



**ACADEMIC SENATE**  
for California Community Colleges  
LEADERSHIP • EMPOWERMENT • VOICE

# The Brown Act and Recent Legislation

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# Brown Act

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Transparency  
Inclusion



# Outline

- Background
- Legislative Bodies & Application to Academic Senates
- Basic Requirements
- Impact of COVID19 and Recent Legislation



# Caveat

- We are not lawyers
- Seek advice from a trained professional



# Background

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## Gov Code §54950

- In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State **exist to aid in the conduct of the people's business**. It is the intent of the law that their **actions be taken openly and that their deliberations be conducted openly**.



## Gov Code §54950

- **The people of this State do not yield their sovereignty** to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. **The people insist on remaining informed** so that they may retain control over the instruments they have created.





# Legislative Bodies

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## Legislative Body (Gov Code §54952)

- Local body created by state or federal statute
- Committee (decisionmaking or advisory) created through formal action of a legislative body
- Standing committees with a continuing subject matter jurisdiction OR a fixed meeting schedule by formal action



# What About Local Academic Senates?

- Joint action by faculty of a community college and district board is required to establish an academic senate
- This constitutes a formal action
- Attorney General Opinion 83304 (1983)





# Basic Requirements

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# Brown Act Key Requirements

- Agenda posted 72 hours in advance
- Specify time and location of meeting
- Posted in a location that is freely accessible to members of the public and on committee website (if there is one)
- Provide opportunity for members of the public to attend and address the legislative body
- Only deliberate on items on the agenda
- Publicly report any action taken and vote of each member present
  - No secret ballots for actions



# Public Deliberations

- Business of the legislative body must be performed in public
- Careful:
  - A series of contacts that lead to a discussion with a majority of members
  - Communications that reveal positions of other members of the body
- Members may congregate
  - Simply do not discuss items within the bodies subject matter





# Teleconferencing



# Ever wonder why legislative bodies largely meet in person?

- Teleconferencing requires §54953b):
  - All votes by roll call
  - Agendas posted at all teleconference locations
  - Each teleconference location is identified in the agenda and notice of meeting
  - Each teleconference location is accessible to the public
    - Members of public may address the legislative body at each teleconference location





# Legislation & Teleconferencing

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# State of Emergency Options: AB 361 (Rivas)

- First executive orders and then AB 361 (Rivas) suspends some teleconference restrictions
- All votes still by roll call
- Teleconference disruption precludes taking any action
- Reconsider health and safety concerns every 30 days (majority vote)
  
- In effect until Jan 1, 2024
- State of emergency is declared by the Governor per Gov Code 85525



# Recently Signed Legislation: AB 2449 (Rubio)

- If quorum of members at same location in person
    - Then some may participate via teleconference
    - Non-emergency: just cause and provides notice
    - Emergency provisions as well
    - Limited to 3 months or 20% of regular meetings
  - Must have both video and sound
  - Process for ADA compliance
  - All votes still by roll call
  - Teleconference disruption precludes taking any action
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- In effect until Jan 1, 2026



## AB 2449 (Rubio) Cont.

- Emergency circumstances: physical or family medical emergency
- Just cause:
  - Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
  - Contagious illness
  - Physical or mental disability not otherwise accommodated
  - Travel while on official business of the legislative body or another state or local agency



## Brown Act “Eras”

- Now through Dec 31, 2022
  - Traditional Brown Act and AB 361
- Jan 1, 2023 Dec 31, 2023
  - Traditional Brown Act, AB 361, and AB 2449
- Jan 1, 2024 Dec 31, 2025
  - Traditional Brown Act and AB 2449
- Jan 1, 2026 ?
  - Traditional Brown Act
- Unless more legislation comes



# Even More Recently

Governor will end state of emergency on Feb 28, 2023



# Parliamentary Procedure

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# Parliamentary Procedure

- How meetings are conducted is up to Senate
- Robert's Rules is not the only guide
- Consistency and transparency are key





# Critical Information

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Send questions to [info@asccc.org](mailto:info@asccc.org)

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