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THE BROWN ACT
Open MEETINGS FOR LOCAL LEGISLATIVE BODIES

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THE BROWN ACT

INTRODUCTION This pamphlet concerns the provisions of the Ralph M. Brown Act, which govern open meetings for local government bodies. The Brown Act is contained in section 54950 et seq. of the Government Code.

Accordingly, all statutory references in this pamphlet are to the Government Code unless otherwise noted. The pamphlet contains a table of contents, which may also serve as a topical outline for the reader.

The pamphlet also includes a brief summary of the main provisions of the Brown Act, along with references to the appropriate Government Code sections and chapters of the text. The text includes a discussion of the law along with tips on how the law should be applied in particular situations.

Numerous references are made to legal authorities throughout the text. A copy of the Brown Act in its entirety is set forth in the appendix to the pamphlet.

Lastly, the pamphlet contains a table of authorities so that the reader can determine all of the places in the text where references are made to a particular authority. In preparing this pamphlet, we relied on a variety of legal resources. Appellate court cases were consulted and are cited throughout the pamphlet.

While most of the more significant cases are discussed, this pamphlet is not intended to be a compendium of all court cases in this area. In addition, we drew upon published opinions and unpublished letter opinions issued by this office.

Attorney General opinions, unlike appellate court decisions, are advisory only and do not constitute the law of the state. However, with respect to the Brown Act, the courts have frequently adopted the analysis of Attorney General opinions, and have commented favorably on the service afforded by those opinions and this pamphlet.


Published opinions are cited by volume and page number (e.g., 32 Ops.Cal.Atty.Gen. 240 (1958)). Unpublished letter opinions are cited as indexed letters by year and page number (e.g., Cal.Atty.Gen., Indexed Letter, No. IL 76-201 (October 20, 1976).)

Published opinions are available through law libraries and some attorneys’ offices. As a general rule, indexed letters are available only in the Office of the Attorney General. Copies may be obtained by a request to the Public Inquiry Unit of the Office of the Attorney General.

If you have specific questions or problems, the statutes, cases and opinions should be consulted. You also may wish to refer the matter to the attorney for the agency in question, a private attorney or the district attorney. The pamphlet is current through January 2003 with respect to statutes, case law, and Attorney General opinions.
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SUMMARY OF KEY BROWN ACT PROVISIONS COVERAGE

PREAMBLE:

• Public commissions, boards, councils and other legislative 54950 Ch. I bodies of local government agencies exist to aid in the conduct of the people’s business.

• The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.

1. GOVERNING BODIES: Includes city councils, boards of supervisors, and district 54952(a) Ch. I & II boards. Also covered are other legislative bodies of local government agencies created by state or federal law.
   a. SUBSIDIARY BODIES: Includes boards or commissions of a local government agency 54952(b) Ch. II as well as standing committees of a legislative body.
   b. A standing committee has continuing subject matter jurisdiction or a meeting schedule set by its parent body. Less-than-a quorum advisory committees, other than standing committees, are exempt.
   c. PRIVATE OR NONPROFIT CORPORATIONS OR ENTITIES: Covered only if: a. A legislative body delegates some of its 54952(c)(1)(A) Ch. II functions to a private corporation or entity; or b. If a legislative body provides some funding to a 54952(c)(1)(B) private corporation or entity and appoints one of its members to serve as a voting member of entity’s board of directors.

2. MEETING DEFINED INCLUDES: Any gathering of a quorum of a legislative body to
   a. discuss or 54952.2 Ch. III transact business under the body’s jurisdiction; serial meetings are prohibited. EXEMPTS: (1) Individual contacts between board members and 54952.2(c)(1) Ch. III others which do not constitute serial meetings;
   b. (2) Attendance at conferences and other gatherings 54952.2(c)(2), which are open to public so long as members of (3) and (4) legislative bodies do not discuss among themselves business of a specific nature under the body’s jurisdiction;
   c. (3) Attendance at social or ceremonial events 54952.2(c)(5) where no business of the body is discussed.

3. LOCATIONS OF MEETINGS:
   a. A body must conduct its meetings within the boundaries of its 54954 Ch. IV jurisdiction unless it qualifies for a specific exemption.
   b. TELECONFERENCE MEETINGS: Teleconference meetings may be held under carefully defined 54953 Ch. III conditions. The meeting notice must
specifically identify all teleconference locations, and each such location must be fully accessible to members of the public.

4. PUBLIC RIGHTS
   a. PUBLIC TESTIMONY: Public may comment on agenda items before or during consideration by legislative body.
   b. Time must be set aside for public to comment on any other matters under the body’s jurisdiction.

5. NON-DISCRIMINATORY FACILITIES:
   a. Meetings may not be conducted in a facility that excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

6. COPY OF RECORDING:
   a. Public may obtain a copy, at cost, of an existing tape recording made by the legislative body of its public sessions, and to listen to or view the body’s original tape on a tape recorder or viewing device provided by the agency.

7. PUBLIC VOTE:
   a. All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted.

8. CLOSED MEETING ACTIONS/DOCUMENTS:
   a. At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances.
   b. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request.

9. TAPING OR BROADCASTING: Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding.

10. CONDITIONS TO ATTENDANCE: Public may not be asked to register or identify themselves or pay fees in order to attend public meetings.

11. REQUIRED NOTICES AND AGENDAS
    a. REGULAR MEETINGS: Agenda containing brief general description of each matter to be considered or discussed must be posted at least 72 hours prior to meeting.
    b. SPECIAL MEETINGS: Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed.
    c. EMERGENCY MEETINGS: One hour notice in case of work stoppage or activity, except in the case of a dire emergency.
    d. CLOSED SESSION AGENDAS: All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5.
Prior to 54957.1 and each closed session, the body must orally announce the subject 54957.7 matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.

e. AGENDA EXCEPTION: Special procedures permit a body to proceed without an agenda 54954.2(b) Ch. IV in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.

12. CLOSED-SESSION MEETINGS

a. PERSONNEL EXEMPTION: The body may conduct a closed session to consider 54957 Ch. VI appointment, employment, evaluation of performance, discipline or dismissal of an employee. With respect to complaints or charges against an employee brought by another person or another employee, the employee must be notified, at least 24 hours in advance, of his or her right to have the hearing conducted in public.

b. PUBLIC SECURITY: A body may meet with law enforcement or security personnel 54957 Ch. VI concerning the security of public buildings and services.

c. PENDING LITIGATION: A body may meet in closed session to receive advice from its 54956.9 Ch. VI legal counsel concerning existing litigation, initiating litigation, or situations involving a significant exposure to litigation. The circumstances which constitute significant exposure to litigation are expressly defined in section 54956.9(b)(3).

d. LABOR NEGOTIATIONS: A body may meet in closed session with its negotiator to 54957.6 Ch. VI consider labor negotiations with represented and unrepresented employees. Issues related to budgets and available funds may be considered in closed session, although final decisions concerning salaries of unrepresented employees must be made in public.

e. REAL PROPERTY NEGOTIATIONS: A body may meet in closed session with its negotiator to 54956.8 Ch. VI consider price and terms of payment in connection with the purchase, sale, exchange or lease of real property.