

# City of Santa Clara

## The Brown Act

### **Bicycle and Pedestrian Advisory Committee Meeting**

January 25, 2018



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

# Ralph M. Brown Act

- Enacted in 1953
- Its purpose is to safeguard public's right to access and participate in govt meetings within the State
- Intent of the Brown Act
  - Ensure deliberations and actions of local legislative bodies are open and public
  - Ensure meaningful public access to local agency decisions
  - Meetings must be open to the public, held on a regular schedule, and follow a noticed agenda
  - No secret ballots

# “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.” Govt Code Section 54953(a)



# “Legislative Body”

- Governing body of a local agency
- Any commission, committee, board, or other body created by formal act of a local agency
- Examples
  - City Council
  - Boards and Commissions
  - Standing Committees w/ continuing subject matter jurisdiction or a meeting schedule fixed by formal action
- Does not apply to ad-hoc subcommittees composed solely of less than a quorum of the legislative body

# Meetings

- **Congregation of a majority of the legislative body**
- **Same time and place (including teleconference location)**
- **To hear, discuss or deliberate**
- **Items in subject matter jurisdiction**

# Avoid “Serial” Meetings

- Series of communications
- Used by a majority of the legislative body
- To discuss, deliberate, or take action
- On an issue within that body’s subject matter jurisdiction

# Types of “Serial” Meetings

- **Daisy Chains**
  - Member A contacts Member B, Member B contacts Member C, Member C contacts member D and so on, until a quorum and “collective concurrence” has been established as to some local agency business outside of a public meeting.
- **Hub and Spoke**
  - This involves, for example, a staff member (the hub) communicating with members of a legislative body (the spokes) one -by -one prior to a formal meeting, and reveals the views of respective members.
- **Most common: EMAIL**

# Meeting Exceptions

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



# 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 freely accessible to public
- Must have a general comment period for the public

# Special Meetings

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

# Adjourned Meeting

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



# Public Comment Period

- Any item within the body's subject matter jurisdiction
- Before or during consideration of an item
- Rules of decorum permitted
- Time limits are OK
- Speakers should address the Chair
- Comments must be germane
- Disruptive speakers can be ejected



# Conduct of Meetings

- **Brown Act: Quorum required to conduct meeting**
- **City Charter 1003 requires an affirmative vote of a majority of the entire membership to take any action**
- **Rules of Procedure**
  - Robert's Rules of Order

# Non-agendized discussions

- No discussion of items not posted on the agenda
- Exceptions:
  - Items added to the agenda
    - Came to the City's attention after agenda was posted
    - Need to take action before next meeting
    - Two-thirds vote required
  - Brief response to comments/questions
  - Clarifications/reference to staff
  - Brief announcements/ report on activities
  - Requests to place items on future agendas

# Enforcement & Consequences

- Notice and opportunity to cure
- 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



