



The Brown Act: Open Meeting Law

March 18, 2021

Purpose and Goals of the Brown Act

- Transparency Goals
 - Public access to meetings
 - Public access to deliberations
 - Public participation
 - Public access to documents

What is a “Meeting”?

- A congregation of a majority of members
- At the same time and place, also includes serial meetings as discussed later
- To hear, discuss and deliberate on something within their jurisdiction

Regular Meetings – Notice: Agenda Content and Posting Requirements

- Post 72 hours before a regular meeting
- A brief general description of each item to be discussed or acted upon
- Specify the time and location of the regular meeting
- Must be posted in a location that is freely accessible to members of the public and on the Committee's Internet Web site

Public Comment

- Public opportunity to provide comment on specific agenda items and general public comment
- May impose reasonable time limits
- Public criticism must be allowed
- *Public allowed to observe the meeting and provide comment either telephonically or otherwise electronically due to COVID-19*

Majority of Members

- Palomar Airport Advisory Committee
 - Currently: 9 Members
 - A minimum of 5 members constitute a quorum to take any action

Serial Meetings Prohibited

What is a “serial meeting”?

- Majority of members use a series of communications of any kind, including technology, directly or through intermediaries to discuss, deliberate or take action outside of a noticed public meeting

Serial Meetings - Methods

Discussing/sharing views through a series of:

- Emails, text messages
- Phone conversations
- Face-to-face conversations
- Intermediaries or polls
- Examples
 - Reply All to Emails
 - Chain: A contacts B; B contacts C ...
 - Hub & Spoke: A contacts B; A contacts C ...
 - Social media posts and comments on those posts, including emojis

No Action or Discussion on Items not on the Posted Agenda

General Rule:

No action or discussion may be taken on any item not on the posted agenda.

“Action” means

- A collective decision of a majority
- A collective commitment or promise of a majority
- An actual vote by a majority



Questions?