

Brown Act and Ethics Training Requirements



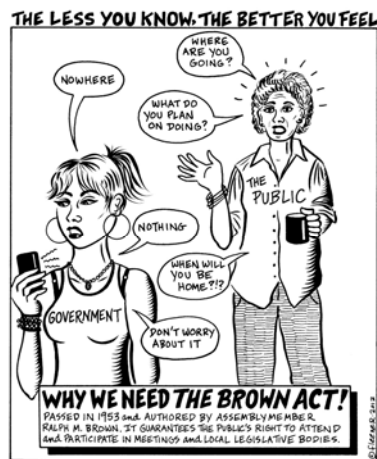
Santa Rosa Plain Groundwater Sustainability Agency
Advisory Committee
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Presentation Overview

- Brown Act Background
- Applicability to this Advisory Committee
- Brown Act Requirements
- Ethics Training Requirements
- Resources

The Brown Act in a nutshell...



More officially...

- Authored by Ralph Milton Brown
- Passed into law in 1953
- Intent of Brown Act:
 - *“All meetings of a legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency...” Section 54953(a)*
- CA Government Code Sections 54950-54963

Purpose of the Brown Act

- Facilitates public participation and access to all phases of decision-making
- Ensures the public has access to meeting documents and records
- Ensures that deliberations and actions are:
 - Open and accessible to the public
 - Held on a regular schedule
 - Adhering to a properly noticed agenda

What is a “legislative body”?

A legislative body is:

“The governing body of a local agency or any other local body created by state or federal statute”

OR

“A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body”

Applicability to this Advisory Committee

The Joint Exercise of Powers Agreement forming the Santa Rosa Plain Groundwater Sustainability Agency specifies (section 8.02) that meetings of the Advisory Committee will noticed, held, and conducted in accordance with the provisions of The Brown Act

Brown Act Requirements: Meetings

Definition of a Meeting: *“Any congregation of a majority of the 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 or the local agency to which it pertains”* Section 54952.2(a)

No meetings shall take place without being properly noticed and posting an agenda 72 hours in advance of the meeting

Collective Concurrence

Collective Concurrence occurs when the majority of a group's members are made aware of each other's views and reach a decision after the interaction between or among themselves

Any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a "collective concurrence" is considered a meeting and is strictly prohibited. Section 54952.2

Serial Meetings

A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. Section 54952.

Serial meetings are another means of developing collective concurrence, and therefore are strictly prohibited under the Brown Act

Serial Meetings

- Serial meetings occur through a series of communications involving less than a majority of members, but when taken as a whole constitute a group majority
- There are two types of serial meetings:
 - Daisy Chain
 - Hub and Spoke

Daisy Chain Serial Meetings



Member A contacts Member B

Member B contacts Member C

Member C contacts Member D

And so on, until a majority has discussed, deliberated, or taken action on an item

Hub and Spoke Serial Meetings



Member A contacts Member B

Member A contacts Member C

Member A contacts Member D

And so on, until a majority has discussed, deliberated, or taken action

Serial Meetings Can Occur in Many Formats

Discussing or sharing each other's views on a project or issue among a majority of members through a series of:

- Emails
- Text messages
- Phone conversations
- Face-to-face conversations

Sharing each other's views through personal intermediaries or straw polls

Meeting Exceptions

The following are ok provided a majority of group members do not discuss group business:

1. Individual conversations between a group member and a non-group member
2. Conferences that are open to the public and involve discussion of issues that are of general interest to the public
3. Community meetings held by another organization addressing a topic of community concern
4. Social or ceremonial events
5. Meetings of other legislative bodies

Meeting Locations

- Meeting locations must be fully accessible pursuant to the Americans with Disabilities Act
- Groups may not discriminate against attendees on the base of race, religion, color, national origin, sex, ancestry, ethnic group identification, age, sexual orientation, etc...
- Generally, group meetings must be held within the group's boundaries *Section 54954(b)*

Meeting Agendas

- Must be detailed enough so that the public can understand what actions may be taken at the meeting
- Must include opportunity for public comment
- Must be finalized and posted 72 hours in advance of meeting
- Special meetings have slightly different agenda requirements
- Materials that have been distributed to the Committee must also be available to the public without delay

Non-agenda Items

Action or discussion of non-agenda items by planning/sponsor groups is **prohibited**

Options for addressing non-agenda items:

- Place the item on a future agenda
- Ask a question for clarification
- Make a brief announcement
- Make a brief report on activities
- Provide a reference for factual information
- Ask to report back at a subsequent meeting

Public Participation

- All meetings are open to the public
- The Committee cannot require members of the public to identify themselves, though it can be requested
- Members of the public must be allowed to:
 - Speak on any item within group's purview
 - Speak on specific items before or during the group's consideration of an item
- Members of the public may record and/or broadcast meetings

Ethics Training Requirements

- Members of this Advisory Committee are required to complete ethics training per the requirements of Assembly Bill 1234.
- 2 hours of training every 2 years
- Online training available
- Committee members are requested to file a "Form 700" Statement of Economic Interests

Resources

Brown Act Information:

<https://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/Open-Public-2016.aspx>

http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf

Ethics Training:

<http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

Questions? Please let me know and I will get answers from the GSA's attorney