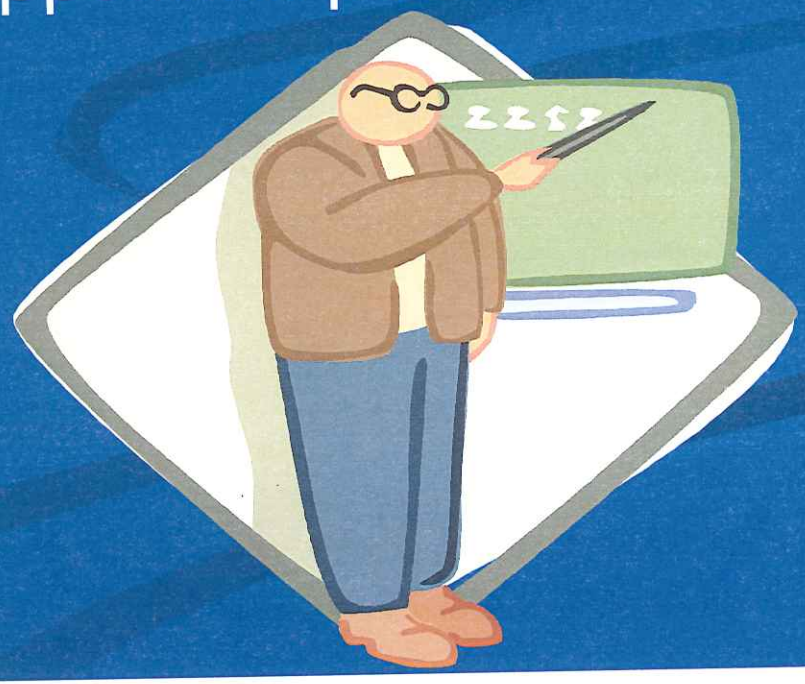
A Ten Minute Guide to the

DO'S & DON'TS OF THE RALPH M. BROWN ACT

Item 4a

INTRODUCTION

- Named after Ralph M. Brown, CA Assemblyman in 1940's & 1950's
- Applies to elected and appointed public bodies



KEY PART # 1

Public agencies in CA exist to aid in the conduct of the people's business and should take their actions and conduct deliberations openly

KEY PART #2

All meetings of the legislative body shall be open and public and all persons shall be permitted to attend any meeting of the legislative body of a local agency.

MEETINGS

- Act applies to all meetings, regardless whether action taken
- All meetings, including retreats, must be held within jurisdiction

SIX EXCEPTIONS

- Individual Contacts
- Conferences
- Community Meetings
- Meetings of Other Legislative Bodies
- Social or Ceremonial Events
- Informal Gatherings

- ***BUT, cannot discuss business or make decisions at these meetings.***

RULE OF THUMB

Regardless of the kind of gathering, best to avoid discussion of anything that public could construe as decision making outside of a properly noticed meeting

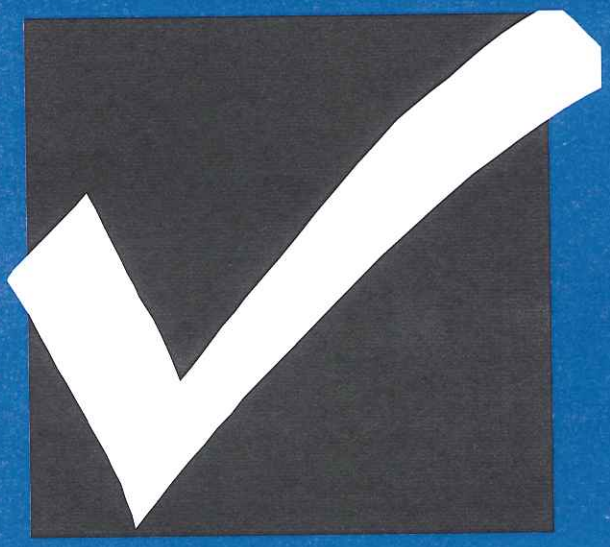
SERIAL COMMUNICATION

- Serial Communication is a no-no!
- Involves only a portion of a legislative body, but eventually involves a majority (i.e. email discussions, phone trees, etc.)
- Deprives public of opportunity to participate in the decision making process

WHAT'S COVERED??

ACT APPLIES TO

- WIB Meetings
- Standing Committees



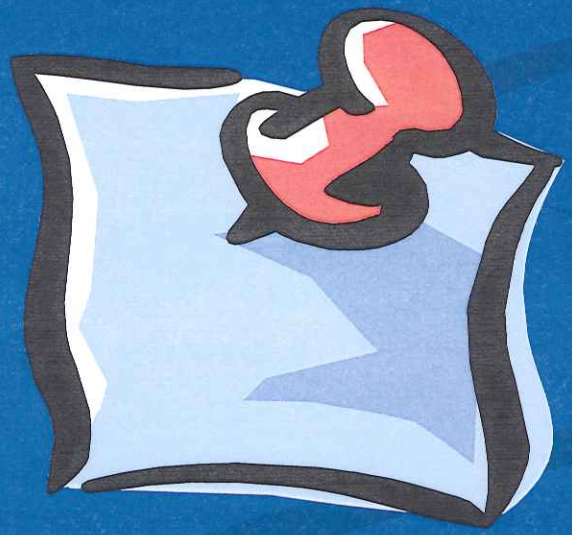
DOES NOT APPLY TO

- Ad-hoc advisory committees

(Compiled of less than quorum of the main body and serves a limited or single purpose then dissolved once task is completed – i.e. Youth RFP.)

NOTICES & AGENDAS

Under the Brown Act, the WIB must have an agenda and properly notice their meetings



AGENDAS

- Must be posted 72 hours in advance
- Must be in a location 'freely accessible to the public'
- Must state meeting time, place and brief description of each business item

AGENDAS (CONT.)

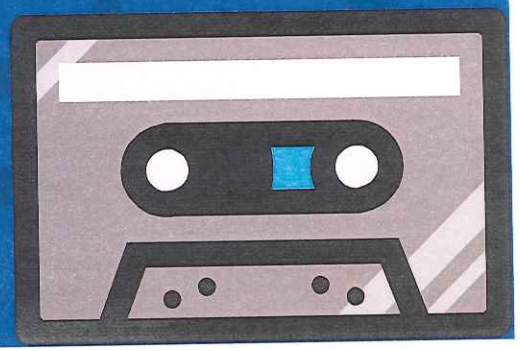
- Staff must mail to public on request
- WIB **cannot** take action on items **not on the agenda**
- WIB can provide brief responses, but not take action, to non-agenda item questions

RIGHTS OF THE PUBLIC

- Protects the public's right to attend and participate in meetings
- Public cannot be required to identify themselves as condition of attendance
- Must be held in facility accessible to all
- No actions by secret ballot allowed

RIGHTS OF PUBLIC (CONT.)

- Public has right to review agendas and other documents distributed to a majority of WIB
- Tape recordings of meetings subject to the Public Records Act
- Public may audio or video tape meeting



PUBLIC'S PLACE ON AGENDA

- Every agenda must allow for public comment on any item of interest
- Public must have opportunity to speak on agenda items before consideration by WIB
- Cannot prohibit criticism of WIB policies, procedures, programs or services

PUBLIC'S PLACE ON AGENDA (cont.)

- Can set time limits for speakers
- Do not have to let public speak on Committee items on WIB agenda for ratification

CLOSED SESSIONS

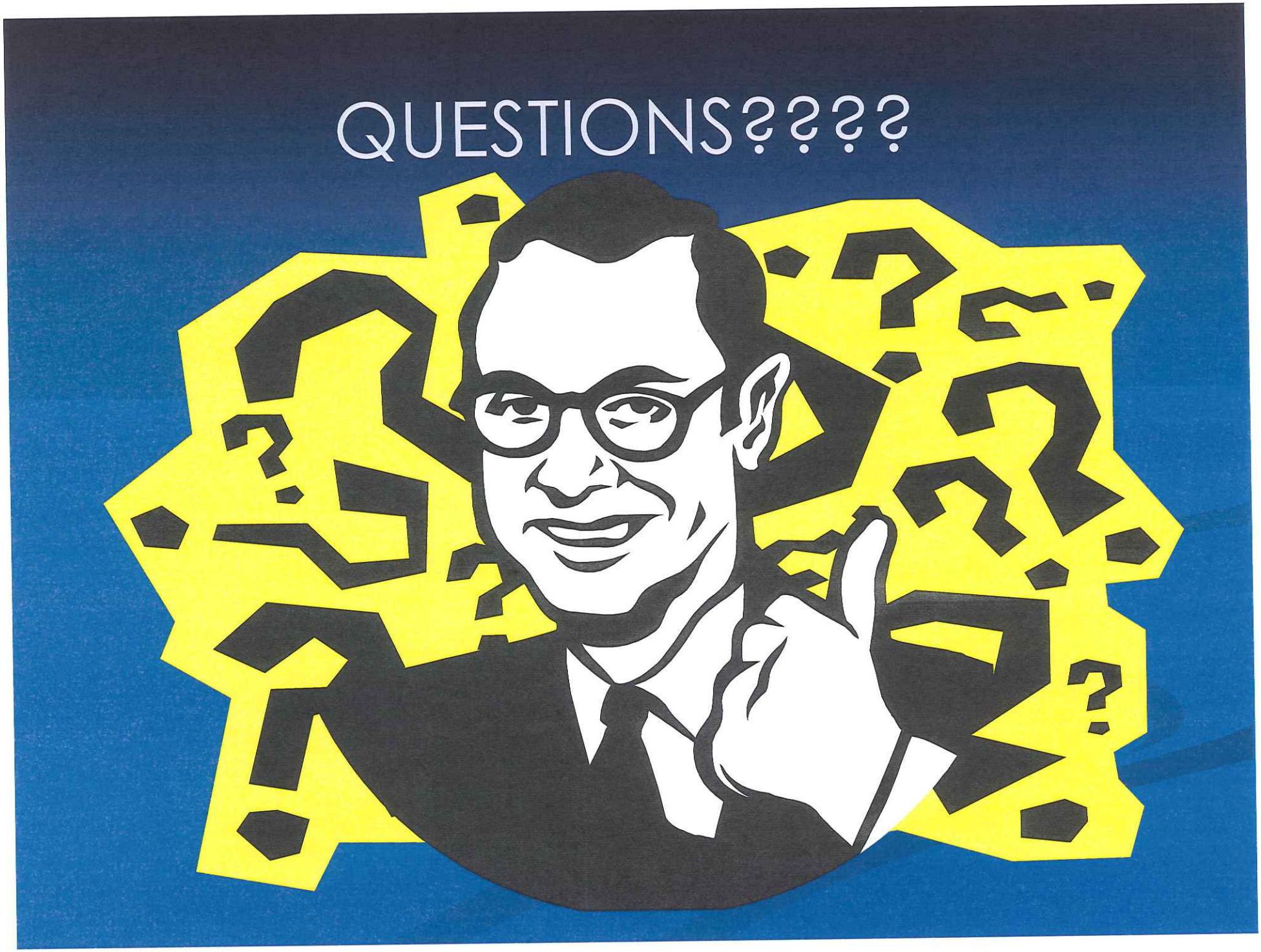
- The Brown Act allows closed sessions for labor negotiations, discussion of litigation, property acquisition, etc.

- WIB does not discuss items that require close sessions

REMEDIES

- Anyone can attempt to invoke Brown Act's civil remedies

- Remedies can include:
  - Invalidation of actions taken
  - Civil action
  - Costs and attorney's fees
  - Criminal complaints


QUESTIONS????