

# BROWN ACT BASICS

## What is it?

It's an Act (law) that sets requirements for how the meetings of public organizations are advertised and held.

## Why do we have to follow it?

It's an open meetings law which prohibits public organizations from using public funds to hold closed meetings. Since we fall under a legislative body and use student funds, we must adhere to the Brown Act to give all students (as well as members of the community) the chance to participate in our legislative process.

## What do we have to do?

- **Post the meeting's agenda**
  - A. Must be posted in a public and accessible location 72 hours before the meeting.
  - B. You cannot change the agenda once it is posted. However, there are three action exceptions: emergency situations, a need for immediate action, and items posted on a previous agenda (discussed not more than 5 days earlier). In ASFC, we rarely (if ever) will have an emergency situation that needs to be voted on. A need for immediate action requires that the item was only brought to the attention of the group after the agenda was posted.
  - C. If the meeting gets cancelled, post a notification to the public in an easily accessible location as soon as possible.
  - D. Special meetings: Unlike regular meetings, the agenda for a special meeting must be posted at least 24 hours before the meeting. Any meeting other than the regularly scheduled is deemed "Special" under the Brown Act. There are two common reasons why an entity usually holds a special meeting. 1. The meeting could not be held on the specified regular date 2. There is a need to make a business decision between the regular meeting dates.
  - E. Emergency meetings: Unlike regular meetings and special meetings, the agenda for an emergency meeting only needs to be posted 1 hour before the meeting. A meeting is only considered to be an Emergency meeting if there is an actual emergency. It is an extremely rare occurrence, since the emergency must be a crippling activity, work stoppage or other activity which severely impairs public health, safety or both (Brown Act).
  - F. There needs to be a short description of each item on the agenda so that the public can have a sense of what will be discussed (approximately twenty words in length).
- **Hold meetings in an accessible location**
  - A. If the meeting is held in a different location (from usual), it must be advertised.
  - B. The meetings must be held in the jurisdiction of the body (unless advertised and accessible to anyone who wishes to attend). For example, since ASFC is an entity of Foothill College, ASFC meetings must be held on campus.
  - C. Not allowed to have "closed-door" or "casual" meetings outside of the public meeting. No discussing action items or items on the agenda outside of the public meeting. Includes discussing meeting items in email, text messaging, and other tech sources.
- **Allow the public (students and members of the community) to address the body.**

A. Since it is a public entity using public funds, the public must be granted the opportunity to address any items in the body's jurisdiction that is not on the agenda.

- **Conduct public votes**

A. Since it is a public entity using public funds, secret ballots are prohibited.

- **Have all documents public**

A. Anyone who wants access to ASFC documents must be granted access to them. Examples of documents include agendas, minutes, codes, By-Laws, etc.

What type of meetings have to abide by the Brown Act?

ALL ASFC entities must abide by the Brown Act. This includes all standing committees, advisory committees, and sub-committees.

What can members of the public do at meetings?

- Bring up concerns and other matters during public forum.
- Allowed to comment (when called upon by the Chair) - this includes negative as well as positive comments.
- If a member of the public is disruptive during the meeting, then the Chair can have them leave the room before continuing the meeting.
- Be accommodated if they have a special need.

Important Change to Brown Act effective January 1, 2014

The Brown Act now requires a public report on any action taken in any meeting, and the vote or abstention on that action of each member present. Votes may need to be taken by roll call or in another manner that allows verification of the vote of each member in order to comply with the requirements of SB 751.