



BROWN ACT POLICY

Adopted: 8/13/19

I. PURPOSE

To comply with the Ralph M. Brown Act (Brown Act) as codified in California Government Code §§ 54950, et seq.

II. POLICY

It is the policy of the Valley Sanitary District (District) that all meetings and writings of District officials will be open to the public and conducted in compliance with the Brown Act. This includes noticed meetings and any communication medium through which a quorum of the District Board discusses, deliberates, or takes action on an item of District business. The Brown Act does not apply to the independent conduct of individual decision-makers or to social, ceremonial, educational, or other gatherings unless a majority of a decision-making body discusses official business.

A. Types of Meetings

1. Regular Meetings

Agendas must be posted as required by law and made available to the public at least 72 hours in advance of the meeting. The agenda must include sufficient details for members of the public to determine the content of the discussions.

2. Special Meetings

Agendas must be posted as required by law and made available to the public at least 24 hours in advance of the meeting. The agenda must include sufficient details for members of the public to determine the content of the discussions.

3. Emergency Meetings

Agendas must be posted as required by law as soon as is practicable in advance of the meeting. The agenda must include sufficient details for members of the public to determine the content of the discussions.

4. Adjourned Meetings

Agendas are not required to be posted for regular meetings if adjourned for less than five calendar days as long as no additional business is transacted. Otherwise, agendas must be posted as required by law.

5. Closed Sessions

The Brown Act includes limited exceptions for closed sessions. The agenda must cite the Brown Act section authorizing the closed session. Following the closed session, the Board must provide a written or oral report on certain actions taken during the closed session and the vote of every Board member present during the discussion.

6. Teleconference

If the District Board chooses to discuss official business via teleconference, the District must:

- post agendas at all teleconference locations specifying the teleconference locations;
- provide public an opportunity to speak at each teleconference location; and
- take all votes by roll call.

B. Violations

District officials conducting District business through serial communications or informal gatherings that are not open to the public constitutes a violation of the Brown Act. If an intermediary, such as District staff, contacts at least a quorum of Board members to develop a collective concurrence on action to be taken by the Board, a Brown Act violation is likely.

C. Public Participation at Meetings

The Brown Act states that members of the public may attend, record, broadcast, and participate in public meetings. It also allows the District to adopt reasonable limitations on public testimony and regulate conduct during public meetings.

D. Non-Agenda Items Discussed at Meetings

Discussing or taking action on an item not appearing on a posted agenda is not allowed and may violate the Brown Act. With regards to items not included on the agenda, Board members are only allowed to:

- briefly respond to public statements or questions;
- ask a question for clarification;
- make a brief announcement;
- make a brief report on their activities (e.g. trips in which reimbursement was received from the District);
- provide a reference to staff or other sources for factual information; and
- request staff to place a matter on a future agenda and report back to the Board at a subsequent meeting.

III. DEFINITIONS

As used in this policy, the following words and phrases shall have the following definitions.

Adjourned meetings: regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the adjournment decision.

Closed Session: portion of a meeting that may be closed to the public. Closed sessions may be held to discuss or take action on the following topics.

- Litigation
- Anticipated litigation by or against the District
- Real estate negotiations related to purchase, sales, leases, or exchanges
- Appointment, employment, evaluation of performance, discipline, or dismissal of a public employee
- Labor negotiations
- License applicants with criminal records
- Public security

Communication medium: includes, but is not limited to, teleconferences, web conferences, e-mails, internet or intranet conversations, and blogs.

Emergency meetings: meetings held when prompt action is needed due to actual or threatened disruption of public facilities and must be held with less than 24-hour notice.

Quorum: a majority of the Board of Directors. In the case of the District, this is at least three (3) directors.

Regular meetings: meetings that occur at dates, times, and locations as established by resolution, ordinance, or other formal action by the District Board.

Serial communication: when Director A contacts Director B to discuss official District business, and then Director B contacts Director C, and so on until a quorum is involved. Contact may be in person, via telephone, e-mail, or other form of communication.

Special meetings: meetings called by the Board President, or a majority of the Board, to discuss only discrete items on the agenda.