

**COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL**



**COUNTY COUNSEL  
GUIDE TO BROWN ACT  
REQUIREMENTS**

**BROWN ACT BASICS**

**By**

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# Brown Act

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Sunshine Law - Meetings are open and accessible to the public.

## What is the Brown Act?

- AKA Sunshine Law or Open Meetings Law
- Enacted by legislature in 1953
- Codified in Government Code §§ 54950 et seq.
- Guarantees the public's right to attend and participate in government
- Promotes accountability of public officers
- Allows for public oversight and understanding

## Overview of Brown Act Issues

- Applicability
- Requirements
  - Agenda Posting Requirements
  - How meetings are conducted
  - Exceptions or items that may be handled in closed sessions
- Remedies and penalties for violations

## Who Does the Brown Act Apply To?

- Public commissions, boards and councils
- Commissions created by the Board of Supervisors
  - Committees created by legislative bodies
  - Standing versus ad hoc committees

Ad hoc committees do not have to adhere to the Brown Act.

## What is a meeting?

- A gathering of a quorum of the legislative body
  - 50% of members plus one (rounded up)
  - Serial meetings
  - Teleconferencing
- Where public business is transacted or discussed
  - Not purely ceremonial or social occasions

## Teleconferencing

- Different locations connected by audio and/or video
- Must be fully accessible to the public
- Voting must be by roll call

All meeting locations, including teleconference caller locations, must be ADA compliant and accessible to the public.

All meeting location addresses must be noted on Agenda, including teleconference caller locations.

## Agenda Requirements

- Posting
- Notice
- Public Comment
- Public Availability of Agenda Materials

California Public Records Act states any and all documents must be given access to public and put on the Agenda.

## Agenda Content

- Description must be sufficient to give the public a reasonable idea of what will be discussed
  - Vague general language is not sufficient
  - Allows public to decide whether to attend
- Generally 20 words or less
- Public comment entry
- Meeting is limited to agenda items
  - 2/3 vote for special circumstance when immediate action is required

Taking action on something, must be placed in Agenda. An emergency item can be talked about if noted on the Agenda.

### Agenda Notice Requirements Vary for Different Meetings

- Regular is posted at the site of the meeting 72 hours in advance.
- Special is posted at the site of the meeting 24 hours in advance.
- Emergency is one hour telephonic notice
- For Dire Emergencies notice may be contemporaneous with the meeting

### Public Availability of Agenda Materials

- Public entitled to copies of agenda packet/documents associated with the agenda items
- Public can make standing request for copies of agenda materials
  - Writing
  - Effective for one calendar year
  - Subject to fees for copying and postage
  - Failure to send packet can invalidate action

### Place of Meeting

- Must be held within agency's geographical jurisdiction
  - Limited exceptions
- Can not be held in a place that discriminates or charges a fee or requires a purchase
- ADA compliant

Meetings must be held within Los Angeles County.



## Conducting the Meeting

- Can not require a person to sign in as a condition of attendance
- Can not prohibit use of cameras, tape recorders or broadcasting
- Any tape or film made by the legislative body must be available for inspection

## Public Comment

- Opportunity to speak on agenda items before or during the body's consideration of the item
- Opportunity to speak on any item within the body's subject matter jurisdiction
- Reasonable rules can be adopted
- Chair may clear room in the event of public disruption and proceed with press present

Comments from public should be two-to-three minutes. When there are multiple members of the public speaking, there is no set time, just what would be reasonable. Chair may let speaker know of time constraint.

## Closed Session

- All items must be listed on the agenda
- Must publicly announce item to be discussed in closed session
- Must publicly announce action taken in closed session

### Closed Session Major Exceptions

- Personnel matters (§ 54957)
- Public security threat (§ 54957)
- Anticipated or pending litigation (§ 54956.9)
- Initiation of litigation (§54956.9)
- Labor negotiations (§54957.6)
- Real estate negotiations (§ 54956.8)

### Confidentiality of Closed Session

- May not disclose information obtained in closed sessions to any person not entitled to receive it
  - Unless disclosure is authorized by legislative body
- Injunctive relief to prevent disclosure
- Penalties for improper disclosure
  - Disciplinary action for willful disclosure
    - Require prior training or notice
  - Referral to Grand Jury
- Exceptions

### Closed Session Minutes

- Keeping a minute book is discretionary (Government Code § 54957.2)
  - Confidential
  - Members may review minutes but cannot have copies
- Minutes of improper closed session are not confidential.

## Penalties & Remedies

- Civil action to stop or prevent violations
  - Notice of corrective action is prerequisite
- Civil action to declare action null and void
- Court costs including reasonable attorney fees
- Misdemeanor for knowing violations

Brown Act violation is a misdemeanor and may require training for committee members.