The Brown Act *on One Page*

Entities Covered
Covered as "legislative bodies" (§54952) of "local agencies" (§54951) are local government bodies created by law, including the governing bodies of counties, cities, school and other public districts; the multi-member bodies they create to advise them or share their power; the bodies to which they provide funding and leadership; and corporate boards of firms operating district hospitals under lease after January 1, 1994.

Persons Legally Responsible
Elected or appointed members of legislative bodies — the former even before being sworn in (§54952.1) — can face personal misdemeanor liability for attending any meeting at which action is taken in violation of any provision of the Act, if they intended to deprive the public of information which they knew, or had reason to know, the public was entitled to (§54959).

Civil Enforcement
Any person, or a district attorney, may sue to get a court declaration that the Act is being violated, or to prevent future violations, or to challenge a policy that restricts speech rights of a legislative body member, or so seek a court's order that a body tape record its closed sessions based on having already illegally discussed or acted on a matter in closed session (§54960). Citizens or district attorneys may also sue to overturn an action taken illegally either in a closed or secret meeting or on a matter not properly listed on the meeting's agenda (§54960.1). A court may order that a prevailing challenger's court costs and attorney fees be paid by the offending agency, or that a prevailing agency's litigation expenses be paid by a frivolous challenger (§54960.5).

Occasions Covered
"Meetings" are gatherings of a majority of a body to hear, discuss or deliberate on agency business. Using chain or serial meetings, phones or other communications devices, or personal go-betweens to develop majority consensus on such matters outside of meetings is prohibited. But a majority's attendance at professional conferences, community events, purely social occasions or even certain other government meetings is permitted so long as the events are open to the public and the attendance is not exploited privately to discuss agency business or issues (§54952).

Pre-Meeting Notices
For regular meetings, whose time and place must be fixed by rule and confined to the local area with some listed exceptions (§54954), the body must post an agenda, 72 hours in advance, in a publicly accessible place, with brief descriptions of all matters to be addressed in open or cloaed session. With few exceptions, no discussion or action is permitted on unlisted items (§54954.2). Specific information about closed session topics must be listed on the agenda (§54954.5). Special meetings require a posted notice 24 hours in advance; interested media must be provided with a copy equally early (§54956). Emergency meetings (threats to public health and safety) must be alerted to interested media at least an hour in advance, and cannot be closed (§54956.5). New or increased taxes or assessments must be given special hearings and notices (§54956.6).

The Fundamental Access Rule
All portions of all meetings must be open and public unless the Act permits otherwise (§54953), although certain phone or video conferencing arrangements are permitted, if allowing for full public participation at all sites. Exceptions to the open meeting mandate are found only in the Act or in specified sections of the codes applicable to public hospitals or school districts (§54962).

Principal Permitted Closed Sessions
Bodies may, but are not required to, hold closed sessions to consult:
• with their bargaining agents on price and payment issues in real property negotiations (§54956.8);
• with their attorney on the threat or status of a lawsuit, or the need to file one, based on existing facts and circumstances (§54957);
• with their agents on issues that must be bargained with an employee union, or compensation matters being bargained with non-union employees; final action on the latter must be in open session (§54957.6);
• with law enforcement officials, when the security of public buildings or the public's access to public services or facilities is threatened (§54957);
• among themselves, on the status or behvior of one or more agency employees — not members of the body, elected officials or independent contractors; topics include employment, appointment, discipline, dismissal or perormance. Employees have the right to insist on open discussion of complaints against them, and must be so advised in advance. Pay or benefit increases may not be discussed in such closed sessions (§54957).

Closed Session Action Disclosures
Final action taken in any closed session must be either immediately announced or, if contingent on some other specified event, disclosed even when the event occurs. Actual votes of each member are public, as are records documenting closed session actions (§54957.1).

Citizens' Rights
Members of the public may:
• subscribe to personally mailed agenda packets (§54954.1);
• get copies of the agenda packet when released to the body, at or before meetings, at cost (§54957.5);
• refuse to sign rosters or provide other information (§54953.3), or pay charges for attendance (§54956.6);
• use cameras or tape recorders to document meetings (§54953.5);
• address the body at a regular meeting on any matter under the agency's authority, and at special meetings on any listed agenda item (§54954.3).