The Brown Act

Frequently Asked Questions

July 14, 2015

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. The Citizens Advisory Committee (CAC) is covered by the Brown Act.

What does the Brown Act require?

The Brown Act requires that all agency business 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 agency's general meetings, (2) posting a specified agenda detailing the matters the agency will address, usually 72 hours prior to the general meeting, (3) providing agency documents to the members of the public upon request, (4) allowing members of the public to address the agency 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 members discuss committee business. This requirement means that board and commission members must be very careful about discussing committee business with other commissioners.

Are there exceptions to the Brown Act?

Conferences and retreats, publicly noticed community meetings, meetings of other legislative bodies, and social or ceremonial events are exempt from the Brown Act. However, if CAC members are present at one of these functions, they should not discuss amongst themselves business of their legislative body. Also, a legislative member may talk to a non-member.

What is a Serial Meeting?

The Brown Act prohibits serial meetings – a series of communications that result in a majority of the body's members discussing, deliberating, or taking action on a matter of agency business. Beware of "daisy chain" and "spoke and wheel" communications.

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, commissioners 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 an agency's members and contained information that was within the agency's subject matter jurisdiction. Commission 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.

Additional questions?

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