



**FIRST 5 SAN BENITO  
CHILDREN AND FAMILIES COMMISSION  
1011 Line Street, Suite 10  
Hollister, California 95023**



## **Brown Act Summary**

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The legislative intent of the Ralph M. Brown Act is to have public agencies conduct their business and make their decisions in open public meetings. Each board, commission, committee, or other body of a local agency created by charter, resolution or formal action of a legislative body is a legislative body itself, covered by the requirements of the Brown Act. This includes boards and committees in which members serve in an official capacity and which are supported in whole or in part by a local agency.

### **Basic compliance with the Brown Act requires:**

1. Public notice of the time and place of the meeting.
2. An agenda posted in a public place 72 hours before the meeting, and the meeting must be open to the public.
3. Public input on any subject on the agenda.
4. A public comment period for items not on the agenda; committee discussion and action must be limited to the items on the agenda; and each agenda item must be sufficiently descriptive to inform the public as to the nature of the subject matter.
5. There are very limited provisions for closed sessions under the Brown Act. They are primarily related to personnel, labor relations, litigation, and real estate negotiations.
6. A board member cannot discuss the business of the board with a majority of the board jointly or serially unless at a noticed public hearing.

### **The following defines a *meeting* under the Brown Act:**

1. The general rule is that a *meeting* is a gathering of a quorum of the public body, no matter how informal, where the public's business is discussed or transacted.
2. Informal gatherings such as lunches or dinners may not constitute a *meeting* unless official business is discussed. If the gathering is a meeting it must be properly noticed and the public must have an opportunity to observe and participate.
3. A conference, workshop, or retreat may or may not be a meeting depending upon how specific the event may be to the business or agency. Providing public notice is a safe rule.
4. Serial meetings involve personal, telephonic, or other communications, including email or online communications, between governing board members concerning official business outside the open meeting arena and are prohibited. The prohibition extends to staff members contacting each of the governing board members to discuss or reach decisions on matters, which require open discussion.
5. The *less than a quorum exception* provides that a gathering of less than a quorum of a legislative body is not a *meeting* under the Brown act. This permits *ad hoc* subcommittees made up only of board members to investigate topics and bring information to the full legislative body.