

PUBLIC MEETING LAW (BROWN ACT)

The purpose of the Brown Act is to ensure that the deliberations as well as the actions of all local public bodies are performed at meetings open to the public and for which the public has been given adequate notice. It is to prevent government from being conducted in secret. Government Code §54950. In furtherance of this purpose, the Brown Act requires, with certain limited exceptions, that all meetings of local public bodies be open and public. Government Code §54953. Meetings must be conducted in such a manner as to permit full and complete disclosure of the actions taken and the participation of individual members in such actions. Thus, secret ballot voting at meetings required to be open and public is prohibited. 59 Ops. Atty. Gen. 619 (1976).

The Brown Act applies to boards, commissions and committees or other bodies of the County, whether temporary or permanent or decision-making or advisory, if they are formed by some formal action of the Board of Supervisors, or by some formal action of any other County, board, commission, or committee, and also applies to any other local body created by state or federal statute.

The Brown Act does not apply to meetings of advisory committees or subcommittees of boards, commissions or committees which are composed solely of less than a quorum of such public body, and which are not standing committees or subcommittees with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the body which established the committee or subcommittee. However, this less-than-quorum exception may not be used to circumvent the purposes of the Brown Act. The following actions by boards, commissions, or committees have been found to be in violation of the Brown Act:

1. The signing of a letter by all members;
2. A telephone poll of members;
3. A series of closed meetings with less than a quorum of the members present at each meeting (sometimes called a "serial meeting");
4. Formal or informal, deliberate or accidental meetings, at which a majority or a quorum of members deliberates collectively on public business within the subject matter jurisdiction of the body of which they are members.

"Joint meetings", "study sessions", "informal discussions", and "business lunches" have all been found to be meetings within the meaning of the Brown Act.

The Brown Act does not preclude the following:

1. Individual contacts or conversations between a member of a local public body and any other person.

2. The attendance of the majority of the members of a local public body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to the public agencies of the type represented by the local public body provided that a majority of the members do not discuss among themselves other than as part of the scheduled program business of a specified nature that is within the subject matter jurisdiction of the local public body of the County.
3. The attendance of a majority of the members of a local public body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the County, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the local public body of the County.
4. The attendance of a majority of the members of a local public body at an open and noticed meeting of another body of the County, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the local public body of the County.
5. The attendance of a majority of the members of the local public body at a purely social or ceremonial occasion, provided that among themselves business of a specific nature that is within the subject matter jurisdiction of the local public body of the County is not discussed.

Executive (closed) Sessions

No board, commission or committee shall hold an executive session or any meeting excluding the public without first receiving written authorization from the County Counsel to hold such a session or meeting. Advisory boards, commissions and committees will not be authorized by County Counsel to hold any executive sessions. Decision-making bodies will only be authorized by County Counsel to hold executive sessions under unusual circumstances. County Counsel shall be present at all executive sessions held by any board, commission or committee. SCCC 2.38.130.