



CITY OF SEBASTOPOL PLANNING DEPARTMENT  
CLIMATE ACTION COMMITTEE MEETING

AGENDA ITEM REPORT FOR MEETING OF: October 14, 2025

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**To:** Climate Action Committee Members  
**From:** Tori Henkel, Permit Technician  
**Subject:** Brown Act (Informational)

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**Recommendation:** That the Climate Action Committee receive the information and provide direction to staff for next steps. As this is an informational item only, the Committee can only provide direction to staff but cannot make any formal actions.

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Recommendation:

That the Climate Action Committee receive the informational presentation slides regarding the Brown Act. No formal action is required at this time.

Executive Summary:

This item provides an overview of California's Ralph M. Brown Act, the state's open meetings law. The same presentation was provided to the Sebastopol City Council on December 17, 2024, in a publicly noticed meeting. This presentation is intended to support the Committee's understanding of the Brown Act and its application to advisory bodies such as the Climate Action Committee.

Background:

The Brown Act, enacted in 1953, ensures that meetings of local government bodies are conducted openly, allowing for public access and participation. As a standing committee to the City Council, the Climate Action Committee is subject to the provisions of the Brown Act. Understanding the rules governing meetings, communications, and public access is critical to maintaining transparency and avoiding inadvertent violations.

These presentational slides are provided to introduce the key concepts and common considerations under the Act.

Discussion:

This informational presentation is intended to support the Committee's general awareness of the Brown Act. It is not a substitute for formal legal training. Should the Committee wish to pursue a more in-depth or customized Brown Act training session, direction may be given to City staff to explore options and associated costs for such training with the City Attorney.

Attachments:

Brown Act Presentation Slides



**Redwood**  
Public Law



# The Brown Act

Alex Mog, City Attorney

December 17, 2024

# Brown Act

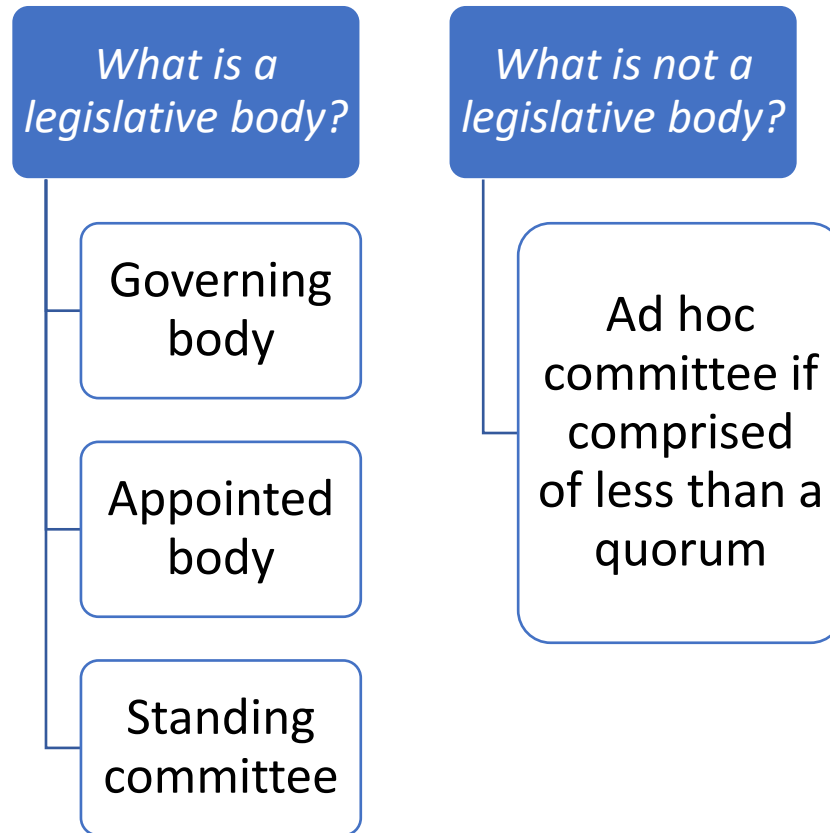
## *Open Meeting Requirements*

- Meetings...
- Of Legislative Bodies...
- *Shall be open and public*



# Brown Act

## Legislative Bodies



# Brown Act

## Definition of “Meetings”

- A congregation of a majority of the members at the same time and place to hear, discuss, or deliberate on an item of business within the agency’s subject matter jurisdiction
- Does not need to be an item actively pending before the body



# Brown Act

## Exceptions

- Conferences
- Community Meetings (open to the public)
- Individual contacts
- Meetings of other legislative bodies
- Standing Committees (but can't participate)
- Social or ceremonial events

*BUT a majority must not congregate to discuss anything within its subjective matter jurisdiction.*



# Brown Act

## Avoiding “Serial Meetings”

- A majority may not, outside a meeting, use a series of communications to discuss, deliberate, or take action on any item of business
  - Does not prevent employees and officials from engaging in separate conversations outside of a meeting provided that the comments or positions of other members are not communicated



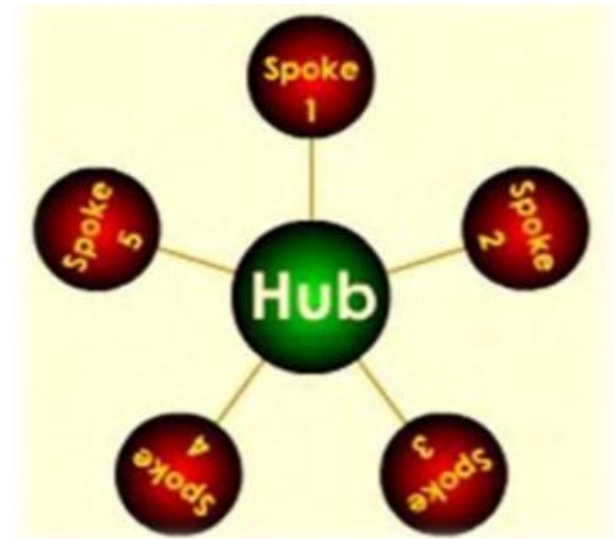
# Brown Act

## Avoiding “Serial Meetings”

### *Examples*

#### Hub and spoke

A staff member (the hub) communicates with members of a legislative body (the spokes) one-by-one for input on a proposed action and in the process reveals members’ positions to other members in advance of the meeting.





# Brown Act

## Avoiding “Serial Meetings”

### *Examples*



### Daisy Chain

Member A contacts Member B,  
Member B contacts Member C,  
Member C contacts Member D  
and so on, until a quorum has discussed,  
deliberated or taken action on an item within the  
legislative body’s subject matter jurisdiction.



# Brown Act

## Avoiding “Serial Meetings”

### *Examples*

#### Emails

Informal nature of email communication is ripe for inadvertent Brown Act violations



# Brown Act

## Avoiding “Serial Meetings”

- Prohibition applies on a topic-by-topic basis
- Whether conversation is about the same topic should be construed broadly
- There is a temporal element to whether two conversations are about the same topic, but no bright line rule



# Brown Act

## Ad-Hoc Committees

- Ad hoc committee is a committee of less than a quorum that serve limited or single purpose
- Members not on the Ad hoc can't attend meetings
- Overlap with standing committees requires caution



# Brown Act

## Social Media



- Government Code section 54952.2
  - Members of a legislative body may not respond directly to any communications posted on the internet by other members of the same legislative body regarding a matter within the jurisdiction of the legislative body.
  - This includes comments and digital icons (emojis)
- Applies to all generally accessible social media platforms



# Brown Act

## Closed Sessions

- Closed session discussions are confidential
- Required to publicly report certain actions taken in closed session

### Examples of Permissible Closed Session Topics:

- Real estate negotiations
- Threatened or existing litigation
- Initiation of litigation
- Personnel
- Labor negotiations
- Public security



# Brown Act

## Posted Agendas



- Posting requirements:
  - ***Regular meetings*** must be posted **72** hours before meeting
  - ***Special meetings*** must be posted **24** hours before meeting
- ***Exceptions***
  - Emergency
  - Urgency → need for immediate action came to agency's attention after posting the agenda



# Brown Act

## Public Participation Rights

- Regular meetings must provide an opportunity for the public to speak regarding any matter within the body's jurisdiction
  - Legislative body may briefly discuss these items and refer matters to staff, ***but cannot take action***
- Public can address the legislative body on matters on the agenda before or during consideration of the item





# Brown Act

## Public Participation Rights

- May ask, but may not require members of public to identify themselves or state address
- No secret ballots
- Can't limit negative comments
- Allocated time doubled if translator required



# Brown Act

## Public Participation Rights

- Individuals may be removed if engaged in disruptive conduct
- Behavior must actually disrupt, disturb, impede, or render infeasible the orderly conduct of the meeting
- Must warn individual that their behavior is disrupting meeting and they may be removed if they don't stop



# Brown Act

## Public Participation Rights



# Brown Act

## Teleconference- Traditional Rules

- Agenda posted at all locations, with teleconference locations specifically identified
- All locations open to the public with public participation possible at each location
- At least quorum of legislative body member must participate from locations within city boundaries
- Roll call votes only



# Brown Act

## Teleconference- Traditional Rules

- No limit on number of meetings it can be used
- No requirement to provide similar option for public
- Can participate by phone or video



# Brown Act

## *AB 2449*

- Provides alternative teleconference procedures
- At least a quorum of the legislative body must participate in person from a singular physical location identified on the agenda, which location will be open to the public and within the boundaries of the local agency;
- A member may only teleconference for publicly disclosed "just cause" or in "emergency circumstances" approved by the legislative body; and
- A member may only teleconference for a limited number of meetings.



# Brown Act



## AB 2449

- Qualifying Circumstances:
  - "Just cause" means: (1) childcare or caregiving need; (2) contagious illness; (3) physical or mental disability needs; or public official business travel.
  - "Emergency circumstances" means a physical or family medical emergency.
- Allowed for 5 meetings per year (new change enacted by AB 2302)
  - Of this limit, "just cause" can only be used twice per year



# Brown Act

## *AB 2449*

- Member must make request to participate remotely as soon as possible
  - Must provide general description of reason
  - Identify any adult in the room with the member
  - Member must participate through both audio and visual technology
- Must provide public the option of participating in the meeting through similar audio/visual technology





# Brown Act

## Consequences of Violating the Brown Act

- Nullification of a decision made in violation of the Brown Act's requirements;
- Requirement to Cure & Correct and/or court injunction
- Criminal penalties
- Award of attorneys' fees
- Loss of public confidence.



# Questions?

