

SAN LUIS OBISPO COUNTY COMMISSION ON AGING

www.slocounty.ca.gov/coa.htm

BROWN ACT – OPEN MEETING LAW

Beyond any doubt, the Brown Act applies to Advisory Boards

Therefore

- All meetings must be noticed, with an agenda. Generally, the agenda must be posted 72 hours before the meeting and list items in easy to understand language.

(There are different rules for a special or an emergency meeting, but they would seldom apply to your commission.)

- Meeting must be limited to the agenda
- Public participation must be allowed. It may be time limited (e.g. – three minutes per speaker). If the public speaker is discussing matters beyond the purview of the commission, they may be stopped, particularly if consuming large amounts of time.
- No closed or secret meetings without legitimate purpose, which for Advisory Boards, probably does not apply.

A **meeting** is any congregation of a quorum to hear, discuss or deliberate on an item within its jurisdiction. Must apply the Brown Act to any “meeting” otherwise it is illegal.

Pitfalls

- a private “pre-meeting” by a quorum is not allowed
- A “seriatim” meeting (one-by-one) is not allowed, if a quorum participates

Activities Outside of Noticed Meetings

- Individual contracts with constituents, advocates, consultants, news reporters, staff or colleagues are allowed. But, outside contacts cannot be used to develop collective consensus
- It is fine to attend conferences, attend community meetings, attend public meetings in our county or another county, but you cannot discuss items within your jurisdiction with another board member.
- Regarding social or ceremonial occasions, it is a good idea to avoid private social gatherings of a quorum unless other, third persons, are present.
- Not OK – birthday party for a member of the commission where only commission members attend, and a quorum is present
- Probably OK – A quorum happens to be present at a wedding, where many others are also present

Agenda – **You may not discuss, and no action may be taken on an item not on the agenda**

- If a public member comments on a non-agenda item (which they are entitled to do, if within your jurisdiction) you may ask brief questions, you may ask staff to respond, or you may ask that the item be placed on a future agenda for consideration.
- Board members may report on their activities. For example, conferences attended or other items of common interest.

Decisions

- You may not decide any issue that is not on the agenda for that meeting
- You may not delegate decision-making to a less-than-quorum subcommittee. You may not go from member to member to develop a plan of action

Sanctions

- There are criminal and civil sanctions possible for the violation of the Brown Act open meeting requirements.

Ca Gov't Code sections 54950 et seq.