



REGIONAL
GOVERNMENT
SERVICES

SERVING PUBLIC AGENCIES SINCE 2002

SVBGSA Board Training Brown Act Board Roles & Responsibilities

Ralph M. Brown Act

“Open & Public”

“Transparent Gov”

“The People’s Business”

Ralph M. Brown Act

It's fair, ethical, and transparent:

creates an environment to prevent making deals in secret. The people, in delegating authority, do not give their public servants the right to decide what is and isn't good for the people to know to know.

Purpose: To ensure that local government agencies conduct the public's business openly and publicly.

Local governments and agencies belong to the people.

Note: The body is not able to prohibit the public criticism of the body's policies, procedures, services, or programs, nor on its actions or omissions.



Brown Act

Who: Governing body, whether elected or appointed
Standing committees (but not ad hoc committees) – when there is a majority of members (quorum)

What:

Open meetings

...that the public is aware of (and can see the agenda), can attend, and comment

When:

All meetings – Regular Meetings, Special Meetings, Emergency Meetings, Closed Sessions

Where:

In the room, online (Zoom), and when the Board unintentionally creates a meeting



Brown Act

Why:

Listening, discussing, carefully considering, deliberating or making decisions on any matter falling within the jurisdiction of the Board.

To make decisions through a unified commitment or agreement by most members to arrive at a positive or negative conclusion.

A note to Board Members: Your vote has equal weight to all of the other Board members, though you are acting as “one body.” You represent the public, and the public trusts you to hear their points of view, *then* form opinions and make votes.

Meeting Procedures

The Brown Act governs ‘Open and Public’ proceedings but specific “Rules of Order” are adopted by the Agency. SVBGSA uses Rosenberg’s Rules of Order.

Rosenberg’s Rules offers a simplified approach developed with local public-agency meetings in mind. For many local governing bodies, Rosenberg’s can provide the structure needed for fair and orderly meetings while making parliamentary procedure easier for officials, staff, and the public to understand and apply.



SVBGSA

Benefits of Rosenberg's	Why It Matters
Designed for Local Government	Helpful for councils, boards, and commissions
Simple & Accessible	Easier for members, staff, and the public to understand.
Efficient	Keeps meetings moving without unnecessary procedural complexity.
Focuses on the Substance	Members can concentrate on issues rather than parliamentary mechanics.
Structure without Excessive Formality	Provides clear rules for motions, discussion, and voting while allowing natural deliberation.
Supports Fair Participation	Gives members a clear and consistent framework for participating in discussion and decisions.
Helps the Chair	Provides practical tools for maintaining order and guiding the body through decisions.

Brown Act

Online Meeting Rules and Options

Regular Brown Act Rules – Traditional Pathway

Under Government Code section 54953(b):

- All votes are by roll call.
- Every remote member location is identified on the agenda.
- The agenda is posted at each remote location.
- Each remote location is open and accessible to the public—even when it is a residence.
- At least a quorum participates from locations within the agency's boundaries.
- The public may address the body from each location.

- Alternative 2026 pathways may change the remote-location requirements. Always identify the pathway being used.

Brown Act

Teleconferencing: 2026 Just-Cause Pathway

Government Code section 54953.8.3 allows limited remote participation without publicly listing or opening the member's remote location when:

• A quorum participates in person from one identified, public location within the agency's boundaries;

- • The member gives notice at the earliest opportunity and states a general qualifying reason; and
- • The member participates by audio and video.

"Just cause" includes caregiving, contagious illness, certain physical or mental needs, official travel, qualifying family medical emergencies, and specified military obligations. No diagnosis or private medical detail is required.

Brown Act

2026 Online Meeting Rules and Options for Just Cause

Just-cause participation is limited to:

- 2 meetings per year when the body meets monthly or less;
- 5 meetings per year when it meets twice monthly; or
- 7 meetings per year when it meets three or more times monthly.
- In both Emergency Circumstances and Just Cause, the remote members must disclose before any actions are taken if there is anyone in the room over the age of 18, and what their general relationship is to that person(s).

Brown Act

Types of Meetings:

Regular Meetings: These meetings adhere to a meeting schedule established through official actions, such as resolutions, of the legislative body

Special Meetings: These meetings are called when there is a particular, “special,” need for a meeting that isn’t on the regular calendar, e.g., the monthly meeting

Emergency Meetings: These meetings are called under very rare conditions, and only when there is a true need for the Board to meet due to unforeseen emergency or catastrophe

Brown Act

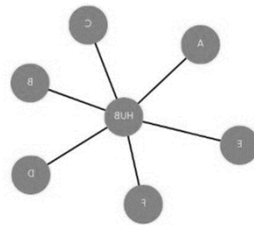
Closed Sessions

The Board may meet in Closed Session for a limited number of specific reasons. These reasons are:

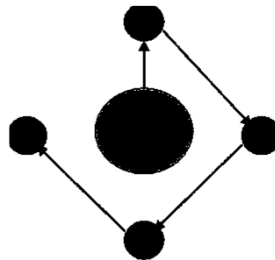
- Personnel issues
- Labor negotiations
- Conference with Legal Counsel
- Threats to security or public safety
- Real property transactions

Serial Meetings

Hub and Spoke

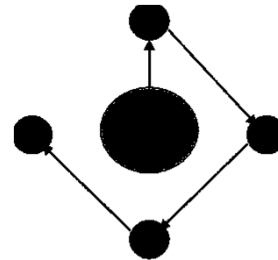
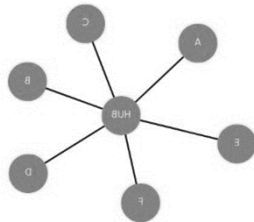


Daisy Chain



Preventing Serial Meetings

Staff should serve as the hub; do not reply all



Be thoughtful about any social media.

FB, NextDoor, Instagram, anywhere online: be careful when making remarks, including emojis (happy faces, thumbs down, etc.)

Violations

Stay on topic.

Diverting to a topic off the agenda can lead to problems (“discussion of item not on the agenda.” This happens sometimes during public comment!

* Note: the Board need not respond to public comments. Members may ask clarifying questions, and ask staff to place a matter on a future item, but may not dialogue about the comment (to avoid discussion of an item not on the agenda).

Public comment – special meetings have different rules

Not Violations

- Individual contacts between Board member and public
- Conferences, “majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body”
- Community meetings, allows majority to attend an open and publicized meeting held by another organization to address a topic of local community concern.” - e.g., Chamber of Commerce meetings
- Standing Committee meetings – more than the standing committee members can be there but non-committee members can only be there as “observers” (can’t speak)
- Social events, e.g., a local high school football game

Violations & Cures

Complaint must be filed timely.

Actions/votes taken may be invalidated.

Some actions are exempt from invalidation – including votes on taxes, and substantial contract obligations.

Board has 30 days to “cure” – otherwise there may be litigation

Agency may be compelled to reimburse the complainant’s legal fees

Agency may be ordered to tape all subsequent meetings

Best practice: voluntarily resolve the violation

Board Responsibilities

Staff Responsibilities

<i>BOARD</i>	<i>STAFF</i>
• Focus on the “<u>what</u>” • Policy	• Focus on the “<u>how</u>” • Implementation

Board and Staff Responsibilities

BOARD	STAFF
Policy Decisions	Operational Decisions
Strategic Direction	Day-to-day
Hiring, supporting and evaluating the GM	Personnel Decisions regarding staff
Set agency priorities	Determine operational priorities
Maintains fiscal responsibility	To work within the budget established by the Board
Adopt policies re: labor	Implement policies
Give direction as a group	Implements Board (group) direction

Risk

When Board establishes policy and allows staff to work on how the policy is carried out, that transfers the load of risk to staff. Acting within own role lessens exposure to loss and liability. Insurance is kept that provides coverage, but not necessarily to Board.

Questions?