The Brown Act

Frequently Asked Questions

April 16, 2018

The Brown Act or "Open Meeting Law" is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 *et seq*. The Brown Act was enacted in 1953 to guarantee the public's right to attend and participate in meetings of local legislative bodies, and as a response to growing concerns about local government officials' practice of holding secret meetings.

Who is governed by the Brown Act?

The Brown Act applies to most elected and appointed local agency bodies, which the Act refers to as "legislative bodies". The North Ventura Coordinated Area Plan Working Group (Working Group) is covered by the Brown Act.

What does the Brown Act require?

The Brown Act requires that all meetings of legislative bodies be conducted in a public forum and be open to the public. Cal. Gov. Code §54953(a). Some additional requirements include: (1) public notice of the time and place of the local agency body's general meetings, (2) posting an agenda describing the matters the body will address, usually 72 hours prior to the general meeting, (3) providing the agenda packet to members of the public upon request, (4) allowing members of the public to address the body on agenda items and (5) recording all votes taken on motions.

What is a meeting?

A "meeting" is broadly defined under the Brown Act and occurs whenever a majority of the body's members discuss working group business. This requirement means that members must be very careful about discussing working group business with other members.

Are there exceptions to the Brown Act?

Conferences and similar gatherings open to the public, publicly noticed community meetings, meetings of other legislative bodies, and purely social or ceremonial events are exempt from the Brown Act. However, if a majority of the Working Group members are present at one of these functions, they may not discuss amongst themselves business of the working group.

Also, the Brown Act does not prohibit a member of the working group from talking to any other person who is not a member.

What is a Serial Meeting?

The Brown Act prohibits serial meetings – a series of communications between individual members of the body, including through intermediaries or other means (i.e., email), that result in a majority of the members discussing, deliberating, or taking action on a matter of agency business. Beware of "daisy chain" (i.e., member A speaks to member B who speaks to member C) and "spoke and wheel" communications (i.e., member A speaks to members B and C).

Does the Brown Act apply to Emails/Social Media/Blogging?

The Brown Act applies to any form of communication – whether it is in-person, over the telephone, by email, or through other online and social media sources. For this reason, working group members should refrain from communicating with one another through email. For example, the "reply all" feature on email could constitute a violation of the Brown Act if it included a majority of the members and contained information that was within the body's subject matter jurisdiction. Members should also refrain from communicating on blogs where a majority of other members participate.

What are the consequences of violating the Brown Act?

The Brown Act is generally enforced through civil lawsuits brought by private citizens. Violations can also be criminally prosecuted, but the prosecutor must prove a knowing violation of the Brown Act with the intent to deprive the public of information to which the public is entitled.

Additional questions?

Feel free to call the City Attorney's office at 650-329-2171