



Station Area Task Force

The Ralph M. Brown Act

Agenda Item 24-725

**Presented by: Su Reuter, Chief
Assistant City Attorney**

July 25, 2024



Background of the Brown Act

- State law, passed by the State Legislature in 1953
- Incorporated into the State Constitution in 2004
- Intended to:
 - Provide openness and transparency
 - Ensure that the public has meaningful access to its agencies
 - Provide the public with the means to provide their input



- Core tenet of the Brown Act:
“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)
- Is Santa Clara a “local agency?” YES
- Is the SATF a “legislative body?” YES



- What constitutes a meeting? (GC § 54952.2)
 - A majority of the Task Force to be present
 - The Members must be in the same location at the same time (teleconference included)
 - The purpose is “to hear, discuss, deliberate, or take action on any item”
 - The item being discussed or decided is within the subject matter jurisdiction of the legislative body



- Exceptions to the definition of “meeting”
 - Attending a conference
 - Attending a community meeting
 - Attending an open/noticed meeting of another local agency legislative body
 - Attending a social/ceremonial event
- DO NOT discuss Task Force business
- Also, communications of less than a majority



- What is a “serial” meeting?
 - A series of communications of any kind (including any type of electronic means), either directly or through intermediaries, to discuss/deliberate/decide an issue within your jurisdiction
 - 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”)



- Teleconferencing – new laws
 - Traditional pre-pandemic teleconferencing
 - Notice and posting
 - **NEW** Just cause and emergency circumstances exceptions to notice and posting requirements (effective currently)



- AB 922 – Social media constraints
 - Went into effect January 1, 2021
 - No “discussions” on social media
 - Cannot respond in any way (including posting comment or using the “like” button) to a post by another member relating to something within the subject matter jurisdiction of the Task Force



- How can we make meetings “open and public?”
 - First, we provide notice via published agendas
 - Second, public can provide their input
 - Public comment allowed both generally ("Public Presentations" heading on the agenda) and specifically as to each item on the agenda
 - Third, no non-agendized discussions



- Open vs. Closed Session
 - Default is that everything is on open session
 - Certain issues may be discussed in closed session – such as litigation
 - Confidentiality
- Penalties/Enforcement



Conduct of Meetings

- 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



- Establish Quorum with Roll Call
 - Quorum = minimum number to make decision (6)
 - 50% +1 of the entire membership of the body
 - 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. ”



- 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



- **General Rules of Process**
 - Chair calls on speaker, speakers (including Members) should address comments to Chair
 - Time limits apply to public comments
 - Public comment on specific agenda items should be germane to that item
 - Public comment on non-agendized items only occurs under "Public Presentations"
 - "Zoom Bombing" - information for Chair



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Questions?



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