




**OFFICE OF THE CITY ATTORNEY**

**MEMORANDUM**

**TO:** The Honorable Mayor Cox and City Councilmembers Aguilar, Bensoussan, Castaneda, and Ramirez

**FROM:** Glen R. Googins, City Attorney 

**DATE:** June 27, 2012

**SUBJECT:** The Ralph M. Brown Act –  
Open Meeting Law Prohibitions on “Serial Meetings”

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**I. INTRODUCTION**

On May 3<sup>rd</sup>, 2012, at a City Council workshop held in City Council Chambers, my office gave an extensive presentation on the Ralph M. Brown Act, California’s Open Meeting Laws (the “Brown Act”).<sup>1</sup> Although the workshop was never officially convened for lack of a quorum, the presentation was well received by those in attendance. This included two City Councilmembers, approximately 15 Board Members/Commissioners, City staff, and members of the public. A copy of the power point materials used for that presentation is attached for your reference.

As a follow-up to that presentation, the purpose of this memorandum is to remind you of certain core provisions of the Brown Act, in particular: (a) the Brown Act requirement that both City Council decisions and deliberations be held in public, and (b) the related Brown Act prohibition on “serial meetings.” Serial meetings occur when three or more Councilmembers communicate their positions or views regarding City business to one another, either directly or indirectly, through a series of separate communications. Taken together, under the Brown Act, these separate communications constitute a prohibited form of a “meeting.” This memorandum will further explain this prohibition and provide some examples to help clarify how it applies.

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<sup>1</sup> Cal. Gov’t Code §§ 54950, *et seq.*

## II. THE BROWN ACT'S OPEN MEETING REQUIREMENTS

### A. Open Meeting Requirements in General

It is the public policy of California that the proceedings of public agencies, and the deliberative process by which decisions relating to the public's business are made, be conducted in full view of the public.<sup>2</sup> Consistent with this policy, the Brown Act requires that all meetings of a legislative body of a local agency be open and public, unless a closed session is authorized.<sup>3</sup> This public meeting requirement was initially interpreted as applying only to traditional, formal meetings of a local body. However, the Legislature subsequently amended the Act with the intent of bringing "informal deliberative and fact-finding meetings within its scope."<sup>4</sup> In its current form, the Act defines a "meeting" as a "congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."<sup>5</sup> The Act requires that any such meeting be open and public.<sup>6</sup>

### B. Deliberations Must Also Occur in Public

As stated above, the Brown Act's open meeting requirements specifically apply to pre-decisional deliberations leading up to formal actions.<sup>7</sup> The term "deliberate" has been broadly construed to include "the collective acquisition and exchange of facts preliminary to the ultimate decision."<sup>8</sup> In analyzing the Act's legislative history, one court cited the law's intent that deliberation and action occur openly and publicly:

"Recognition of deliberation and action as dual components of the collective decision-making process brings awareness that the meeting concept cannot be split off and confined to one component only, but rather comprehends both and either. ... An informal conference or caucus permits crystallization of secret decisions to a point just short of ceremonial acceptance. There is rarely any purpose to a nonpublic pre-meeting conference except to conduct some part of the decisional process behind closed doors. Only by embracing the collective inquiry and discussion stages, as well as the ultimate step of official action, can an open meeting regulation frustrate these evasive devices."<sup>9</sup>

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<sup>2</sup> *Epstein v. Hollywood Entertainment, Dist. II Business Improvement Dist.* (2001) 87 Cal.App. 4<sup>th</sup> 862; 867; *Page v. Miracosta Community College Dist.* (2009) 180 Cal. App. 4<sup>th</sup> 471.

<sup>3</sup> Cal. Gov't Code §§54956.7-54957.

<sup>4</sup> *Roberts v. City of Palmdale* (1993) 5 Cal.4<sup>th</sup> 363, 375.

<sup>5</sup> Cal. Gov't Code §545952.2(a).

<sup>6</sup> *Id.* at 54953.

<sup>7</sup> *Page v. MiraCosta Comty. Coll. Dist.* (2009) 180 Cal.App. 471, 502.

<sup>8</sup> *Rowen v. Santa Clara Unified School Dist.* (1981) 121 Cal.App.3d 231, 234.

<sup>9</sup> *Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, 47-50; *Regents of University of California v. Superior Court* (1999) 20 Cal.4<sup>th</sup> 509, 538.

In short, all communications involving a majority of the City Council, regarding City Council business, no matter how preliminary, must be done openly and publicly. It should also be noted that, in interpreting the Brown Act, courts will construe it liberally in favor of openness in conducting public business.<sup>10</sup>

C. Serial Meetings in General

Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. The Brown Act does not contain an express reference to the term "serial meetings." However, it does specifically prohibit serial contacts between a majority of the legislative body members regarding a subject matter within the jurisdiction of the body:

"A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."<sup>11</sup>

The Act was previously interpreted to allow serial meetings that did not result in a "collective concurrence."<sup>12</sup> The Legislature specifically disapproved that interpretation in 2008 when it amended section 54952.2. The Legislature eliminated the "collective concurrence" language and amended the language to read as cited above.<sup>13</sup> In doing so the Legislature clarified its intent that the prohibition against serial meetings was intended to include "the process of developing a collective" concurrence, not just meetings that result in the final concurrence.<sup>14</sup> The prohibition against such contacts is not intended to chill communication but, rather, to prevent public bodies from circumventing the requirement for open and public deliberation of issues.

Serial meetings can take several forms. One type of serial meeting is commonly known as a "hub and spoke" meeting. This occurs when a person acts as the "hub" of a wheel and communicates individually with various "spokes" of the wheel. If, in doing so, the originator discusses information obtained from the others, this may constitute a prohibited serial meeting. Another type of serial meeting is often referred to as a "daisy chain." This type of meeting occurs when a member contacts another member who contacts a third member. If information about each member's respective views is provided, these members have committed a Brown Act violation.

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<sup>10</sup> *Page v. Miracosta Comty. Coll. Dist.*, *supra*, 180 Cal.App. 471 at p. 501, quoting *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4<sup>th</sup> 904, 917.

<sup>11</sup> Cal. Gov't Code §54952.2(b).

<sup>12</sup> *Wolfe v. City of Fremont*, *supra*, 144 Cal.App.4<sup>th</sup> 533, footnote 6.

<sup>13</sup> LEXSEE 2008 CA ALS 63.

<sup>14</sup> 2008 Cal. Legis. Serv. Ch. 63 (S.B. 1732)(West).

Note: The Brown Act does not prohibit individual communication between an agency member and an employee or official of the agency to answer questions or provide information so long as the communication does not include discussing the comments or position of another member.<sup>15</sup> Similarly, separate communications with constituents are also okay provided that neither party to the conversation provides information regarding other councilmembers' views.

D. Examples of Prohibited Deliberations and Serial Communications

In order to provide you with some real-world examples, we have summarized some of the types of communications that have been found by the Attorney General and the courts to violate the Brown Act's open meeting requirements.

1. Writings and E-Mails as Meetings

The circulation of writings, whether in the traditional format or as e-mails, among a majority of the members of an agency has been found to violate the Brown Act. In a case involving the City Council of the City of San Diego, a letter was circulated among the Council's nine members and signed by six of them.<sup>16</sup> The court determined that the Council members' actions constituted a meeting and that they had violated the Brown Act.<sup>17</sup> Similarly, the Attorney General has opined that e-mail communications among a majority of a legislative body's members would violate the Act, even if the e-mails were also sent to the agency's secretary and chairperson, posted on the agency's website, and reported at the next public meeting.<sup>18</sup> In reaching its decision, the Attorney General found that the deliberations could be completed before an interested person had an opportunity to become involved.<sup>19</sup>

2. Use of an Intermediary

A legislative body that uses a personal intermediary to exchange facts among the members outside the public forum would also constitute a violation of the Brown Act.<sup>20</sup> In a case involving a series of individual telephone contacts between a staff member and each of the members of a local legislative body, the court found a Brown Act violation.<sup>21</sup> In that case, the plaintiff alleged that an agency employee telephoned each member separately for the purpose of obtaining a collective commitment or promise by the members to approve the transfer of ownership of real property forming part of a planned waterfront development. Construing the Act in favor of public openness, the court found that the participation by a majority of the legislative body of the redevelopment agency, where one intermediary contacted each member by telephone for

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<sup>15</sup> Cal. Gov't. Code 54952.2(b)(2).

<sup>16</sup> *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518.

<sup>17</sup> *Id.*

<sup>18</sup> 84 Ops. Cal. Atty. Gen. 30 (2001).

<sup>19</sup> *Id.*

<sup>20</sup> *Page v. MiraCosta Comty. College Dist.*, *supra*, at 503.

<sup>21</sup> *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95.



the commonly agreed purpose of collectively deciding to approve the transfer of ownership in redevelopment project property, violated the Brown Act.<sup>22</sup>

### 3. Series of Private Meetings

A series of private meetings by which, in the aggregate, a majority of a legislative body engages in collective deliberation of public business violates the Brown Act.<sup>23</sup> The Attorney General has applied this reasoning in finding that it would be a violation of the Act for members of a city council to hold a series of private discussions with citizens regarding City business where the discussions are held on successive dates and are so planned to insure that a quorum of the council will not be present at any given meeting.<sup>24</sup> In issuing this opinion, the Attorney General also clarified that “we do not intend to intimate that individual councilmembers may not discuss matters of public concern with their constituents. Nor do we intend to intimate that private citizens may not approach and discuss their public business with individual councilmembers. The Ralph M. Brown Act does not purport to regulate the individual conduct of individual councilmembers...[W]e merely conclude that the act regulates the meetings of public bodies such as city councils, and that ‘seriatim meetings,’ that is, meetings planned by or held with the collective concurrence of a quorum of the body to privately discuss the public’s business, constitute a ‘meeting’ within the purview of the act.”<sup>25</sup> **Note:** Although most published cases and opinions discuss concerted, intentional acts, intent is not required for a series of communications to constitute a Brown Act violation.

### 4. Tips to Avoid Serial Meeting/Brown Act Violations

a. Avoid sharing information you may have about another councilmember’s position or views on City Council business with anyone, and discourage others (City staff, constituents, the press) from sharing such information with you.

b. Be aware that sharing positions or views on City business between even just two of you can easily lead to an inadvertent Brown Act violation the moment that such information is shared with a third member.

c. Do not direct or cc emails regarding City business to two or more of the City Councilmembers.

d. Avoid public or social media statements of your position or views on matters pending before the Council.

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<sup>22</sup> *Stockton Newspapers, Inc. v. Redevelopment Agency*, *supra*, 171 Cal.App.3d at 105.

<sup>23</sup> *216 Sutter Bay Assocs. v. County of Sutter* (1997) 58 Cal.App.4<sup>th</sup> 860, 877.

<sup>24</sup> 65 Ops. Cal. Atty. Gen. 63 (1982).

<sup>25</sup> 65 Ops. Cal. Atty. Gen. 63, 64.

### III. CONSEQUENCES

Engaging in communication that is prohibited by the Brown Act can result in serious consequences for both the members involved and the City. Members who intentionally violate the Act may be subject to criminal misdemeanor penalties:

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.<sup>26</sup>

In addition, the District Attorney, or any interested person, has standing under the Act to seek injunctive or declaratory relief, or a judicial determination nullifying a City Council action because it violates the Act.<sup>27</sup> The Act also provides for the award of attorneys' fees if such a challenge is successful.<sup>28</sup>

### IV. CONCLUSION

In summary, the Brown Act requires that all communications regarding City business and involving a majority of the City Council, whether the communications are direct or indirect, in-person or via an intermediary, preliminary or final, be conducted openly and publicly. Individual communications between City Councilmembers and/or intermediaries that result in "serial meetings" constitute Brown Act violations. A violation of the Brown Act not only violates the public trust, it could also result in the invalidation of City actions, the imposition of civil or criminal penalties on the City Councilmember(s) involved, and/or the award of attorneys fees. Accordingly, we strongly encourage you to keep these rules and consequences in mind whenever you are communicating with each other, with City staff, or with third parties regarding City business.

If you have any questions or need further guidance on this matter, please do not hesitate to contact me or Assistant City Attorney Jill Maland.

**Note:** Because the private "deliberations" and "serial meeting" prohibitions also apply to the City's Boards and Commissions, we have also provided a copy of this Memorandum to all Board and Commission Members.

cc. Jim Sandoval, City Manager  
Donna Norris, City Clerk  
Boards and Commissions

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<sup>26</sup> Cal. Gov't Code §54959.

<sup>27</sup> *Id.* at 54960, 54960.1.

<sup>28</sup> *Id.* at 54960.5.

Council Memorandum  
June 27, 2012

Attachments: The Brown Act, California's Open Meetings Laws, City Council Workshop, May 3, 2012, PowerPoint presented by Glen R. Googins, City Attorney

# **The Brown Act California's Open Meeting Laws**

Chula Vista City Council Workshop

May 3, 2012

Presented By: Glen R. Googins, City  
Attorney

# **Presentation Outline/Purpose**

- Overview
- Key Topics
- Questions
- What More Can We Do?

## Brown Act Overview

- Cal. Govt. Code §§ 54950, et. seq.

# Purpose and Intent

- The public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions and deliberations be conducted openly
- "All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."



# **Broad Application/Narrow Exceptions**

- The courts and the Attorney General in issued opinions both broadly construe the Brown Act in favor of greater public access and narrowly construe exceptions



# Who is Subject to the Act?

- Applies to all local “legislative bodies”
  - City Council
  - Boards and commissions
  - Committees of a legislative body, with limited exceptions, to be discussed later
- Includes
  - Newly-elected members, even before they have assumed their duties
  - Appointed bodies consisting of members from two or more legislative bodies (e.g., OVRP, MTS, and SANDAG)
  - PBIDs per Streets and Highway Code
- Does not apply to individual decision makers who are not elected or appointed by legislative bodies.  
Example: Department Heads.

# **What Qualifies as a “Meeting” Under the Act?**

- Any congregation of a majority of the members
  - at the same time and place
  - to hear, discuss or deliberate
  - an issue in the subject matter jurisdiction of the body
- No action is required; “Mere” discussions qualify
- Includes informal gatherings, with or without public attendance or City sponsorship

# What Else is a Meeting?

Other forms of communication constituting a "meeting" include:

- Writings: Written communication, including e-mails, between a majority of the members
- Serial Communications: a chain of communications from member A to member B, then member A or B to member C (until a quorum of members contacted)
- Intermediary Communications: communications between employees or agents on behalf of a majority of members

## **- Examples of Each:**

- Email between two Planning Commissioners regarding their support for a project, with copies to two other Planning Commissioners
- One City Councilmember to another: "I've talked with so and so and he thinks. . ."
- A department head tells a City Council person that two other City Councilmembers are "onboard" with a pending item.



# Meeting Exceptions

- Not a “meeting” if a majority of members attend:
  - Conference open to the public
  - Open and publicized local public meeting
  - Open, noticed meeting of another body
  - Social or ceremonial event
  - Open, noticed meeting of a standing committee (but can’t participate)
- Still cannot discuss any matters within City’s jurisdiction unless part of program
- Meeting must be open to the public
- Gray area: seek legal advice first
  - Often advisable to notice the meeting or limit attendance to less than majority

# Meeting Exceptions (cont'd)

- Memoranda from City Manager or City Attorney to all City Council Members
- Individual contacts or conversations between less than a majority of members and a member of public

# **Holding Meetings:**

## **- Notice -**

### ■ Regular Meeting:

- Agenda posted 72 hours prior in a location freely accessible to the public, and on the City's website.
  - Time set by ordinance, reso, or by-laws
- ### ■ Special Meeting
- Agenda posted 24 hours prior, notice sent to each member and requesting media, and posted on website and freely accessible location
  - Called by Mayor or City Council majority

### ■ Emergency Meeting

- No 24-hour requirement; notify media by phone, one hour prior, or as soon as possible if dire
- Called by majority of Council only in case of dire emergency

# **Holding Meetings:**

## **- Location -**

- Must be held within the jurisdictional boundaries of the City, unless a specific exemption applies:
  - Comply with a law or court order
  - Inspect property outside of city
  - Multiagency meeting
  - No meeting facility within the jurisdiction
  - Meeting with federal or state officials on a legislative or regulatory issue
  - A facility outside of the City, which is the topic of discussion
  - Closed session at legal counsel's office regarding pending litigation when it would reduce legal fees or costs
- Location must be ADA accessible.
- Remote attendance by teleconference possible.
- City Charter §308 also governs meeting location.



# **Holding Meetings:**

## **- Agenda Requirements -**

- General description of each item to be considered (generally need not exceed 20 words)
- Should reference what is sought regarding the item (approval, direction, etc)
- Date, time & location of meeting
- ADA information
- Item can be placed on agenda by: Majority of Council, City Manager, City Clerk City Attorney, or Council-approved Board, Commission or Committee

# Matters Not On the Agenda

- Cannot consider, discuss, deliberate or take action on matters not on the agenda, unless:
  - Majority vote determines an “emergency” exists; (e.g. crippling natural disaster, terrorist act, or major work stoppage); or
  - Two-thirds (4 of 5) vote determines the need to take immediate action exists and agency knowledge of need arose after the agenda was posted
- Otherwise, only appropriate action is to refer item to staff and/or for consideration on a future agenda
- Brief response, question or statement o.k.

# **Closed Session:**

## **- General Rules -**

- The Act limits what can be discussed behind closed doors to specified topics
- Should be noticed on the agenda, using "safe harbor" agenda language
- Oral announcement of items to be discussed, prior to convening closed session
- Can only be attended by members, and legal counsel, staff and consultants necessary to advise the members on the matter
- "Final Actions" must be "reported out"
- Exception generally not available to City Boards and Commissions

# **Closed Session:**

## **- Permissible Topics -**

Permissible closed session topics include:

- License/Permit Determination for rehabbed criminal (§54956.7)
- Real Property Negotiations – Price and Terms (§54956.8)
- Existing Litigation [§54956.9(a)]
- Anticipated Litigation [54956.9(b)]
- Liability Claims (§54956.95)
- Threat to Public Safety/Services [54957(a)]
- Public Employee Appointment/Employment/Performance Evaluation/Discipline/Dismissal/Release [54957(b)]
- Labor Negotiations (§54957.6)

Other type of agreements not permissible



# **Closed Session:**

## **- Reporting Out -**

Certain "Final" Actions that Must Be Reported Out Include:

- Initiation of Litigation
- Final approval of a real estate or labor agreement
- Settlement of litigation
- Hiring or firing of City Council appointees
- Action plus how people voted must be disclosed

# **Closed Session:**

## **- Confidentiality -**

- Confidential information obtained during closed session cannot be disclosed outside the session
- Confidential information includes City negotiating, positions in real estate and labor talks, and City vulnerabilities or settlement positions litigation
- Only a majority vote of the legislative body can authorize disclosure
- Penalties for unauthorized disclosure include referral to the grand jury, injunctive relief, <sup>18</sup> and disciplinary action against employee

# **Rights of the Public:**

## **- Attendance & Access to Materials -**

- Public must be allowed to attend, observe and speak at meetings
- Cannot be required to register, or fulfill any "condition precedent" to attendance; can be requested, on voluntary basis
- Allowed to record the meeting with audio or video recorder; take photographs
- Allowed to review agendas and other documents distributed to a majority of the board
- If distributed less than 72 hours prior to meeting, documents must be made available at public location

# **Rights of the Public: Attendance & Access to Materials (cont'd)**

- Public has right to request in writing that the agenda or agenda related documents be mailed to them for a cost not to exceed the actual cost of providing the service. This request must be renewed annually.
- Public has right to copy of any audio or video tape of the meeting. No requirement to prepare transcript.



# **Rights of the Public:**

## **- Public Comment -**

- Regular Meeting
  - Agenda Items: Comment must be allowed; reasonable time limits can be adopted
  - Non-agenda items: Agenda must provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public within its purview
    - No action or discussion can occur
    - Can refer to staff for information; request a report back; request item be placed on future agenda

# **Rights of the Public: Public Comment (cont'd)**

- **Special Meeting**
  - Must allow comment on agenda items
  - Comment on non-agenda items is permissible but not required
- **Criticisms and Complaints**
  - Must be allowed
  - Disruptive behavior does not have to be tolerated

# **Violations of the Brown Act:**

## **- Remedies and Penalties -**

### **■ Civil Remedies**

- Can be brought by any interested person or DA
  - Invalidation Action: to void past acts
  - Injunctive or Declaratory Relief: to prevent future violations
- Procedural requirements allow opportunity to cure and correct action taken
- Costs and attorneys' fees may be awarded against agency; City may recover fees if lawsuit is frivolous.

### **■ Criminal Penalties**

- Member may be subject to misdemeanor penalties if:
  - Attends meeting at which action taken violates the Act; and
  - Intends to deprive public of information
- "Action taken" includes a collective decision, commitment or promise by a majority

# **Brown Act:**

## **- Key Topics -**



# Key Topic:

## -Ex parte Communications-

- *Ex Parte* Contacts: Individual contacts or conversations between a member of the legislative body and a member of the public are permissible
- Due process concerns: In quasi-judicial matters (decisions impacting an individual's rights, e.g., issuance of a CUP or personnel discipline) – *ex parte* contacts raise fairness, bias, and impartiality concerns because opposing parties do not have the opportunity to hear and rebut information provided by other side

# **Key Topic:**

## **- Serial Meetings -**

- Defined: A series of communications, each involving less than a quorum, but taken as a whole, involves a majority
- "A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action of any item of business that is within the subject matter jurisdiction of the legislative body."
- "Collective concurrence" no longer required for violation

# **Key Topic: Serial Meetings (cont'd)**

## **Examples:**

- Chain: From A to B to C
- "Hub of Wheel: From A to B; A to C
- Intermediaries: Communications between others on behalf of a majority
- E-mails or other correspondence among a majority
- Staff briefings with two members technically okay, but not recommended because it tends to lead to violations
- Specific discussions between even two councilmembers creates risk of violation.
- Special risks also created by social media

# Key Topic:

## - Subcommittees -

- The Act generally applies to all boards, commissions, committees and other bodies created by charter, resolution or formal action of a legislative body
- Applies whether the body is permanent or temporary, advisory or decision making
- Limited Exception – A true “Ad Hoc” Subcommittee
  - Comprised solely of less than a quorum of the members of the appointing body; and
  - Does not have continuing jurisdiction over a particular subject matter
  - Cannot have members of other legislative bodies or other 3<sup>rd</sup> parties
  - Limited duration: ideally 6 months or less
- Many gray areas. Seek City Attorney advice



# **Key Topic:**

## **- Bell Legislation -**

- If convening another legislative body with the same members, simultaneously or in serial order, for which the members are compensated, must publicly disclose the amount of compensation
- Cannot call a special meeting regarding salary or benefits of an agency official
- Agendas must be posted on website
  - not applicable to Boards and Commissions

# **Key Topic:**

## **- Teleconferencing -**

### **Requirements:**

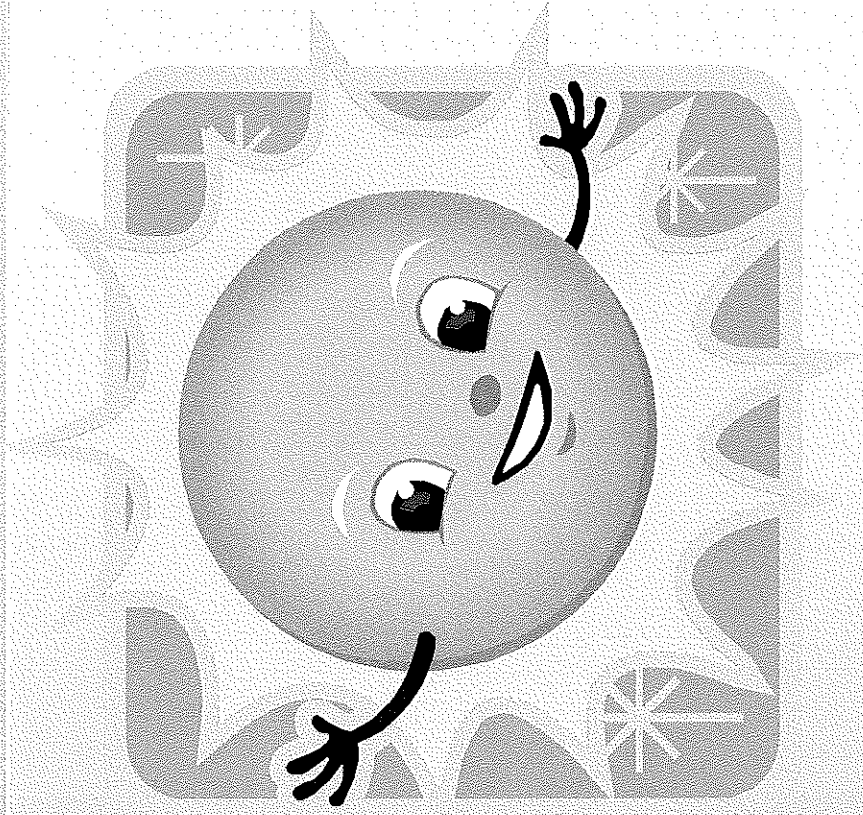
1. At least a quorum of the Council must participate from locations within the City;
2. All votes taken during the teleconferenced meeting must be taken by roll call;
3. Agendas must be posted at all teleconference locations;
4. Each teleconference location must be identified in the notice and agenda of the meeting;
5. Each teleconference location must be accessible to the public;
6. The teleconference meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Council;
7. The agenda for such teleconference meeting must provide an opportunity for members of the public to address the Council directly, at each teleconference location.

# Conclusion

## Essence of Brown Act

- Meetings are to be open and public
- Actions & deliberations are to be in the open
- All persons have a right to attend and participate in the meetings
- Transparency and accountability

# Questions?





# **Additional Resources**

- Attorney General Website:  
[ag.ca.gov/publications/brownact2003.pdf](http://ag.ca.gov/publications/brownact2003.pdf)?
- League of California Cities Publication:  
"Open & Public IV: A Guide to the  
Ralph M. Brown Act"
- Contact City Attorney



# Next Steps

- Future Training
  - Boards and Commissions
  - City Staff
- Public Forums
  - Live
  - Refine and videotape; post on City website

# **Explore/Additional "Sunshine" Measures**

- Lobbyist Registration Ordinance
  - City of San Diego example
- Ex parte Communications Policy
  - City of National City example
- Enhance/clarify Brown Act with additional local policies
  - Many examples, with many "symbolic" measures