



Student Senate of the California Community Colleges (SSCCC)
Brown Act Comments
March 5, 2016

We must focus on future solutions and never on placing blame.

Remember that the Brown Act is a list of minimum efforts on the part of the SSCCC. If you take a short cut, or do what appears to be an equivalent effort, you are probably violating the spirit of the Brown Act. A constant good-faith effort to comply will go a long way to later reduce friction with the public.

1. **§54953.3:** You cannot require that the public access your meeting with any software that would reveal the public's identity or other personal information.
2. **§54953.3 (a):** The Public has the right to directly address the board. If you require the public to learn or to acquire any app or computer application other than what comes with a simple telephone or laptop, you could be perceived as creating an obstacle to keep the public out. Think webinar, zoom, chats.

Likewise, a teleconference meeting should not require an account with a third party or internet service.

An option is to offer the advanced technology and the conventional access at the same time. However, the public must be able to receive the same information as the techie access offers.

3. **§54954.2 (a):** The posting of the agenda must be accessible. However, in addition to the ADA requirements, accessible means that that agenda can be found in at least one location year round. You cannot change the posting location to a hotel one month, and then to another hotel, and then back to downtown.

Listserve; website; or announcements on Facebook or Twitter are never the primary posting equivalents.

Any deliberation without a proper posting is prohibited by the Brown Act. Lately, I have seen Facebook being used improperly.

4. Other common Brown Act unacceptable variations I have noticed:

- a. Senators speak on their own concerns or make an announcement during Public Forum when the topic was brought up exclusively by the Senator, and not the public.
- b. Though a Standing Committee must adhere to the Brown Act, it could meet to implement or plan an action that has already been adopted by the board without a posting. This is true as long as the meeting is limited to the already adopted assignment of the Standing Committee.
- c. Special Committees need not adhere to the Brown Act unless the committee contains a majority of any other body.
- d. SSCCC is not obligated to prove that it has complied with the Brown Act every step of the way.
- e. Abstain is allowable only if a Senator stands to gain when the other Senators do not.
- f. Communications among Senators by means of Facebook, etc. during an SSCCC meeting are unacceptable. The only thing that Senators have in common is what constitutes SSCCC's Subject Matter Jurisdiction.

SSCCC need not tolerate bullies and troublemakers. SSCCC merely needs to respond when the public points out a true violation. At that time, SSCCC should simply apologize, fix the violation, and drop the subject.

Each Senator and each Region must help preserve the image of the SSCCC. If a disagreement reaches the level of legal action, everybody loses.