



SAN DIEGO
Community College District

**Be.
Belong.
Become.**

THE BROWN ACT

A REFRESHER COURSE

San Diego Mesa College
September 15, 2025

Presented by:
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General Counsel

OPEN & PUBLIC



Ralph M. Brown
(1959)


Photo courtesy The Modesto Bee

“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.”

California Government Code §54950, *et seq.*

SAN DIEGO COMMUNITY COLLEGE DISTRICT PHILOSOPHY

A commitment to transparency and
access to information as opposed to
mere compliance with the law




WHOSE MEETINGS DOES THE BROWN ACT COVER?


The Brown Act applies to the meetings of all legislative bodies (GC 54952) which include:

- **Local Agencies** including counties, cities, towns, school districts, municipal corporation; **community college districts** and other public agencies; and
- **Legislative Bodies** include the governing board of the local agency, as well as other bodies created by charter, resolution or formal action of the legislative body.
- **Committees:** Standing vs. Ad-Hoc

RIGHTS OF THE PUBLIC

- Right to *Attend*;
 - Right to *Participate*;
 - Right to *Record*; and
 - Right to *Inspect Records*.
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PERMISSIBLE TYPES OF BROWN ACT MEETINGS

- **Regularly scheduled meetings** held at a time and place specified by ordinance, resolution or bylaws;
 - **Special meetings** called by agreement of the majority of the Members to discuss a specific issue; and
 - **Emergency meetings** to deal with emergency situations.
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AGENDAS / NOTICE

➤ **Regular Meeting**

- Post agenda 72 hours prior to the meeting in a place accessible to the public.
- Agenda must contain time, location, brief description of agenda items (including closed session items) and opportunity for public comment.

➤ **Special Meeting**

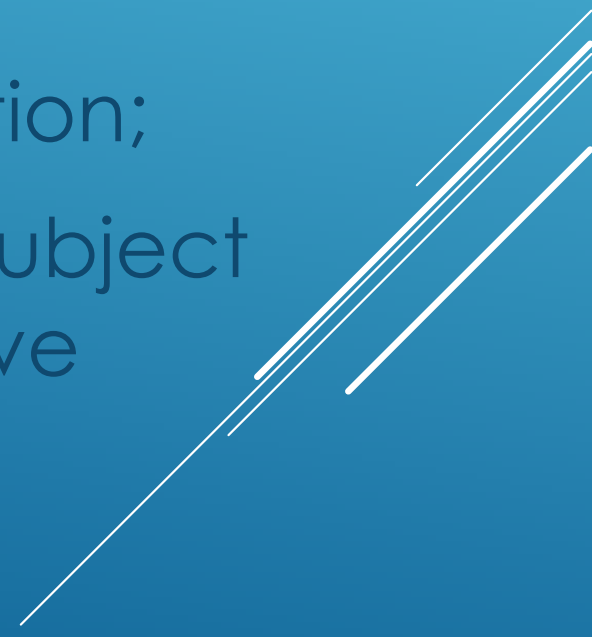
- Post agenda 24 hours prior to meeting.
- Agenda must contain the items to be discussed.

➤ **Emergency Meeting**

- Notice not required but must let media know one hour prior if they have requested to be notified of meetings.

WHAT IS A *BROWN* ACT “MEETING”?

A gathering...

- ▶ of a majority of the members of a legislative body;
 - ▶ to discuss, deliberate or take action;
 - ▶ on any matter that is within the subject matter jurisdiction of the legislative body.
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WHAT IS NOT A *BROWN* ACT MEETING?

“Where the public’s business is not discussed”:

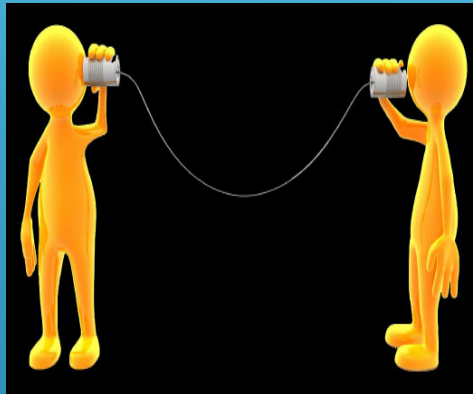
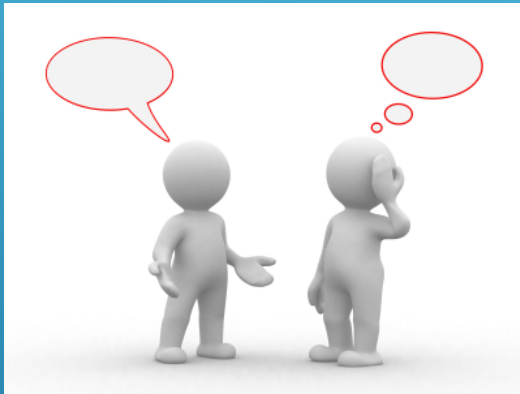
- Community Meetings
 - Social Events
 - Conferences
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PROHOBITED SERIAL MEETINGS

A “serial meeting” *violation* occurs when...

- ▶ a majority of members of a legislative body
 - ▶ outside a meeting
 - ▶ use a series of communications of any kind
 - ▶ directly or through intermediaries,
 - ▶ to discuss, deliberate or take action
 - ▶ on any item that is within the subject matter jurisdiction of the body
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METHODS/TYPES OF “SERIAL” COMMUNICATION



DAISY CHAIN

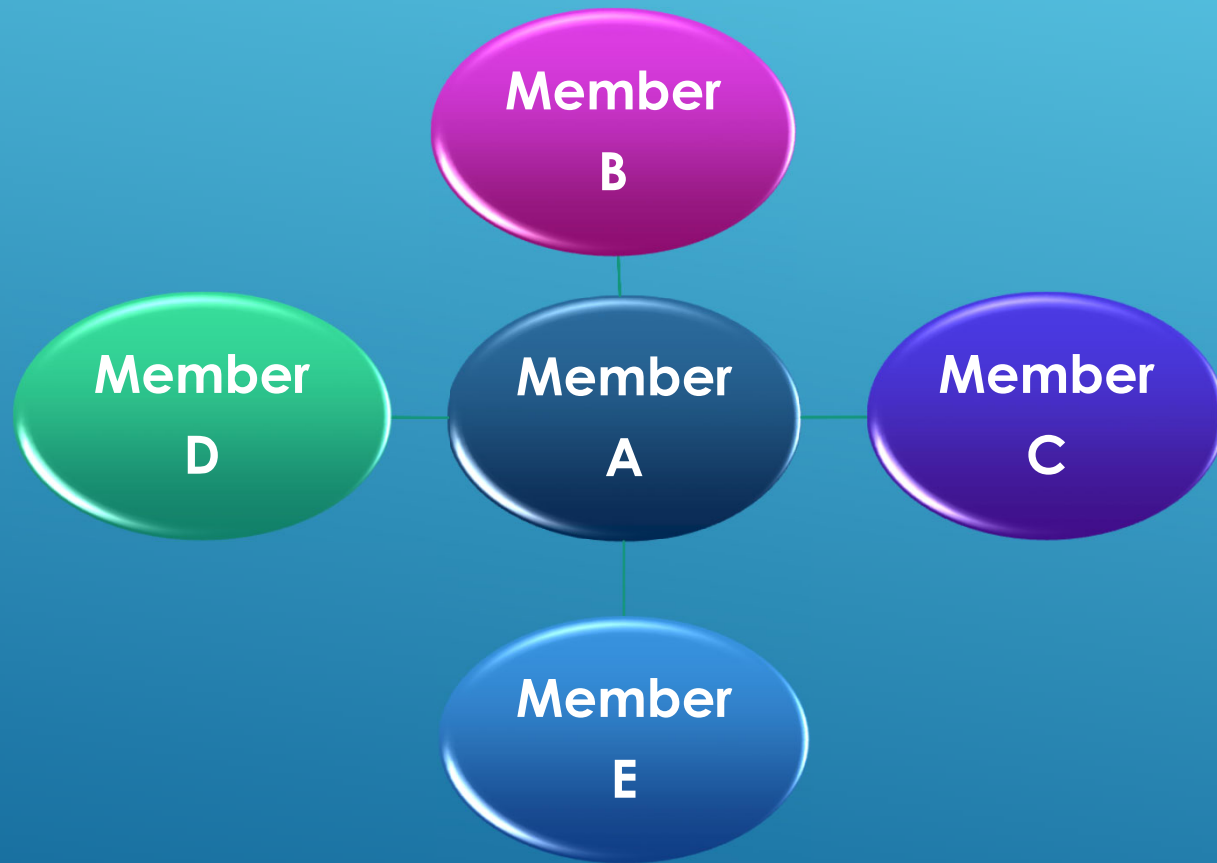
Member A calls Member B;

Member B e-mails Member C;

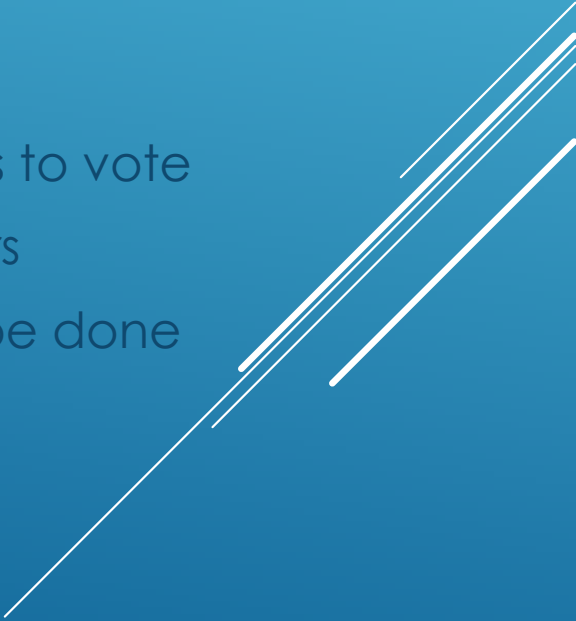
Member C meets with Member D . . .



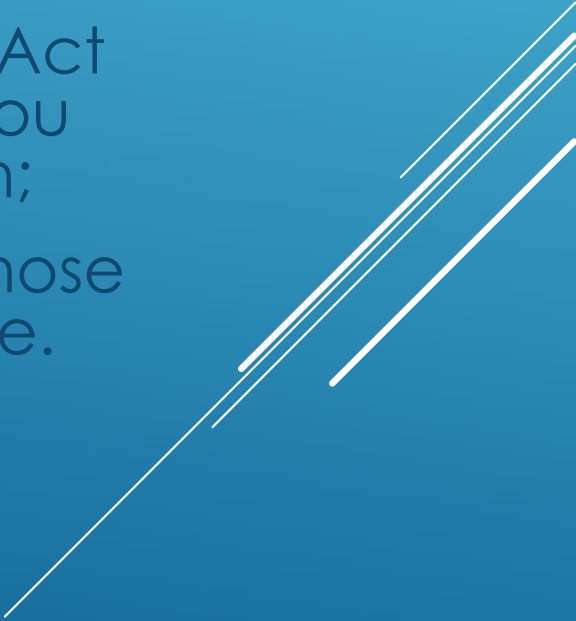
HUB AND SPOKE



THE WEB OF MAILS

- ▶ Member feels strongly about an issue that has been a hot topic on campus
 - ▶ Member is aware that the issue is about to be (or already has been) placed on the Agenda for discussion/decision by the whole voting body
 - ▶ Member emails their constituent group, knowing that there is crossover between their constituent umbrella and that of other members.
 - ▶ In their email:
 - ▶ Member discusses their views and how they want to vote
 - ▶ They also mention the purported opinions of others
 - ▶ The email ends with “we all know what needs to be done and, as you can see, everyone agrees”
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HOW TO AVOID A “SERIAL MEETING” VIOLATION

- Do not discuss Brown Act (College, District, Senate, etc.) business outside of your meetings;
 - Do not divulge the positions and/or comments of one Member to another Member or those likely to tell them;
 - Remember anytime you discuss Brown Act business outside of a regular meeting you may set in motion a Brown Act violation;
 - Be FAIR -- avoid any advantage over those who are very careful as we all should be.
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EXCEPTIONS

- **Communication with the Public:** Members of a Brown Act body may communicate with constituents and members of the public, individually or with a group, as well as with colleagues, so long as the serial laws are not violated (but, be careful what you set in motion and be fair, realistic and act with eyes open).
- **Information Sharing (Staff):** Staff can provide information to constituents or the public and may answer questions as long as they do not:
 - Set in motion a serial discussion; or
 - Discuss the opinions of voting members.

CONSEQUENCES

Legal Action

- Lawsuit to invalidate an act or decision;
- Lawsuit to prevent future violations of same kind; and
- Attorneys' fees.

Possible Criminal Act

- If public official...
 - *knows* a serial meeting is taking place; and
 - *intentionally* participates (e.g., to increase influence);
 - they may be charged with a crime (misdemeanor).

Q & A



THE END

