

Brown Act & Advisory Boards



Bicycle and Pedestrian Advisory
Committee

February 23, 2022

Advisory Committee

2

What it IS NOT:

- Representing personal interests - Individual advocacy
- Individual grievance reporting
- Managing programs
- Providing direct operational oversight

What it IS:

- Representing community interests - Overarching advocacy
- Reviewing trends, data, policies, procedures
- Formulating position statements
- Providing input on best practice processes

Resource: Legal Handbook

Recommend Review of Legal Handbook for City of Fresno Boards, Commissions, Committees, and Similar Bodies



Fair Political Practices



Purpose: to prohibit a public officer from participating in a decision that will impact his or her economic interests.

- Financial reporting (Political Reform Act)
- Ethics training (AB 1234)

Fair Political Practices Commission <http://www.fppc.ca.gov/>

Brown Act Basics

Basic Rule: meetings of legislative bodies must be open and public

- Codified in Government Code §§ 54950 et seq.
- Purpose:
 - Facilitate Public Participation
 - Curb Misuse of Democratic Process by Secret Legislation by Public Bodies

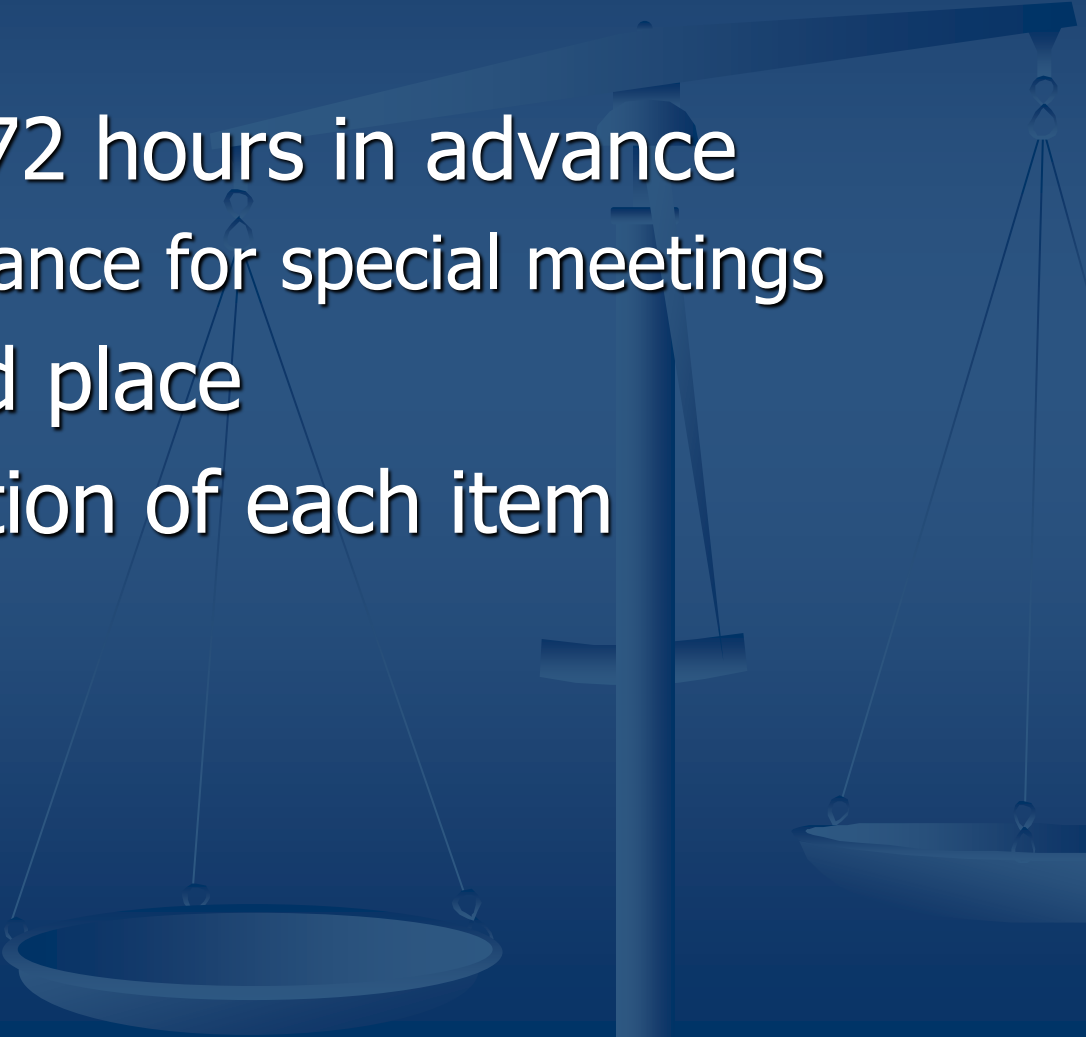
Brown Act



- BPAC Subject to Brown Act
- Meetings Must be Conducted in Open Public Sessions
- Agendas Must be Posted in Advance

Agenda Posting Rules

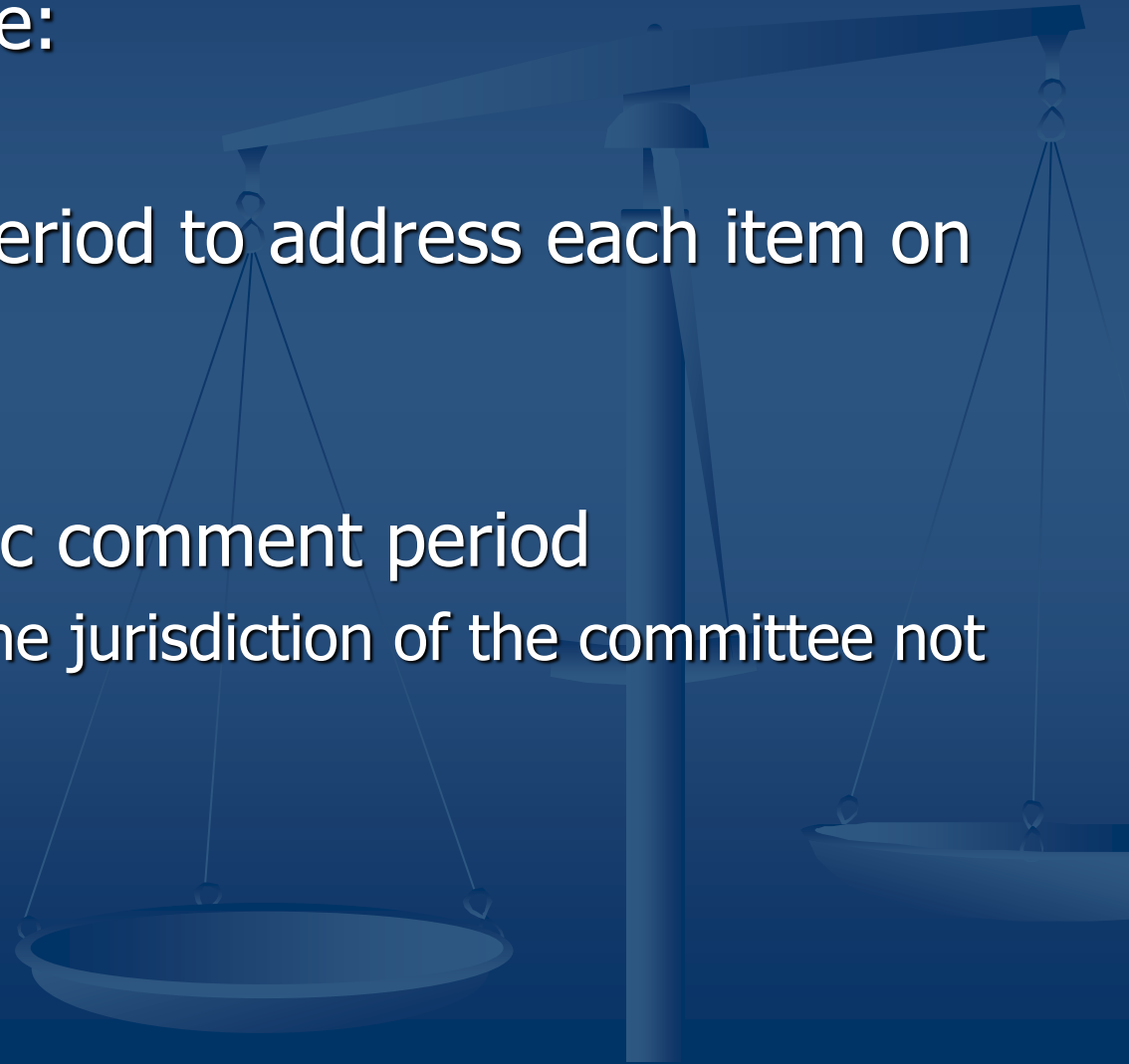
Agenda

- Posted at least 72 hours in advance
 - 24 hours in advance for special meetings
 - Specify time and place
 - General description of each item
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Agenda Content Rules

Agenda must provide:

- public comment period to address each item on the agenda
- unscheduled public comment period
 - any matter w/in the jurisdiction of the committee not on the agenda



Meeting Discussions

- Board cannot discuss or take action on any item not appearing on the agenda

Narrow Exceptions:

- briefly responding to comments made by a private person during public comment period;
- asking staff for clarification,
- directing staff to place item on future agenda
- Making brief announcement regarding member's own activities

Information Shared in Meetings

- Equally available at same time to the public
 - Information
 - Documents
 - Reports given to committee
 - No requirement for reports to be prepared prior to a meeting
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Public Rights



- **Open to All**
- Not required to register to attend
- Can be asked to give name and address to comment (not required)
- Right to videotape or record meetings if it doesn't create a persistent disruption

Decorum

- Everything is public record
- You are a representative of the Councilmember



Meeting Types



- Regular Meetings
- Special Meetings
 - “As needed” basis for special purposes
- Emergency Meetings
 - Called on less than 24 hours’ notice
 - “regarding a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the body. An emergency meeting may also be held for a ‘dire emergency’ for a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity.”

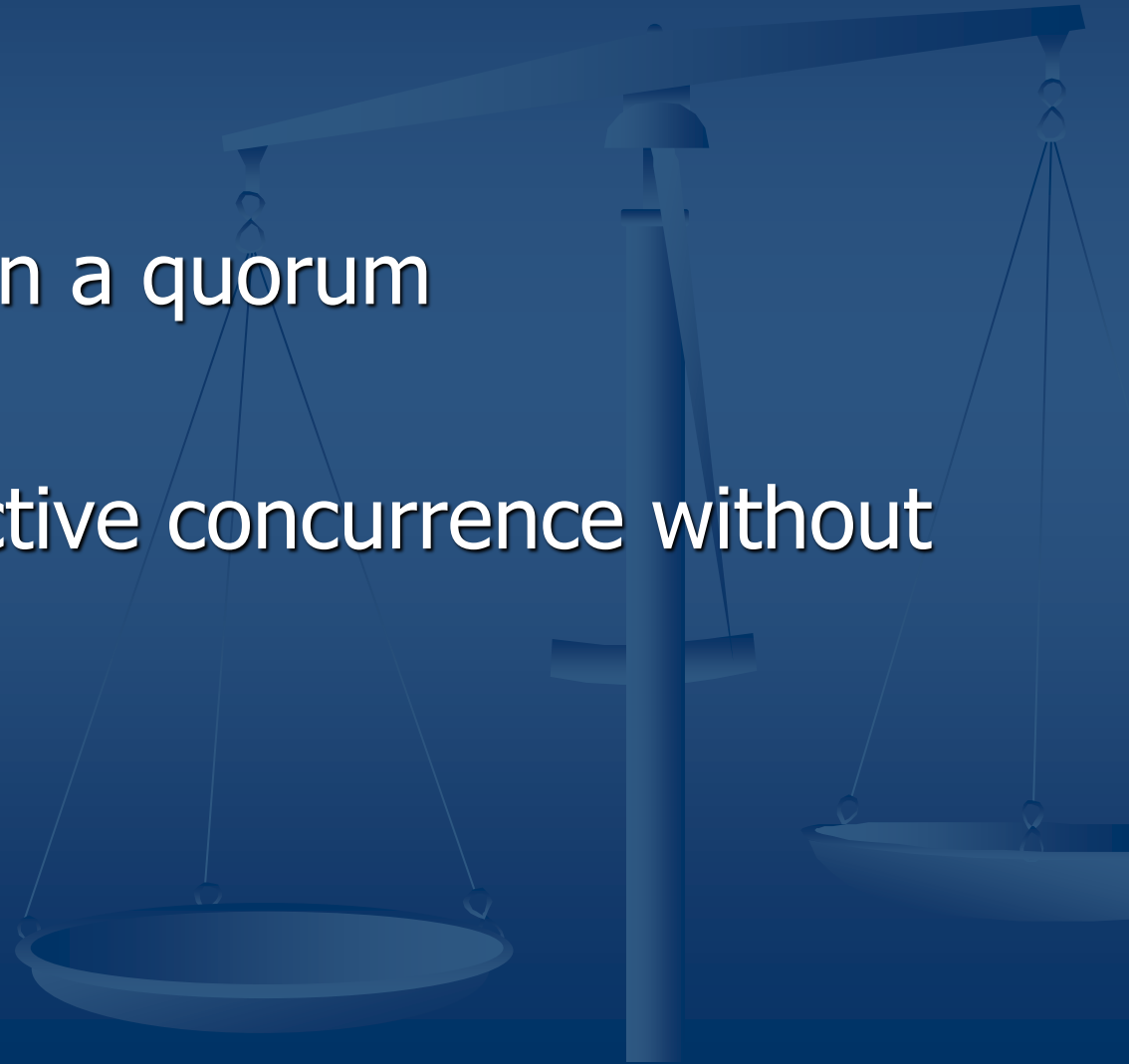
Meeting Definition

Any congregation of a majority of the members of the Board at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board or the local agency to which it pertains. (GC 54952.2).

- No need for Board to take action for a gathering to be a meeting

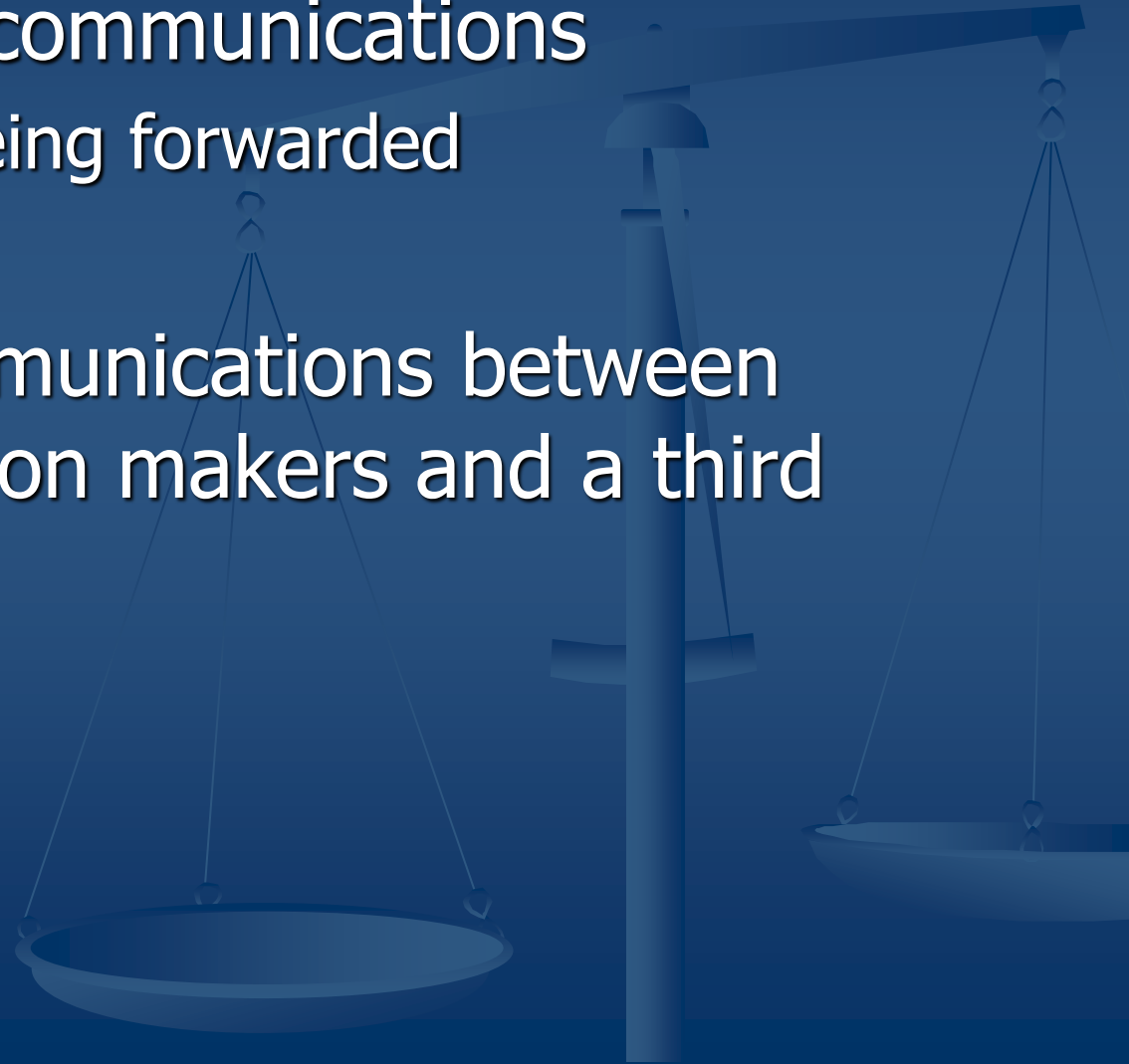
Serial Meetings

- Prohibited
- Involve less than a quorum
- Results in collective concurrence without formal meeting

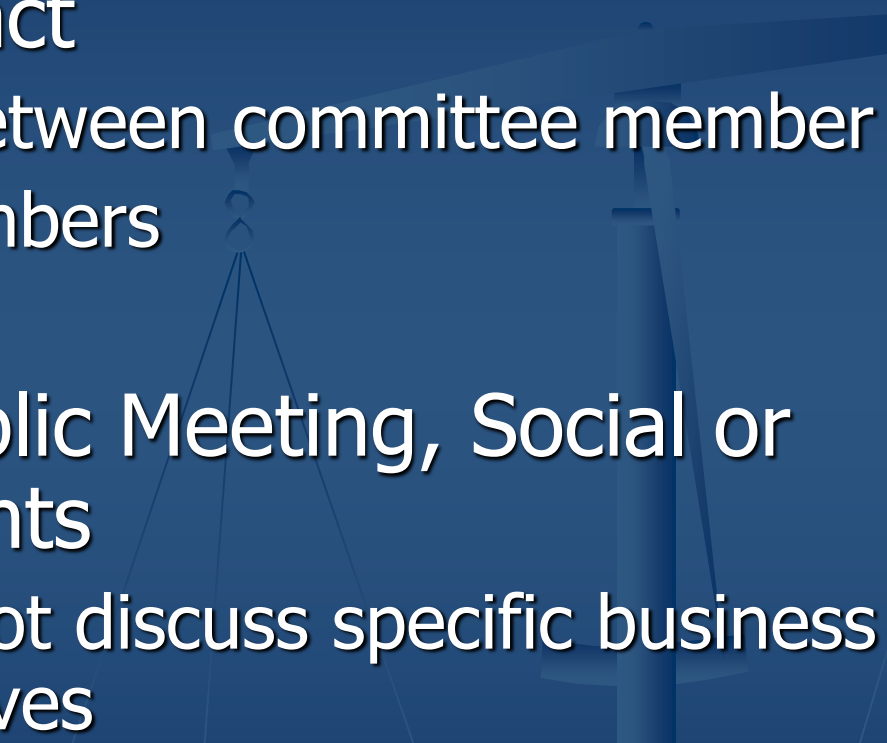


Types of Serial Meetings

- Chain of direct communications
 - E.g.: e-mails being forwarded
- A series of communications between individual decision makers and a third party



Gatherings – Not Meetings

- Individual Contact
 - Conversation between committee member
 - Not polling members
 - Conference, Public Meeting, Social or Ceremonial Events
 - members can not discuss specific business among themselves
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Closed Sessions



Narrowly limited to discussions on:

- Pending litigation
- Employee performance
- Labor negotiations
- Real estate negotiations

Must report out on actions taken in closed session

Questions & Comments

