

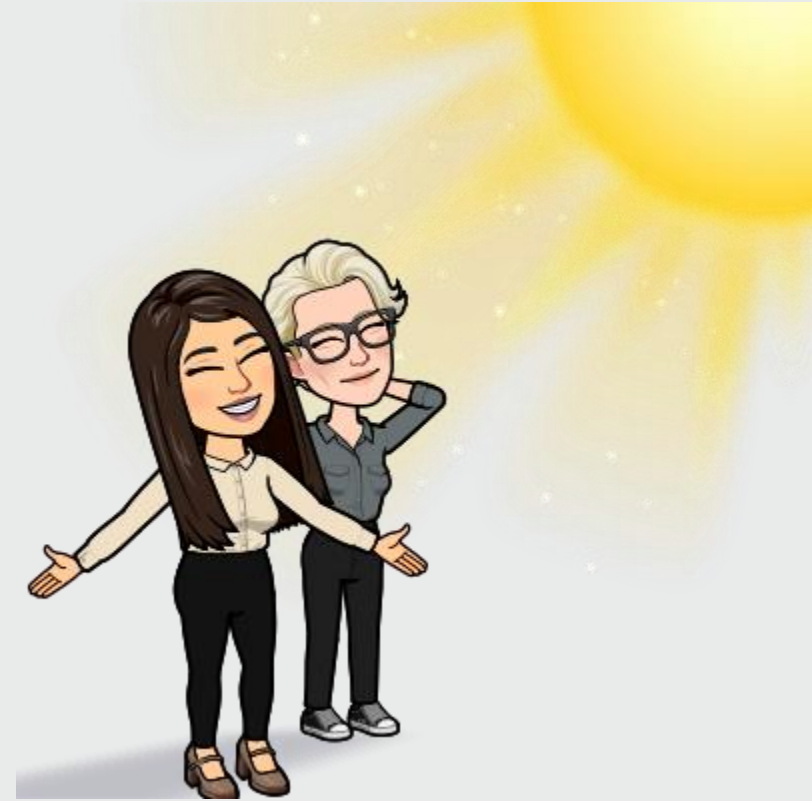


Brown Act and Robert's Rules of Order

March 26, 2025

History of the Brown Act

- Enacted in response to public concerns over informal undisclosed meetings held by local elected officials.
- One of California's main sunshine laws.
- Meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny.



General Principles of Ralph. M. Brown Act



All meetings shall be open and public so that all actions and deliberations must be taken openly



A meeting is a majority of Commission members present at the same time and place to discuss items within its subject matter jurisdiction



All persons shall be permitted to attend and participate in meetings



Only matters on the agenda shall be discussed



Avoiding the Appearance of Impropriety

- Helps to avoid the possibility of improperly discussing local agency business without the public present.
- Helps protect the due process rights of parties appearing before a body.



Who is Subject to the Brown Act?

- Legislative bodies
- Subcommittees created by formal action
- Body or entity created by the City Council and lawfully delegated authority of the Council
- Body or entity that receives funds from the City and their governing body includes a Councilmember
- NOT temporary ad hoc committees made up solely of members and constituting less than a quorum



Types of Communications Prohibited



Serial communications are **prohibited**.

- “Serial communication” means:
 - Each communication involves less than a majority of members
 - BUT the total amount of communications in the series involves a majority of the body outside of a noticed public meeting.

Types of Communications Prohibited



Hub-and-Spoke

One member contacts all or a majority of the other members.

Daisy Chain

One member contacts another member, then that member contacts another member, then that member contacts another... and so on until a majority of the body has been contacted.

By Representative

A member's representative, agent, or intermediary (e.g., a partner, a messenger, assistant) directly or indirectly communicates with a majority of other members.

Emails, texts, or social media

Includes making or commenting on social media posts and using digital icons that express reactions to communications (i.e., emojis) made by other members.

Examples of Prohibited Communications

Hub-and-Spoke

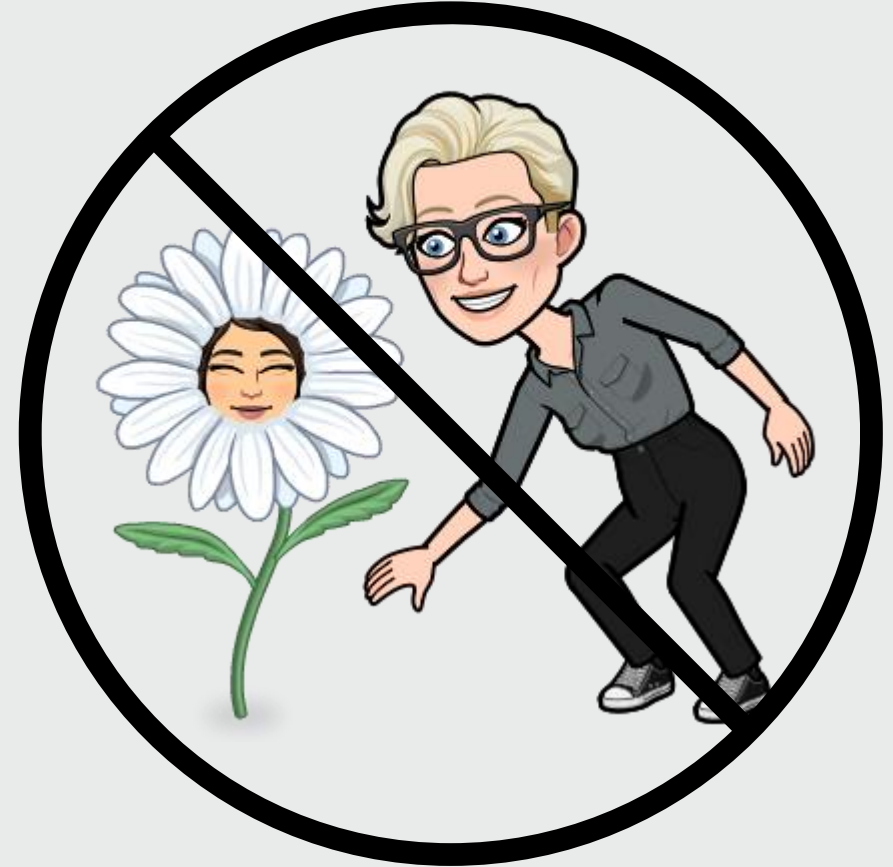
Member contacts all other members on their body to ensure they vote “yes” to support an item.



Examples of Prohibited Communications

Daisy Chain

Member Blue contacts Member Green;
Member Green contacts Member
Orange;
Member Orange contacts Member Pink.



Examples of Prohibited Communications

By Representative

Member Green's partner volunteers at several nonprofits where other members volunteer. Green's partner ends up asking more than a majority of the body if they support the item, too.



Examples of Prohibited Communications

Emails, texts, or social media communications involving a majority of members

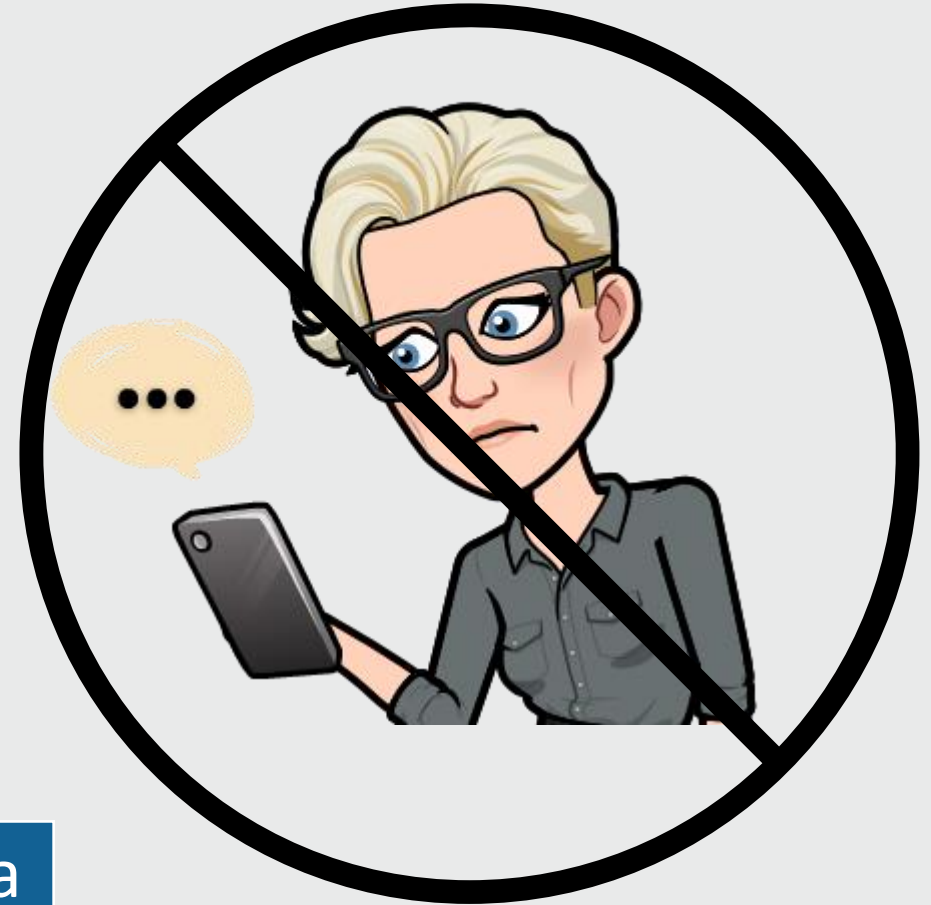
Member Blue posts on social media about an issue:

Liked by Member Green

↳ Shared by Member Orange

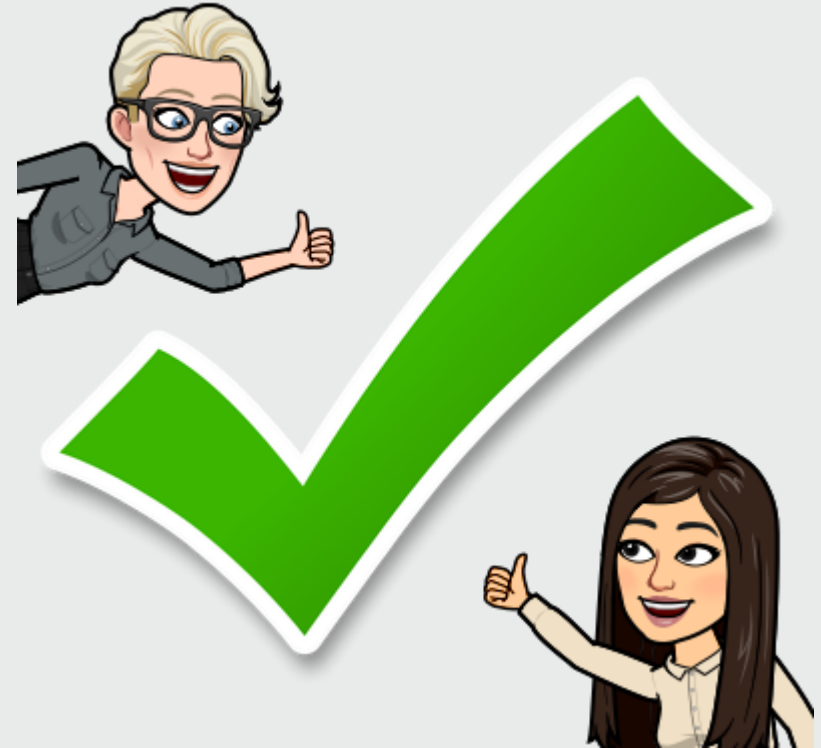
↳ Commented on by Member Pink

↳ Retweeted by Member Aqua



What Kind of Communications are Allowed?

- Individual contacts between a member and another person or member
- Allows members to speak with constituents, advocates, consultants, reporters, staff and colleagues



What Kind of Communications are Allowed?

- Majority of members at a:
 - Conference open to the public
 - Local public meeting
 - Open meeting of another body
 - Social or ceremonial event
- Members cannot discuss matters of the body among themselves at these events.



Agenda Posting Requirements for Meetings



- Regular meeting agendas must be posted 72 hours prior to the meeting.
- Special meetings require agendas are posted 24 hours before the meeting.

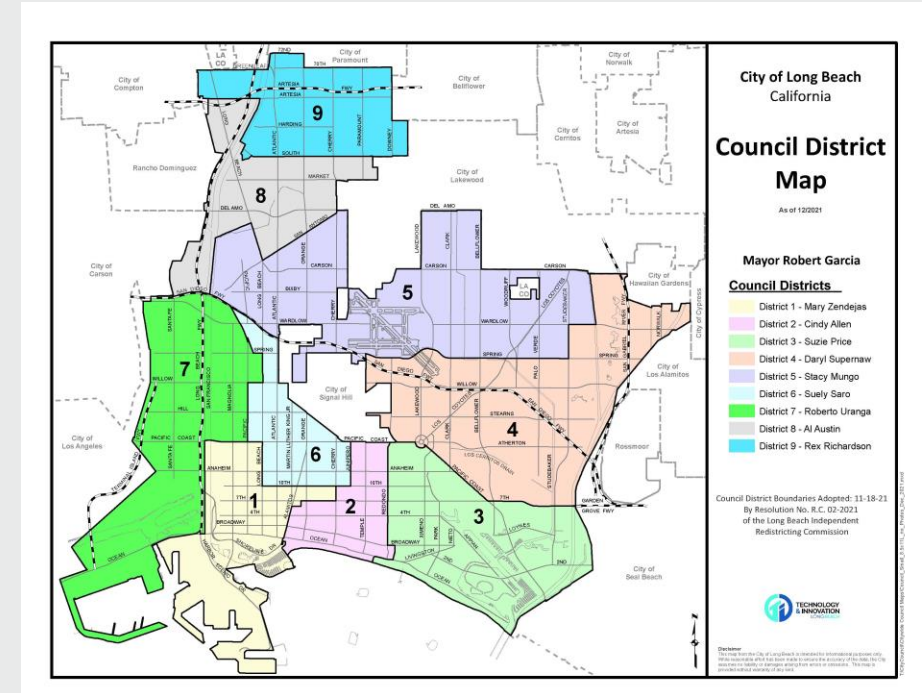
Agenda Descriptions

- Brief general description of each item.
- Include the date, time, and location of the meeting.
- Must inform public of scope of the body's intended plans so public can decide whether to participate.
- Must be posted in a location freely accessible to the public.



Where Can Meetings Be Held?

- Within the boundaries of the City, unless a specific exemption applies
- Meetings must be accessible under the Americans with Disabilities Act of 1990



Rights of the Public

- **TO COMMENT** on any matter on the agenda and within the body's subject matter jurisdiction even if not on the agenda;
- **TO RECORD** the meeting with an audio or video tape recorder, or take photographs in a non-disruptive manner;
- **TO REVIEW** agendas and other writings distributed to a majority of the body;
- **TO ATTEND WITHOUT REGISTERING** or identifying themselves.
- **TO WITNESS VOTES** - All votes must be cast in public, except for votes allowed in Closed Session. No secret ballots allowed.



Violations of Brown Act

Civil Actions

- Action to prevent future violations or to invalidate certain actions that violated Brown Act
- Costs & attorney fees may be awarded to successful party

Criminal

- Punishable as a misdemeanor if intent to deprive public of information



Basic Principles of Robert's Rules of Order

- Chair runs the meeting consistent with the Brown Act, bylaws, and Roberts Rules of Order
- Decisions are made by a **majority vote**
- The commission should conduct its business **orderly** and **efficiently**
- Every member (and all viewpoints) should have an equal opportunity to **participate** and **be heard** before voting
- Rules should help, **not hinder**

Role of the Chair Generally

- Introducing business in proper order per the agenda
- Getting through the agenda items in a timely manner
- Determining if a motion is in order
- Keeping discussion focused on the agenda item
- Enforcing time limits fairly and neutrally for public speakers



Role of the Chair During Discussions

- Ensuring clear decisions are made
- Recognizing commissioners who wish to speak
- Ensuring debate is controlled to ensure fairness, balance, and efficiency
- Ensuring every member (and all viewpoints) have an equal opportunity to participate and be heard
- Actively listening to determine potential points of agreement and testing those points for actual agreement
- Managing any conflicts that may arise during the discussions.



Motions

- Once a commissioner has been recognized by the Chair they may make a motion
- The motion must be seconded by another member
- The motion is then debated or voted upon
- Typical motions are a main motion, second, friendly amendment, and substitute motion



Chair Calls for the Vote

- The Chair must call for the vote
- Secret ballots are prohibited under the Brown Act
- If the vote is a tie, the motion fails, since a tie is not a majority.





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