

LGBTQIA+ Commission Brown Act Training

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The Brown Act



*I want to be in
The Room Where It Happens*



Brown Act – Public Meetings

- Purpose: public business is done 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.”

Brown Act

- To Whom Does it Apply?
 - What's a Meeting?
 - Agenda Requirements
 - Consequences for Violations
-
- Speaking for the Commission/County

Brown Act – to whom does it apply?

- Applies to “legislative bodies”
- “Legislative body” means:
 - Governing board of local agency
 - Boards, commissions, and committees created by formal action of the governing board
- Does not apply to individual decision makers, such as department heads

Committees Not Subject to Brown Act

- Ad hoc advisory committees made up solely of legislative body members and constituting less than a quorum (6)
 - No continuing subject matter jurisdiction
 - Limited term

What is a Meeting?

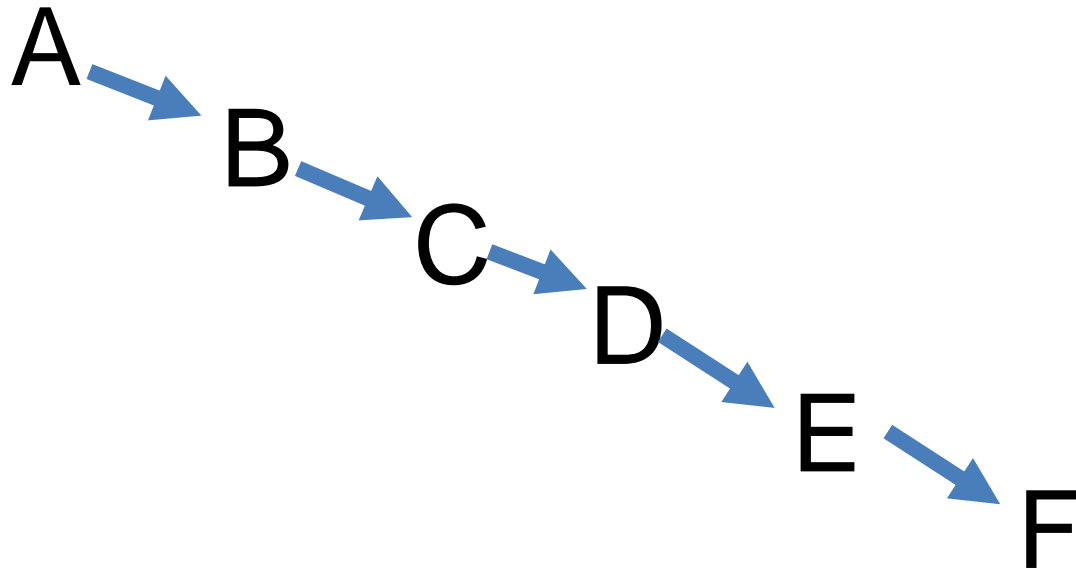
- Any congregation of a majority of the members of the legislative body at the same time and place to hear, discuss, or deliberate on any matters within its jurisdiction.
- **What this means:** A majority may not consult outside an agency-convened meeting.

Illegal Meetings

- A majority of members may not “develop a concurrence as to action” on business through serial meetings, intermediaries, communication, or other means of subterfuge.
- Use caution with social media

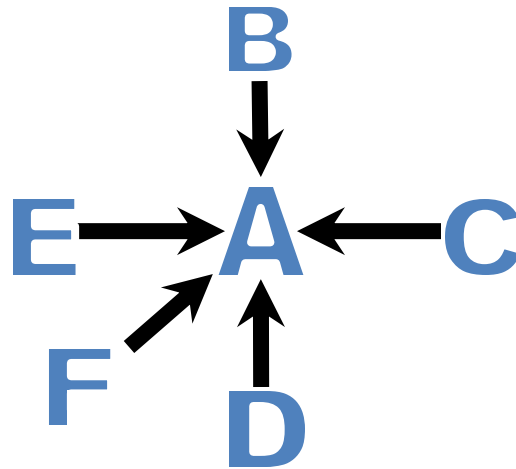
Illegal Meetings

“Serial” Meeting (6 members)



Illegal Meetings

Intermediary or “Hub” Meeting (6 members)



What is NOT a meeting?

- Individual contacts between board members and another person
- Majority of board* at
 - Conference open to the public
 - Social or ceremonial occasions
 - Open and noticed meeting of another body of the local agency, or a legislative body of another local agency
 - Public meeting on topic of local community concern

* As long as majority does not discuss board business

Agenda and Notice Requirements

- Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.
- Regular meeting: agenda posted 72 hours prior
- Special meeting: agenda posted 24 hours prior
- Agenda must contain brief description of every item to be discussed
- Must include time for public comment



Limited Circumstances Where Board May Speak to Items NOT on Agenda

- Brief response to statements or questions
- Brief announcement or report on own activities
- Ask questions for clarification
- Refer to staff for information
- Request staff to report back
- Direct staff to place matter on future agenda

Consequences of Brown Act Violations

- Lawsuit brought by the DA or any interested persons
- Violations may be stopped by civil lawsuit
- Some actions, if not “cured,” may be declared void
- Criminal sanctions for intentional violations (up to 6 months in jail/\$1,000 fine)
- Attorney’s fees



Speaking for the Commission/County

- Can identify self as commissioner, but indicate you are speaking only for yourself, unless you have Commission approval to take the position
- The Commission cannot approve of taking a position unless it complies with County's Legislative Engagement Policy
 - Requires BOS approval of position