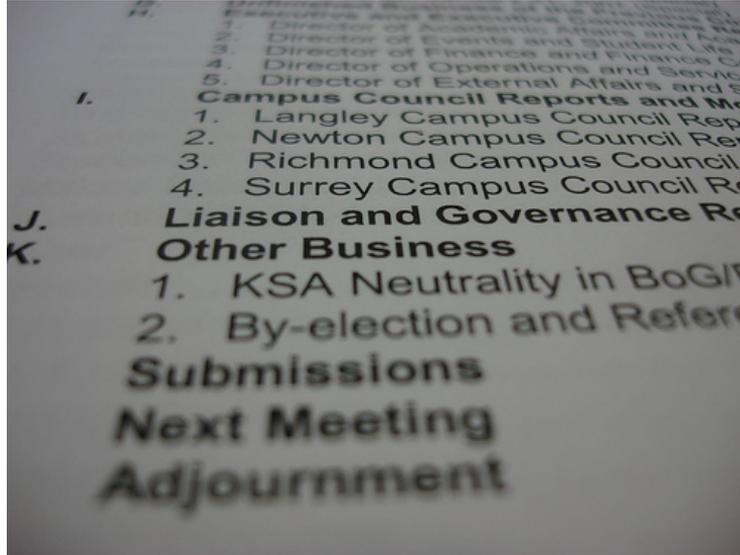


# Types of Meetings

- Regular
- Special
- Adjourned



# Regular Meetings



- Agenda must be posted 72 hours in advance
- Agenda must contain brief description of items of business
- Agenda must be posted in 3 physical locations & on website
- Must have a general comment period for the public

# Special Meetings

- Called by Chair
- Agenda posted 24 hours in advance
- Must notify each member & press
- No general public comment period required



# Adjourned Meeting



- Continuation of previous meeting
- If held within 5 days, no new notice
- Less than a quorum may adjourn

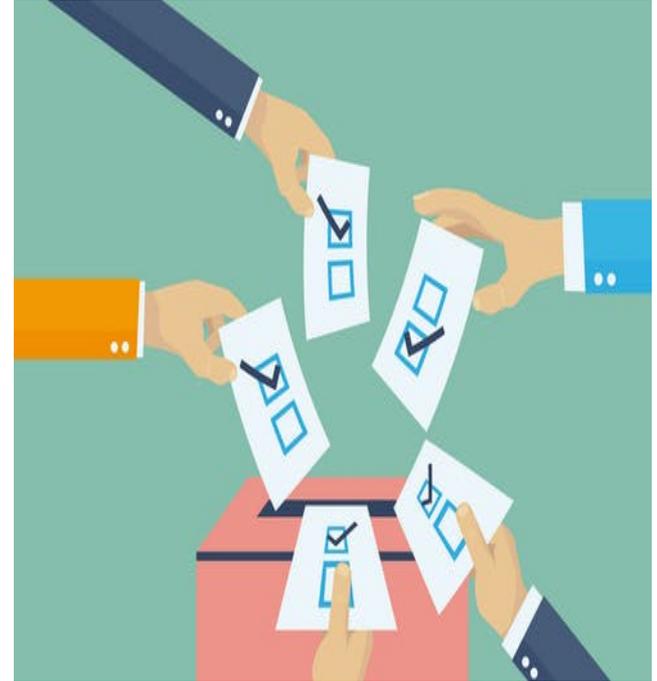
# Non-agendized discussions

- Items added to the agenda
  - Came to the City’s attention after agenda posted
  - Need to take action before the next meeting
  - Two-thirds vote required [6/9]
- Brief response to comments / questions
- Clarifications / reference to staff
- Brief announcements/report on activities



# Conduct of Meetings

- Robert's Rules of Order
- Speakers should address Chair
- Rules of decorum permitted
- Time limits ok
- Comments must be germane
- Disruptive speakers can be ejected
- Public Comments



# Meeting Exceptions

- When is a meeting not a “meeting?”
  - Social / ceremonial events
  - Conferences and seminars
  - Community meetings
  - Another body of the agency
  - Individual contacts



# Enforcement & Consequences

- Opportunity to “cure” violations
- Civil action for invalidation of actions
- Attorneys fees and costs
- Criminal prosecution
  - Action taken at a meeting
  - In violation of the Act
  - Intent to deprive public of information



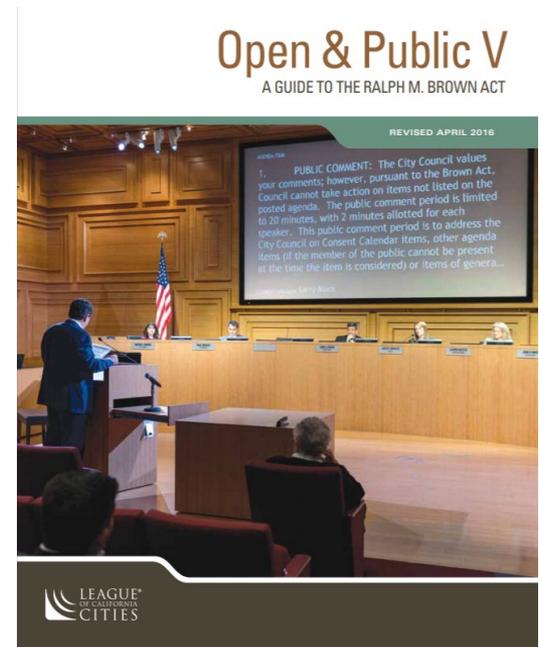
# Recommended Reading

- Text of the Brown Act

<https://bit.ly/3kJiTfc>

- Open & Public V: A Guide to the Ralph M. Brown Act

<https://bit.ly/305Q1im>



# Questions?



# **City of Santa Clara Downtown Community Task Force**

**Ralph M. Brown Act**

September 24, 2020



**City of  
Santa Clara**  
The Center of What's Possible

