



GROVER BEACH RALPH M BROWN ACT

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Ralph M Brown Act

- Legislature's Intent

- Gov't Code Sections 54950 – 54963
- Proposition 59, (2004) amended Cal. Const.
 - “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny”



Ralph M. Brown Act

- Applies to legislative bodies of governmental agencies:
 - Legislative bodies include:
 - City Councils
 - Boards of Supervisors
 - School Boards
 - Trustees of Special Districts
 - Can include newly-elected members of the legislative body prior to taking office



Ralph M Brown Act

- Legislative bodies also include
 - Appointed bodies
 - Standing committees
 - The Act may also include governing bodies of private organizations when created by a legislative body to exercise part of its authority



Ralph M Brown Act

- Brown Act only applies to meetings of local legislative bodies
 - Meetings include:
 - Regular meetings
 - Special meetings
 - Emergency meetings
 - Adjourned meetings
 - Meetings can include under certain circumstances individual contacts and informal gatherings



Ralph M Brown Act

- Brown Act exceptions to a meeting
 - Individual contacts unless a serial meeting
 - Conferences
 - Community Meetings
 - Other Legislative bodies
 - Standing Committees
 - Social or Ceremonial Events



Ralph M Brown Act

- Besides the rules related to when an agency conducts a meeting, there are requirements for notice of those meetings
 - Posting notice of the meeting 72 hours before it is held
 - Must be posted in an accessible public place
 - Agency must mail the agenda to those who have requested it
 - Notice of Special meetings must be done 24 hours prior to the meeting
 - Notice for Special meetings must be sent to all members of the legislative body along with newspapers and media that have requested notice



Ralph M Brown Act

- Members of the public on most occasions are allowed to participate during the meeting
 - The legislative body is not allowed to take action on a matter not on the agenda, but may give direction to staff to bring a matter back on a future agenda
 - The legislative body is allowed to respond to questions from the public and provide references to staff or other resources for factual information
 - The public was generally allowed to attend public meetings but that has been revised during the COVID pandemic



Ralph M Brown Act

- Closed Session
 - The Brown Act promulgates a strong statement in favor of open meetings
 - Private gatherings are prohibited unless expressly authorized under the Act
 - This rule of law is not influenced by the fact the material may be sensitive, embarrassing or controversial



Ralph M Brown Act

- Closed Session
 - The closed session item must be briefly described on the posted agenda and the description must state the specific statutory exemption
 - The agency must make a public disclosure in open session of the matter that is intending to be discussed in closed session
 - Under certain circumstances the agency must report out in open session the decision of the legislative body after the closed session is completed



Ralph M Brown Act

- Closed Session
 - Matters subject to closed session
 - Litigation
 - Real Estate Negotiations
 - Public Employment
 - Labor Negotiations
 - Grand Jury Testimony
 - License Applications with Criminal Records
 - Public Security



Ralph M Brown Act

- Remedies for Violation of the Brown Act
 - The District Attorney may seek a criminal action regarding any violation of the Act
 - Violations are considered a misdemeanor
 - Any interested part may seek a civil action to prevent future violations
 - Any successful litigant may seek court costs and attorney's fees
 - Voluntary Resolution



Ralph M Brown Act

QUESTIONS OR COMMENTS



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