



# Brown Act Simplified

By Trustee Prendergast on February, 3 2022

# What is it?

The Ralph M. Brown Act was enacted in response to public concerns over informal undisclosed meetings held by local elected officials. City councils, County boards, and other local government bodies were avoiding public scrutiny by holding secret “workshops” and “study sessions.” The Brown Act solely applies to California city and county government agencies, boards, and councils. The Act has been interpreted to apply to email communication as well. The comparable Bagley-Keene Act mandates open meetings for State government agencies. Private or Non-profit entities may be covered if a legislative body delegates some of its functions to the private entity.



# Meeting Requirements

- Brown Act applies to any gathering of a quorum of a legislative body to discuss or transact business under the body's jurisdiction.
- Teleconference meetings may be held under strict conditions (e.g. as a result of the State Coronavirus social distancing health order)
- Public time must be set aside for public comment
- Meetings must be held in non-discriminatory facilities



# Meeting Requirements (cont.)

- All votes (except those in permissible closed session) must be cast in public
- Closed sessions are only permitted for specified purposes such as to discuss litigation, real estate negotiations and labor negotiations.
- Public has a right to attend meetings without registering or identifying themselves
- Materials provided to a majority of a body, unless exempt, must be provided to members of the public



# Public Rights

- Time must be set aside for public comment
- Meetings must be held in non-discriminatory facilities
- All votes (except those in permissible closed session) must be cast in public



# Public Rights (cont.)

- Closed session actions must be reported in open session
- Public has a right to attend meetings without registering or identifying themselves
- Materials provided to a majority of a body, unless exempt, must be provided to members of the public



# Regarding Notices & Agendas

- Agendas of regular meetings must be posted 72 hours prior to meeting
- Special Meetings require 24-hour notice to members and the media
- One hour notice in case of work stoppage or crippling activity
- Closed Session agendas must be described • Special procedures permit proceeding without an agenda in an emergency



# Social Media

AB 992 amends Government Code section 54952.2 and clarifies that a public official may communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the legislative body's subject matter jurisdiction. But those communications are only allowed if members of the same legislative body do not use a social media platform to discuss official business among themselves. "Discuss among themselves" means making posts, commenting, and even using digital icons that express reactions to communications (i.e., emojis) made by other members of the legislative body.



# Sources

California State Publication : “The Brown Act. Open Meetings for Legislative Bodies”, 2003, California Attorney General.

[https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2003\\_Intro\\_BrownAct.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2003_Intro_BrownAct.pdf).

<https://www.cstda.net/blogs/kristin-withrow1/2020/11/30/the-brown-act-meets-social-media>