

The Brown Act Summary

The Ralph M. Brown Act was enacted in response to public concerns over informal undisclosed meetings held by local elected officials. City councils, County boards, and other local government bodies were avoiding public scrutiny by holding secret “workshops” and “study sessions.” The Brown Act solely applies to **California city and county government agencies, boards, and councils**. The Act has been interpreted to apply to email communication as well. The comparable Bagley-Keene Act mandates open meetings for State government agencies. Private or Non-profit entities may be covered if a legislative body delegates some of its functions to the private entity.

Meeting Requirements per Brown Act

- Brown Act applies to any gathering of a quorum of a legislative body to discuss or transact business under the body’s jurisdiction.
- Teleconference meetings may be held under strict conditions (e.g. as a result of the State Coronavirus social distancing health order)
- Public time must be set aside for public comment
- Meetings must be held in non-discriminatory facilities
- All votes (except those in permissible closed session) must be cast in public
- Closed sessions are only permitted for specified purposes such as to discuss litigation, real estate negotiations and labor negotiations.
- Public has a right to attend meetings without registering or identifying themselves

- Materials provided to a majority of a body, unless exempt, must be provided to members of the public

Public Rights

- Time must be set aside for public comment
- Meetings must be held in non-discriminatory facilities
- All votes (except those in permissible closed session) must be cast in public
- Closed session actions must be reported in open session
- Public has a right to attend meetings without registering or identifying themselves
- Materials provided to a majority of a body, unless exempt, must be provided to members of the public

Required Notices and Agendas

- Agendas of regular meetings must be posted 72 hours prior to meeting
- Special Meetings require 24-hour notice to members and the media
- One hour notice in case of work stoppage or crippling activity
- Closed Session agendas must be described
- Special procedures permit proceeding without an agenda in an emergency

California State Publication : “The Brown Act. Open Meetings for Legislative Bodies”, 2003, California Attorney General.

https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2003_intro_BrownAct.pdf.

