

**Bicycle Advisory  
Committee**  
Peninsula Corridor Joint  
Powers Board



# **BROWN ACT PRESENTATION**

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# The Brown Act

*The Legislature finds and declares that the public commissions, boards and councils and the other 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 be taken openly and that their deliberations be conducted openly.*

*The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

*Government Code Section 54950*



# Who is Subject to the Brown Act?

- Legislative Bodies
  - Any Committee created by Board of Directors
  - Any Committee created by Committee
- ✓ Applies to BAC





# What Does the Brown Act Require?

- Local legislative bodies' meetings must be open and public
- Agenda must be posted 72 hours prior to a meeting
- Time for public comment
- Report out individual votes of every member present for all actions





# What's a "Meeting"?

- Majority of members of a legislative body
  - Same place and time
    - Hear, discuss, deliberate, or take action
      - Within the subject matter jurisdiction of the legislative body





# What is not a “Meeting”?

- Contact between a Member and a Non-member
- Conference open to the public
  - But no caucusing or discussion among members about business within the body’s subject matter jurisdiction





# Closed Session Exception

- Limited topics
- *Very unlikely to apply to BAC*





# Committees

- Standing Committees (Brown Act bodies)
  - e.g., a Finance Committee created to exist indefinitely
  - BAC charter prohibits standing committees
- Ad Hoc Advisory Committees (Not Brown Act bodies)
  - Created to advise legislative body on specific topic over defined period of time (< 1 year)
  - BAC charter permits chair to form and populate ad hoc committees
  - Must be less than a quorum







# Brown Act Pitfall: Serial Conversations

- Daisy Chain
- Hub and Spoke
- Email, social media, blogs, etc.
- Talking outside of meetings, e.g., social engagements, other meetings



# Frequently Asked Questions & Special Points

- Can I call in?
- I know its not on the agenda, but...
- Can we go back to that item from last time?
- Can I respond to that?
- What if there is less than a quorum?





Questions?

