



# Brown Act Presentation (Part 1)

BY: VICE PRESIDENT ANGUIANO



# Brown Act

## **What is Brown Act?**

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 that were not in compliance with advance public notice requirements.

## **Who is governed by the Brown Act?**

The Brown Act governs local agencies, legislative bodies of local government agencies created by state or federal law and any standing committee of a covered board or legislative body, and governing bodies of non-profit corporations formed by a public agency.

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## What is a “Meeting?”

A meeting, as defined by the Brown Act, is “any congregation of a majority of the **voting** 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” (§ 54952.2 (a))

## Public Comment

Public Comment is an agenda item where an individual can address the body with relation to an agenda item concern, ect.

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## **Public Comment/ Public**

Members of the public coming to a Brown Act meeting do not have to state their name nor if there is a sign in sheet should be have to state their name. (Gives protection to the public).

Expectation - asking during public, though once again the public has a choice to state their name or not. (54953.3)

Members that have a vote during a meeting should not present during public comment nor should members with a vote ask any questions during a public comment

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## Agenda

As an organization governed by the Brown Act, BCSGA (Bakersfield College Student Government) is obligated to publish the agendas for all the **public** on our website at least 72 hours in advance of each meeting.

**EX:** Senate is every 2nd and 4th Wednesday of the month at 4:30. Agenda and supporting documents **MUST** be posted online and in person on Sunday before 4:30.

The SGA serves as the official repository for these meeting agendas. Each agenda includes details such as agenda items, meeting location, and Zoom link.

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## **Agenda**

Must contain a brief general description of each item to be discussed or addressed, including closed-session items. – Notices available in alternative ADA formats and distributed in advance to those who request copies,

Agendas are essentially for the public not the body - gives an overview of the agenda to the public

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## Agenda

What not do on an agenda / meeting

- Use acronyms
- Over complicated
- Start 15 minutes after the scheduled meeting
- Lack of Accessibility
- Not Recording or Making Minutes Public
- Failing to Post Agendas
- Making Last-Minute Changes
- Discussing Unnoticed Items
- Turning a Discussion item into an Action item
- Failing to Provide Notice

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## Agenda

What to do on an agenda/ meeting

- Include Specific Agenda Items
- Adhere to Time Limits
- Avoid Last-Minute Changes
- Be Inclusive
- Have a report ready
- Post Agendas in Multiple Locations
- Look over agenda and minutes beforehand
- Be prepared to voice out your stance



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## **Emergency Meeting**

- Posted no later than 24 hours prior to the meeting.
- Must include the time and location of the meeting.
- Must contain a brief general description of each item to be discussed or addressed, including closed-session items.
- Notices available in alternative ADA formats
  - Have quorum (more than half of your voting members) present

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## **Teleconferencing**

The governor's Covid-19 related state of emergency is set to expire

February 28,

which will mean AB 361 no longer applies unless there is a new Governor declared state of emergency that calls for social distancing.

## **What was AB 361?**

AB 361 was a resolution passed that permit legislative bodies, when there was a state of emergency declared by the Governor pursuant to Government Code section 8625, to make a determination to authorize meeting remotely via teleconferencing as a result of the emergency.

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## **AB 2449**

AB 2449 provides that if a quorum of the legislative body participates in person, a member of a legislative body may participate remotely so long as the member provides prompt notice and the need for remote participation falls under one of the statutorily defined exceptions.

For a voting member to join virtually without following the traditional Brown Act teleconference requirements, they have to notify the Senate/body of “just cause” or “emergency circumstances”

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## Defined exceptions

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

▪ (B) A contagious illness that prevents a member from attending in person.

▪ (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

▪ (D) Travel while on official business of the legislative body or another state or local agency

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## **If you fall under these exceptions:**

- Must let Co - Chair know 72 hours before meeting
- Must state address you will be attend to zoom through (Ex: House, Library, Starbucks)
- Must post agenda 72 before meeting takes place
- Must be voted in through voting body, in order to be a voting member