

SUMMARY OF THE BROWN ACT*



FIRM OVERVIEW

Practice Areas

Administrative Hearings
Charter School
Community College
Facilities & Business
Governance
Investigations
Labor & Employment
Litigation
Municipal
Public Finance
Public Safety
Special Education
Student
Technology & Innovation
Title IX

Statewide

Sacramento
Walnut Creek
Fresno
Monterey
Bakersfield
San Luis Obispo
Los Angeles
San Diego

The Brown Act is the most important open-meetings law for local governments in California. Compliance with the Brown Act is a critical role for the governing body. *Note: This is only a summary of key provisions of the Act, rather than a detailed overview of all its requirements.

APPLICATION

The Brown Act applies to all “legislative bodies.”

“Legislative body” means:

- > Governing Bodies: The governing body of a local agency or any other local body created by state or federal statute.
- > **Subcommittees and Commissions: All subcommittees and commissions created by formal action of the legislative body, whether temporary, decision making, or advisory. There is one exception for ad hoc advisory committees consisting solely of less than a quorum of the legislative body.**

MEETINGS

Definition

A meeting is any congregation of a majority of the legislative body that meets at the same time and place to hear, discuss, or deliberate upon any item within the body’s subject matter jurisdiction. “meeting” includes any use of direct communication, intermediaries, or technological devices such as e-mail.

Types of Meetings

A regular meeting is the fixed formal meeting of the legislative body. Agendas must be posted at least 72 hours in advance of the meeting.

A special meeting may be called at any time either by the presiding officer or a majority of the legislative body by delivering a written notice to each member and to each local newspaper of general circulation and radio or television station requesting such notice. The notice must be delivered and the agenda posted at least 24 hours before the meeting.

AGENDAS

Agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. All agendas must be posted in a location at the agency offices that is freely accessible to the public, and also on the agency’s website.

School districts must allow members of the public to place matters directly related to school district business on the agenda. The school district can reasonably control when and how the item is placed on the agenda.

Prohibition

- A legislative body may not take action on an item not appearing on the agenda, except:
- > To respond to statements made or questions posed by the public during the public comment section;
 - > To ask questions of staff or the public for clarification;