

# The Brown Act: Open Meeting Law

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## Purpose and Goals of the Brown Act

- ▶ Transparency Goals
  - ▶ Public access to meetings
  - ▶ Public access to deliberations
  - ▶ Public participation
  - ▶ Public access to documents

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## What is a “Meeting”?

- ▶ A congregation of a **majority** of members
- ▶ At the same time and place
- ▶ To hear, discuss or deliberate on something within their jurisdiction.

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## Regular Meetings – Notice: Agenda Content and Posting Requirements

- ▶ Post 72 hours before a regular meeting
- ▶ A brief general description of each item to be discussed or acted upon
- ▶ Specify the time and location of the regular meeting
- ▶ Must be posted in a location that is freely accessible to members of the public and on the Commission’s Internet Web site

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## Public Comment

- ▶ Public opportunity to provide comment on specific agenda items and general public comment
  - ▶ May impose reasonable time limits
  - ▶ Public criticism must be allowed
- ▶ *Public allowed to observe the meeting and provide comment either telephonically or otherwise electronically due to COVID-19*

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## Majority of Members

- ▶ Independent Redistricting Commission
  - ▶ Currently: 8 Members
    - ▶ **5 for a quorum to meet and to take any action until the full commission is seated**

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## Serial Meetings Prohibited

What is a “serial meeting”?

- ▶ Majority of members use a series of communications of any kind, including technology, directly or through intermediaries to discuss, deliberate or take action outside of a noticed public meeting

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## Serial Meetings - Methods

Discussing/sharing views through a series of:

- ▶ Emails, text messages
- ▶ Phone conversations
- ▶ Face-to-face conversations
- ▶ Intermediaries or polls
- ▶ Examples
  - ▶ Reply All to Emails
  - ▶ Chain: A contacts B; B contacts C ...
  - ▶ Hub & Spoke: A contacts B; A contacts C ...
  - ▶ Social media posts and comments on those posts, including emojis

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## No Action or Discussion on Items not on the Posted Agenda

### **General Rule:**

No action or discussion may be taken on any item not on the posted agenda

“**Action**” means

- ▶ A collective decision of a majority
- ▶ A collective commitment or promise of a majority
- ▶ An actual vote by a majority

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Questions?

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