


Independent Redistricting Commission

Overview of the Brown Act, Robert Rules of Order, and Public Records Act

September 23, 2021

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California Constitution

- The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

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The Brown Act

- Provide openness and transparency
- Ensure that the public has meaningful access to its agencies
- Provide the public with the means to provide input

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“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.” California Government Code § 54953(a)

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- What is a “meeting”?
 - Quorum of members
 - Same location at the same time (teleconference included)
 - To *hear, discuss, deliberate, or take action* on any item
 - Item being discussed or decided is within the subject matter jurisdiction of the Commission

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- Meeting Exceptions
 - Conferences
 - Community meetings
 - Attendance at meeting of another local agency legislative body
 - Social/ceremonial event
- DO NOT discuss Commission business
- Also, communications of less than a majority

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- Serial Meetings
 - Daisy Chain (A to B, then B to C, then C to D, etc.)
 - Hub and Spoke (A to B, then C, then D, or intermediary contacts A, then B, then C, etc.)
 - Most common error: EMAIL (no “Reply All”)

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- Meetings and Social Media
 - New law effective January 1, 2021
 - No “discussions” on social media

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- Open and Public
 - Agendas
 - Public comment
 - No substantive discussion on other topics
- Quorum required, majority vote for decision
- Covid-related changes to meeting requirements

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- Exception: Closed Session Discussion
 - Litigation, real property negotiations, personnel matters, labor negotiations
- Violations/Penalties

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Robert's Rules of Order

- City Code § 2.10.020 requires that City Council meetings be conducted pursuant to Robert's Rules of Order and Boards & Commissions follow this requirement as well
- The purpose of such rules is to promote orderly conduct, clarity, and protect the rights of the minority by facilitating discussion

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- Establish Quorum with Roll Call
 - Quorum = minimum number to make decision
 - If only a quorum is present, the meeting may continue, but all motions must be unanimous to pass
 - Charter Section 1003, “The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.”

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- Format for each agenda item:
 1. Chair reads the agenda item description
 2. Chair asks for staff report/presentation
 3. Members can ask questions of staff
 4. Chair invites public comment on the item
 5. Chair invites a motion and second
 6. Chair asks Members to discuss motion
 7. Vote is taken

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Public Records Act

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- What is a public record?
The PRA defines “public records” as “*any writing* containing information relating to the *conduct of the public’s business prepared, owned, used, or retained* by any state or local agency regardless of physical form or characteristics.”
- Record retention requirements
- Penalties/Enforcement

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