

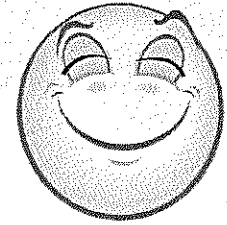
The Brown Act and Committee Rules

CITY OF LONG BEACH

Measure A Citizens' Advisory
Committee Meeting
December 14, 2016

Amy Webber
Deputy City Attorney

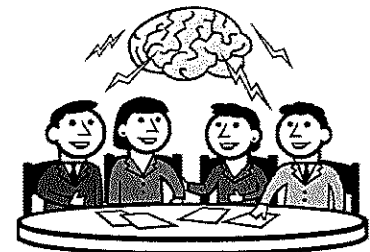
The Brown Act General Principles



- All meetings shall be open and public
- Actions and deliberations must be taken openly
- All persons shall be permitted to attend and participate in the meetings
- Only matters on the agenda can be discussed

Who is Subject to the Brown Act?

- Applies to “legislative bodies” including advisory commissions created by ordinance of the Long Beach City Council
- Subcommittees created by formal action of the advisory commission
 - But not temporary ad hoc advisory committees made up solely of commission members and constituting less than a quorum



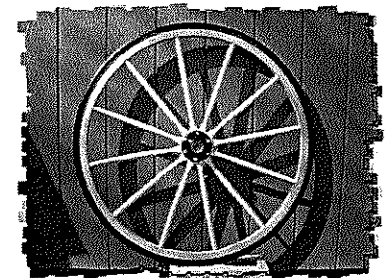
What Constitutes a Meeting?

- Any congregation of a majority of the commission members at the same time and place to hear, discuss or deliberate on any item that is within the subject matter jurisdiction of the commission

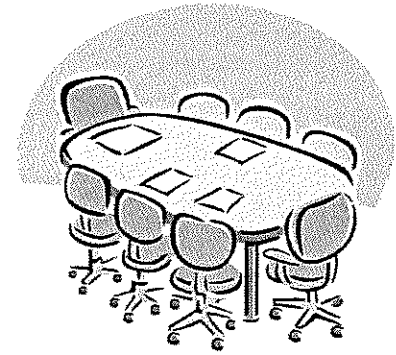


Serial Meeting/Series Communications

- Beware of email communications
 - A majority cannot email each other to discuss topics before the commission
- Beware of “serial” contacts “A to B” and “B to C” can lead to a “collective concurrence.”
- Beware of “Hub & Spoke contacts



What is Not a Meeting?



- Individual contacts between a commission member and another person or commission member
- Majority of the members at a:
 - Conference open to the public
 - Local public meeting
 - Open meeting of another body
 - Social or ceremonial event

But cannot discuss commission matters among themselves at these events

When Can Meetings Be Held?

- Regular meetings:
 - Agenda posted 72 hours before
- Special meetings:
 - Called by chair or majority of commission members, agenda posted 24 hours before



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

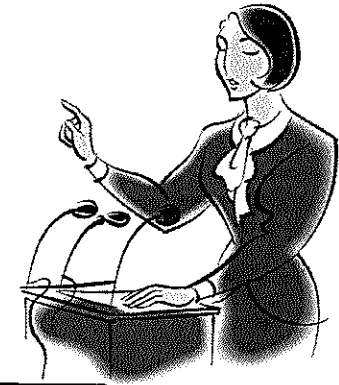


Agenda Descriptions



- Brief general description of each item (less than 20 words)
- Include the date, time and location of the meeting
- Must inform public of scope of the commission's intended plans so public can decide whether to participate
- Must be posted in a location "freely accessible" to members of the public

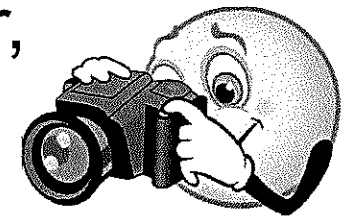
Public Right to Comment



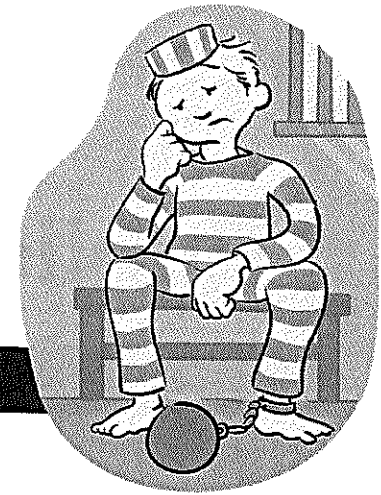
- Regular meeting
 - Public may comment on any matter within the commission's subject matter jurisdiction even if not on the agenda (non-agenda public comment)
 - Public also must be allowed to comment on agenda items
 - Reasonable regulations, including time limits may be adopted

Public Right to Attend

- Public has a right to record the meeting with an audio or video tape recorder, or take photographs
- Public has a right to review agendas and other writings distributed to a majority of the commission members
- No secret ballots allowed



Violations of Brown Act



- **Civil Actions**

- Any interested party may begin action
- The commission will have an opportunity to cure and correct actions taken
- With judgment, action is void, with certain exceptions
- Costs & attorney fees may be awarded

- **Criminal penalties**

- With intent to deprive public of information
- Guilty of a misdemeanor



Rules and Procedures for the Committee



Purpose

- The CAC was established by resolution of the City Council for the purpose of advising and making recommendations to the City Council regarding expenditures of Transaction and Use Tax (“TUT”) revenue.
- All actions of the CAC are advisory.

Members

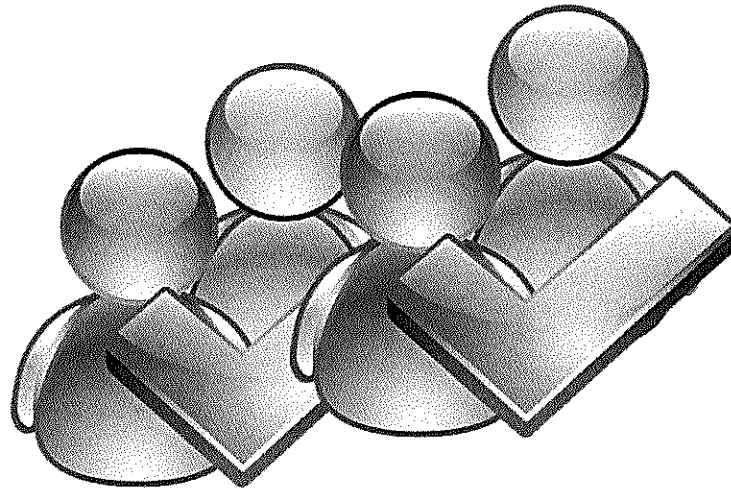
- The Committee shall be composed of five (5) members, appointed by the Mayor and confirmed by the City Council. The members are required to be residents of the City.
- The Chair presides at all meetings and hearings and has the privilege of discussing all matters before the CAC and to vote.
- The Vice Chair shall act for the Chair in his or her absence.

CAC Assistance

- The City Manager shall provide the CAC with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the committee, and may use TUT funds for that purpose.

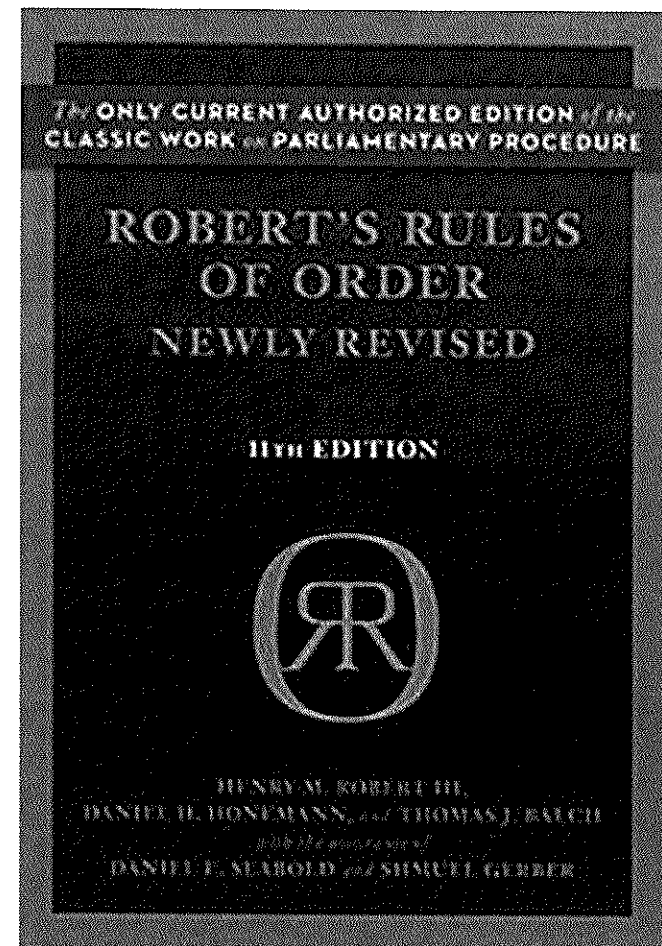
Quorum

- A simple majority constitutes a quorum.
- The vote of a simple majority shall determine the act or decision.



Parliamentary Procedure

- Robert's Rules of Order shall govern conduct of the CAC meetings.



Agenda



- A written agenda shall be prepared for each CAC meeting.
- The agenda describes a brief general description of each item of business to be discussed.

Duties

Per resolution, the CAC may engage in any of the following activities:

- A. Receiving and reviewing periodic reports prepared by Financial Management, through the City Manager, in connection with the analysis of the use of the TUT revenues. A review should include the examination of TUT revenue use for all infrastructure projects.

Duties

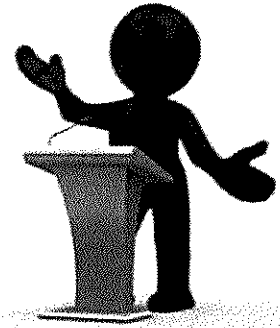
- “Infrastructure” is as defined in Resolution No. RES-16-0018 and with the language contained in the ballot measure expressed in Resolution No. RES-16-0017.

Duties

- B. Receiving and reviewing copies of the City's annual financial reports and any associated audits.



Duties



- C. Reviewing projects funded with TUT revenue, and receiving periodic updates from City staff on the status of those projects.
- D. Provide periodic reports to the City Council on the City's use of TUT revenues.

Questions?



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