

# Summary of the Brown Act

Student Senate for California Community Colleges - August 1, 2015



## The Brown Act of 1953 (California Government Code §54950-54963)

### Before the Meeting:

#### 1. Public need not identify self (§54953.3)

- a. A member of the public shall not be required as a condition of attendance to register or to supply any identification.
- b. If a sign in sheet is used, it shall clearly state that signing in is strictly voluntary.

#### 2. Agenda packet (§54954.1)

- a. Any person may request in writing that a copy of the agenda, or a copy of all the documents constituting the agenda packet, be mailed to that person for a fee.

#### 3. 72 hour posting (§54954.2 (a) (1))

- a. At least 72 hours before a regular meeting, the board shall post an agenda containing a brief general description of each item of business to be transacted at that meeting including items for a closed session.
- b. No action or discussion shall be undertaken on any item not posted on the agenda 72 hours before the regular meeting. Except the following.

**Exception #1:** Upon the determination by a majority vote that an emergency situation exists.

**Exception #2:** Upon determination by a 2/3 vote (if less than 2/3 of the members are present, a unanimous vote is necessary) that there is a need to take immediate action, and that the need of the action came to the attention of the board subsequent to the posting of the agenda.

**Exception #3** The item was posted for a prior meeting that occurred not more than 5 days before and the prior meeting was continued to the current meeting.

#### 4. Public may address the board (§54954.3 (a))

- a. Every agenda shall provide the public an opportunity to directly address the board.
- b. This is allowed before or during the board's consideration of an item.
- c. The public may speak on any topic that is within the subject matter jurisdiction of the board.
- d. However, the public need not be afforded an opportunity to speak on topics already discussed openly at a committee meeting where the public had an opportunity to speak.

#### 5. Time limits (§54954.3 (b))

- a. The board may adopt regulations to limit the total amount of time allocated for a particular issue and for each speaker as included on the posted agenda.

#### 6. Public speaking prohibitions (§54954.3 (c))

- a. The board may not prohibit public criticism of policies, procedures, programs, services or acts of omissions. This is how the Brown Act makes the meeting an Open Meeting.
- b. The Brown Act does not confer any privilege or protection for expression beyond that otherwise provided by law.

### During the Meeting:

#### 7. Secret ballot (§54953 (c))

- a. No action shall be decided by secret ballot.
- b. Section 54953 (c) (2) – Every member's vote must indicate for/against/abstain.

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### 8. Teleconference (§54953 (b))

- a. The board may use teleconference for the benefit of the public in connection with any meeting or proceeding authorized by law. However, the association's bylaws need to authorize the board to use teleconference.
- b. Teleconference devices may be used for all purposes within the subject matter jurisdiction.
- c. All votes shall be taken by roll call.
- d. The board shall post the agenda at each teleconference site.
- e. Each teleconference site shall be ADA accessible to the public.

### 9. Public may record (§54953.5 (a))

- a. Any person shall have the right to record the proceedings with audio or video or both.
- b. The recording cannot disrupt the meeting with noise, illumination, or obstruction.
- c. If the board records the meeting, the board shall allow the public to inspect it on the board's equipment for up to 30 days.

### 10. Closed session (§54954.5)

- a. Closed sessions are prohibited by the Brown Act except for 17 situations related to real property or labor negotiators, litigation, liability claims, employee (appointment, evaluation, or discipline), trade secrets, etc. (Notice that attorney-client privileges are limited.)

### 11. Report from closed session (§54957.7)

- a. The board shall report any action taken in closed session and the vote by each member.

### 12. Willful interruption (§54957.9)

- a. If any meeting is willfully interrupted so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by removal of the problem individuals, the board may order the room cleared and continue the meeting.
- b. The board shall allow the press and individuals not causing the disturbance to reenter the meeting room.

### After the Meeting:

### 13. Standing committees (§54952 (b))

- a. Regardless of composition, as long as it has a continuing subject matter jurisdiction, or a fixed meeting schedule by formal action, a standing committee falls under the Brown Act.

### 14. Conference fees (§54952.2 (c) (2))

- a. The public does not have free admission to a conference which the organizer has required other participants to pay fees as a condition of attendance.

### 15. Public may broadcast (§54953.6)

- a. Any person shall have the right to broadcast the proceedings (audio and/or video.)
- b. The broadcast cannot disrupt the meeting with noise, illumination, or obstruction.

### 16. Courts (§54960.5)

- a. A court may award court costs and reasonable attorney fees to the plaintiff (the board) if it finds that the board has violated the Brown Act.
- b. Similarly for the defendant (the public) where the court finds the action brought to the court was clearly frivolous and totally lacking in merit.

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Brown Act Meeting Types	Post and Notice	Ordered by
<b>Regular (§ 54954.2)</b>	<p>Post at least 72 hours before the meeting.</p> <p>Notice mailed to those on a list for a minimal fee.</p>	Ordered per bylaw or motion
<b>Adjourned (§ 54955)</b>	<p>Post at least 24 hours after adjournment of original meeting that set the adjourned meeting. Posted near the door! If the hour is omitted, the hour is that of the regular meeting.</p> <p>Notice in same manner as in Special Meeting.</p>	<p>Ordered by majority vote at regular meeting, adjourned meeting, or special meeting. Quorum is not required to set an adjourned meeting.</p> <p>If all members are absent, clerk or secretary may declare adjournment and set the adjourned meeting.</p>
<b>Special (§ 54956)</b>	<p>Post at least 24 hours before the meeting.</p> <p>Written notice to each member and media (that requested it) at least 24 hours before the special meeting.</p> <p>Written notice is dispensed with if member waives it or attends meeting.</p> <p>May be called to discuss budget but not salaries.</p>	Ordered by presiding officer or majority of the members
<b>Emergency (§ 54956.5)</b>	<p>Post at least 24 hours before, if possible.</p> <p>Notify the media (that requested it) at least 1 hour before, or when possible.</p> <p>Minutes shall be posted for at least 10 days as soon as possible.</p>	Ordered by majority of members for conditions of work stoppage, crippling activity, impaired public health or safety.
<b>Dire Emergency (§ 54956.5)</b>	<p>Post at least 24 hours before, if possible.</p> <p>Notify the media (that requested it) at least 1 hour before, or when possible.</p> <p>Minutes shall be posted for at least 10 days as soon as possible.</p>	Ordered by majority of members for conditions of crippling disaster, mass destruction, terrorist act, endangered public health or safety.