The Ralph M. Brown Act
Core of the Brown Act

Public business must take place in public meetings.

“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 section 54953*
“Meetings” under the Brown Act

Any congregation of a **majority** of the members of the legislative **body at the same time and place** to hear, discuss, or deliberate on **any matters within its jurisdiction**.

**What this means:** Any time a majority of you come together to discuss agency business, that is a Brown Act “meeting.” The meeting must be public, have an agenda, and meet other requirements.

**Includes** in-person and electronic communications.
Brown Act traps

- “Reply All” emails
- “Serial” meetings
  - Member A → Member B → Member C → Member D → Member E
- “Hub and spoke” meetings
The Brown Act & Social Media (AB 992)

**DO** use social media to communicate with *the public* about Commission business.

- Answer questions
- Provide information and updates
- Solicit information/feedback

**DO NOT** use social media to communicate with *other members* about Commission business.

- Comment on another member’s post
- Like another member’s post
- Share another member’s post
NOT a meeting subject to the Brown Act

- Conferences open to the public*
- Social or ceremonial occasions*
- Public meeting of another agency*
- Individual meetings between members

*As long as members do not discuss commission business
Remote meetings under the Brown Act

❖ Brown Act disfavors remote meetings.
❖ If the governor has declared a state of emergency, legislative bodies may meet remotely.
❖ The current COVID-19 state of emergency will end in February.
❖ Without a state of emergency, majority of members must meet in person. Individual members may join remotely, but only under narrow, burdensome conditions.
Other Brown Act Rules

- Detailed agenda must be posted 72+ hours in advance of the meeting
- Discussion at the meeting is limited to items listed on agenda
- Public has the right to attend the meeting
- Public has the right to comment at the meeting
Consequences for Brown Act violations

Rare, but possible:
- Lawsuits
- Criminal penalties
- Commission action gets voided

Common:
- Media & political scrutiny
A brief note on the Public Records Act...

“[A]ccess to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” (Gov. Code, section 6250.)

Government records shall be disclosed, upon request, unless a PRA exemption applies.

**What this means:** When creating any writing related to public business (email, text message, word doc, etc.), be mindful that the writing is likely a public record subject to disclosure.