

# The Brown Act

**CITY OF LONG BEACH**

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# 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 committees created by ordinance of the Long Beach City Council
- Subcommittees created by formal action of the advisory committee
  - But not temporary ad hoc advisory committees made up solely of committee members and constituting less than a quorum



# What Constitutes a Meeting?

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



# Serial Meeting/Series Communications

- Beware of email communications
  - A majority cannot email each other to discuss topics before the committee
- 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 committee member and another person
- 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 committee 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 committee 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 committee'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 committee'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 committee members
- No secret ballots allowed



# Violations of Brown Act



- Civil Actions

- Any interested party may begin action
- The committee 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

