

The Brown Act and Neighborhood Councils

-Quick Hits-

Office of the City Attorney Neighborhood Council Advice Division

Meeting. Any congregation of a majority of members (or the number that constitutes a quorum), to hear, discuss, or deliberate upon any matter within the NC's jurisdiction.

Must be open to the public.

Must be conducted at an ADA accessible facility

Agendas of regular meetings must be posted (and allowed to be viewed) 72 hours in advance/special meeting agendas must be posted 24 hours and delivered to board members; Agendas must include mandatory ADA language

NC board members may only discuss items that are listed on the agenda

Exceptions: May discuss and direct that future items be put on the agenda; May *briefly* discuss own activities or *briefly* respond to comments made or questions asked during general public comment portion of meeting.

No secret ballots/anonymous voting by board or committee.

- ▶ No closed meetings or "executive sessions." **Limited exceptions:** a) pending litigation against the NC or; b) personnel exception only involving city employee.¹

What isn't a meeting. Individual contacts or conversations with a board member/a majority attending; purely social or ceremonial events; other public meetings, conferences advertised to the public.²

No serial meetings. A series of separate communications (usually non-public), each of which involves less than a majority of the legislative body, but which taken as a whole, ultimately involves a majority (or the least number of board/committee members that can take action) of that legislative body. **Rule:** May not use direct communication, personal intermediaries, or technological devices (phone, fax, e-mail) by a majority to develop a collective concurrence as to action to be taken.

These exceptions shall not be invoked before conferring with the Office of the City Attorney.

² A majority of members at public events may not discuss among themselves business of a specific matter under the NC's jurisdiction.

Standing committee meetings are subject to the Act/ Ad hoc Committee meetings are not if committee is comprised *solely* of less than a majority of the NC board members.

Location of Meetings

Meetings (including retreats) must be held within the boundaries of the Neighborhood Council, unless an exception under the Act can be met.

Teleconferencing allowed under carefully defined conditions and the meeting notice must identify all teleconference locations and each location must be fully accessible to members of the public.

Accessible to the public under the Americans With Disabilities Act.

Rights of the Public

Members of the public may comment on each agenda item which opportunity must be offered before decisions/recommendations are made regarding that item; NC has right to limit public testimony by time per individual, or total subject matter. *Chaffee v. San Francisco Public Library Commission* (2005) 134 Cal. App 4th 109.

Members of the public may make general public comments on items not specifically listed on the agenda but within the NC's jurisdiction.

Members of the public have a right to see materials that are distributed at meetings.

Members of the public may record (audio/video) meeting

No sign-in requirement. (Although speaker cards may be used- no one may be required to fill it out to speak or attend).

Remedies/Penalties

Civil Remedies. Individuals or the district attorney may file a civil lawsuit for injunctive, mandatory or declaratory relief or to void actions taken in violation.

Criminal Penalties. The district attorney may seek misdemeanor penalties against wilful violations. **Standard:** the member intended to deprive the public of information that the members knows (or has reason to know) the public is entitled to.