

**Ralph M. Brown Act
California Government
Code Sect. 54950 *et seq.***

Presentation to the Santa
Cruz County Building,
Accessibility and Fire Code
Appeals Board

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Intent of Brown Act

Legislation

- "[Public Commissions'] actions be taken openly and that their deliberations be conducted openly."
- Ensure meaningful public access to decisions and the decision-making process.
- Meetings must be open to the public, held on regular schedule, and follow a noticed agenda.

What is "Brown Act" Meeting?

- Any gathering of a majority of the members at the same time and place to hear, discuss, or deliberate on any item that is within the jurisdiction of the Board, "Rule of 2."
- Serial Meetings
 - Risk of E-Mail Communications "Reply to All."
 - "Serial Contacts" "Spoke and Wheel" "Daisy Chain" Board Member "A" talks to "B" who reports "A's" Comments to "C" to create "collective concurrence."
 - Exception for Scheduling of Meetings.

What is not a "Brown Act" Meeting?

- Individual contacts between a board member and other staff person or member of the public do not constitute a meeting. (But be aware of "ex parte" contacts, due process concerns).
- Staff Meetings Not Subject to Brown Act.
- Majority of members does not constitute a Brown Act meeting (where no business discussed) at:
 - Conference Open to the Public.
 - Local public meeting of another public entity.
 - Social or Ceremonial Occasion.

Brown Act Meeting Types

- Regular Meetings
 - Agenda Posted 72 Hours Prior to Meeting.
- Special meetings
 - Unique Nature of Building Appeals Bd.
 - Agenda Posted 24 Hours Prior to Meeting; Notice to Board Members; Press.
- Closed Sessions (Litigation, Personnel, Real Property Negotiations).
 - County Counsel must approve and attend.
- Emergency Meetings.

Conduct of Meetings

- Act Only on Items on Agenda
- Responses to Public Comments on Items not on Agenda
 - Brief Response or Answers to Questions.
 - No Discussion, Debate, or Action.

Conduct of Meetings (con't)

- Public Comment
 - Public May Comment on any matter within Board's Jurisdiction (even if non-agenda matter) regardless of content including criticism as long as not disruptive.
 - Public may comment on any agenda item including consent items before action taken.
 - Reasonable fair regulations, including time limits may be applied, i.e. per item or per speaker.

Additional Topics to Be Aware of

- California Public Records Act
 - Emails, etc.
- Administrative Record
- California Political Reform Act
 - 500 foot radius equals presumption of conflict; means recusal on matter including discussions with staff ("influencing the decision")
 - Business Relationships.