

Open Meeting Law

Brown Act of 1953

California Government Code §54950-54963

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1. Public need not Identify Self (§54953.3)

1. A member of the public shall not be required as a condition of attendance to register or to supply any identification.
2. If a sign in sheet is used, it shall clearly state that signing in is strictly voluntary.



3. 72-Hour Posting (§54954.2 (a) (1))

1. At least 72 hours before a regular meeting, the board shall post an agenda containing a brief general description of each item of business to be transacted at that meeting including items for a Closed Session.
2. No action or discussion shall be undertaken on any item not posted on the agenda 72 hours before the regular meeting.



72 hours is 4 Days in the Brown Act

72 divided by 24 is not 3 in the Brown Act

Monday 3:30 pm	Tuesday 3:30 pm	Wednesday 3:30 pm	Thursday 3:30 pm Meeting
			Meeting Begins
		24 hours before	
	48 hours before		
72 hours before			



4. 72-Hour Posting (§54954.2 (a) (1)) Exceptions

1. If an Emergency Situation exists;
2. Or upon determination
 - a. By a 2/3 vote,
 - b. That there is a need to take immediate action, and
 - c. That the need of the action came to the attention of the board subsequent to the posting of the agenda;
3. Or an Adjourned Meeting within 5 days.



5. Standing Committees (§54952 (b))

1. Regardless of composition, as long as it has
 - a. A Continuing Subject Matter Jurisdiction, or
 - b. A fixed meeting schedule by formal action,
2. A Standing Committee falls under the Brown Act.



6. Teleconference (§54953 (b))

1. The association's bylaws need to authorize the board to use teleconference.
2. All votes shall be taken by roll call.
3. The agenda shall be posted at each teleconference site.
4. Each teleconference site shall be ADA accessible.



7. Secret Ballot (§54953 (c))

1. No action shall be decided by Secret Ballot.
2. **Section 54953 (c) (2) – Every member's vote must indicate for/against/abstain.**



8. Time Limits (§54954.3 (b))

The board may adopt regulations to limit the total amount of time allocated

1. For a particular issue, and
2. For each speaker as included on the posted agenda.



9. Public may Address the Board (§54954.3 (a))

1. Every agenda shall provide the public an opportunity to directly address the board.
2. This is allowed before or during the board's consideration of an item.
3. The public may speak on any topic that is within the Subject Matter Jurisdiction of the board.



10. Public may Record (§54953.5 (a))

1. Any person shall have the right to record the proceedings with audio or video or both.
2. The recording cannot disrupt the meeting with noise, illumination, or obstruction.
3. If the board records the meeting, the board shall allow the public to inspect it on the board's equipment for up to 30 days.



11. Public may Broadcast (§54953.6)

1. Any person shall have the right to broadcast the proceedings (audio and/or video.)
2. The broadcast cannot disrupt the meeting with noise, illumination, or obstruction



12. Public Speaking Prohibitions (§54954.3 (c))

1. The board may not prohibit public criticism of policies, procedures, programs, services or acts of omissions. This is how the Brown Act makes the meeting an Open Meeting.
2. The Brown Act does not confer any privilege or protection for expression beyond that otherwise provided by law.



13. Willful Interruption (§54957.9)

1. If any meeting is willfully interrupted by the public, and order cannot be restored by removal of the problem individuals, the board may order the room cleared and continue the meeting.
2. The board shall allow the press and individuals not causing the disturbance to reenter the meeting room.



14. Closed Session (§54954.5)

Closed sessions are prohibited by the Brown Act except for about 17 situations related to...

1. real property or labor negotiators,
2. litigation,
3. liability claims,
4. employee (appointment, evaluation, or discipline),
5. trade secrets, etc.

(Notice that attorney-client privileges are limited.)



15. Report from Closed Session (§54957.7)

The board shall report

1. Any action taken in Closed Session and
2. The vote by each member.



18. Meetings (§54954.2; 54955-54956)

Type	Description	Called by	Posting
Regular	On a Schedule	Bylaws or a motion	72-hours
Adjourned	Continued Meeting	A motion	24 hours
Special	Between Regular Meetings	Chair or Majority	24 hours
Emergency	Impaired public health or safety	Majority	24 hours, maybe
Dire Emergency	Endangered public health of safety	Majority	24 hours, maybe



Effective Meeting Management

Observe to the Rules of Debate
Adhere to Robert's Rules of Order
Comply with the Brown Act

