



Valley Water

Clean Water • Healthy Environment • Flood Protection

SCVWD Youth Commission 2024 Review of the Ralph M. Brown Act

Valley Water Youth Commission - August 26, 2026
Presented by **Andy Gschwind, Assistant District Counsel**

The Ralph M. Brown Act

- Ralph M. Brown was a member of the California State Assembly
- He is best known for authoring the “Ralph M. Brown Act”
- Enacted in 1953, this was California’s first sunshine law designed to increase transparency in government.

III.B. – Public Meetings Under the Ralph M. Brown Act

“All meetings of the legislative body of a local agency shall be **open and public**, and all persons shall be permitted to attend any meeting of the legislative body of a local agency.” (Gov. Code § 54953)





PUBLIC PARTICIPATION

- The Brown Act protects the public's right to attend and participate at meetings.
- In addition to reviewing agendas, the public has a right to all meeting handouts considered by the Committee.

What is the Purpose of this Training?

Purpose:

- Educational: to introduce you to the Ralph M. Brown Act, which governs how most official government meetings are conducted in California. This law governs:
 - County Board of Supervisors Meetings
 - City Council Meetings
 - Special District Meetings (Valley Water is a special district)
 - School Board Meetings
 - [very similar to homeowners' association (HOA) meetings and corporate board meetings]
- Assist you on carrying out your work on the Commission during your term.



Brown Act – What is a Public Meeting

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- **Meeting:**

- Any gathering of a majority of the legislative body to "hear, discuss, deliberate, or take action" on a matter within the agency's jurisdiction.
- Typically, a physical meeting in an ADA-accessible, secular place open to all members of the public. But because of coronavirus, Gov. Newsom passed an executive order authorizing live-stream meetings.
- **Not necessarily in-person** – can be by [phone](#), [email](#) or [Internet/social media](#)
 - Here, an email chain or a phone call involving 11 or more Youth Commissioners would be a “meeting” under the Brown Act!
- Newish law - Sept. 2020 (AB 992) allows elected officials to use the Internet to interact with the public but expressly prohibits an official from commenting on a posting concerning agency business by even one other member.

Brown Act Basics – the Agenda

- Legislative body must give public notice before each meeting of its governing body of what items it will be considering in that meeting and what action it might take. This public notice is the **meeting agenda**.
 - Body may only consider items on the agenda and take actions requested/contemplated on posted agenda. Action or detailed discussion on any other item is prohibited.
 - Rule of reason: Okay to briefly or incidentally discuss issues or items not on agenda; can respond to public comment or question, etc.
 - this ensures that a member of the public, can, if she is interested, participate in the proceeding and speak out on the issues.
 - for example, if I live next door to a school that closed a few years ago that has a large school ground or grassy area and the City is debating a proposal to rezone this land to allow development of a strip mall on it, I would want to know this and speak out against it. The meeting agenda lets me know when and where to go to speak out against (or in favor of) it.



Meeting Agenda
Thursday, May 14, 2020
City Hall, 980 Applegate St., Philomath
5:00 PM

Committee Chair:	Dale Collins
Committee Secretary:	Izzie Elliott
Committee Members:	Lindy Young, Spencer Irwin, Caleb Unema, Sandy Heath, Carol Leach
City Staff:	Chris Workman

1. ROLL CALL

2. APPROVAL OF MINUTES

2.1 Minutes of January 9, 2020

3. BUSINESS

- 3.1 Music in the Park status
- 3.2 Update on the Fossie Overman Park landscape planting
- 3.3 Tennis Court opening status
- 3.4 Parks open
- 3.5 Cochran Memorial Park status update

4. ADJOURNMENT

Meeting Access Information

This meeting is being held via video conference. Citizens should use the video link or phone number provided below to listen to the meeting. For residents that do not have a phone or access to the internet, a small number of chairs will be provided at City Hall to comply with public meetings laws and social distancing requirements.

Please use the following link or phone number to access the meeting:

Video: <https://zoom.us/j/2065507870?pwd=RTJkdjNubk43ODJKTkVldUQvYkZx6z09>
Phone: 312-628-6799
Meeting ID: 206 550 7670
Password: Philomath

Meeting Conduct

All non-city participant microphones and screens will be muted. Presenters and members of the public will only be unmuted if called on to speak. The chat function will be disabled during the meeting.

Brown Act – Agenda Cont'd

- The agenda lists all items that will be discussed at the meeting and any action being requested of the governing body.
- Under the Brown Act, a “meeting agenda” must be posted publicly on the Internet and in one or more prominent public places **at least 72 hours (3 days) before the meeting.**
 - [Note: VW policy requires 10 days notice on most items]
 - There are two rare exceptions:
 - urgency exception – may discuss a non-agenda item at a regular meeting if, by 2/3 vote, board determines that there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.”
 - emergency - may discuss a non-agenda item at a regular meeting if, by majority vote, the body determines that the matter in question constitutes an emergency.
- The agenda description may be brief but **must be sufficiently detailed to inform public of the nature of the issue being discussed and action being requested.**



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Phone: 312-456-8789
Meeting ID: 206 550 7670
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Brown Act – Agenda Cont'd

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- Examples:

Bad

“Discuss Proposed Art Beautification Project.”

Good:

“Recommend to Valley Water Board of Directors that Valley Water Commission Artist Pablo Caruba to Paint Water Conservation Mural on Headquarters West Wall for an Amount Not-to-Exceed \$165,000.”

Bad (Probably doesn't violate law – just bad):

“Discuss Global warming and water impacts.”

Good:

“Recommend to Valley Water Board of Directors that Valley Water Consider Retaining Consultant to Study Anticipated Local Water Supply Impacts of Global Warming Over Next 50 Years.”

- Agenda should include all attachments provided to decisionmakers (provided to public at same time as decision-maker)
 - E.g., proposed resolution, proposed contract, Powerpoint presentations



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Getting Items on Agenda

- Here, Valley Water Board pre-approves all Youth Commission meeting agendas when it approves the Commission's annual work plan
 - Typically, Chair can put an item on the agenda
 - Any Commissioner may request that an item be placed on the agenda
 - The Clerk and other VW staff will help
 - Member of the public may request to put an item on the agenda and commissioners may approve



PUTTING IT IN PRACTICE

SUFFICIENT PUBLIC NOTICE?



The Youth Commission wants to hear a report on bottled water and plastic waste.

It also wishes to make a recommendation to the Board on measures the Board should adopt to discourage bottled water consumption.

Which agenda language would best give the public notice of what the Commission was taking up at its meeting?

- A. Bottled Water, friend or foe?
- B. Receive report regarding bottled water consumption in Santa Clara County. Consider recommendations to Board of Directors regarding measures to adopt to discourage bottled water consumption.
- C. Bottled Water Consumption Trends and recommendations.

Brown Act & Public Meetings – Cont'd

The Agenda Requirements are enforceable.

Judge Rules L.A. Planners Hid Environment Reports, Violated Brown Act

By Peter B. Matuszak
Daily Journal Staff Writer

LOS ANGELES — Open government advocates won a victory last week when a judge ruled that the city's practice of using internal city codes to disguise key environmental matters before the Planning Commission was illegal.

Los Angeles County Superior Court Judge David Yaffe ruled in favor of public interest attorney Robert Silverstein on Oct. 6, finding that the city had repeatedly violated the Brown Act, the state's open government law, by not clearly disclosing when commissioners would be deciding whether to approve environmental reports for new developments mandated by the California Environmental Quality Act.

"The evidence before the court, which is uncontradicted, shows that the City Planning Commission of the City of Los Angeles repeatedly posted agendas of its meetings during the year 2007 that clearly disclosed each action that it intended to take or discuss at a meeting except actions to be taken or considered under the California Environmental Quality Act," Yaffe wrote. *La Mirada Avenue Neighborhood Assoc. v. Los Angeles*, BS108652 (L.A. Super. Ct., filed March 30, 2007).

The judge pointed out that all other items on at least six Planning Commission agendas were spelled out in simple

understandable terms but that environmental matters to be taken up under CEQA were only mentioned in, "a cryptic reference like the following 'CEQA: ENV-2005-7720-EIR.'"

"Such cryptic references are meaningless to most members of the public ... Such descriptions not only violate the Ralph M. Brown Act, but they also violate the fundamental purposes of CEQA," he wrote.

The ruling will force the city to change how it informs the public about pending environmental and land use decisions. The order enjoined the Planning Commission from taking any actions under CEQA that are not "described with clarity, particularity and detail," understandable to the general public.

The ruling will not stop any current projects, including the Paseo Plaza, which the suit was originally filed against. The preservationists who opposed the mixed-use project have settled their grievances with the developer, who agreed to pay into a fund that will be used to fix potential traffic problems. The plan calls for 437 residential units and 377,900 square feet of commercial space to be built near the corner of Santa Monica Boulevard and Western Avenue.

Despite the agreements, Silverstein continued to pursue
See Page 4 — L.A.



ROBERT LEVINS / Daily Journal

"It has now become a lawsuit to vindicate the public's right to a transparent government," said attorney Robert Silverstein.

Conduct of Meetings

- Public must be given opportunity to speak on any agenda item
 - Should be given the opportunity to do this **before** the Commission takes action.
 - Okay to set time limit on all speakers – e.g., each speaker only get 3 minutes
- Public must be given opportunity to speak regarding any matters within the body's jurisdiction during "public comment" period.
- Cannot require sign-in or speaker identification
 - voluntary sign-in permitted if sheet specifies that it is voluntary
 - speakers can choose to remain **anonymous**: so if one of your friends or parents wants to “zoom” into a meeting and talk while remaining anonymous, they can!
- Broadcasting, videotaping and photography must be permitted



Conduct of Meetings – Rosenberg or Roberts Rules of Order or Conduct

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Most governmental bodies follow some variation on these rules.

- The Chairperson, with the help of the Clerk, typically runs the meeting;

Generally, to take action on an item:

- a Commissioner makes a motion to take a certain action on an item. For example, “I move that the Commission recommend to Valley Water’s Board that the Valley Water host a high school creek cleanup event.”
 - (If a motion is poorly phrased or if another commissioner wants to change it slightly, anyone can make an “amended motion” that clarifies or slightly changes the original motion.)
- another Commissioner then “seconds” the motion or else it fails.
- If the motion is seconded, all Commissioners then vote on the motion.
- If a majority of Commissioners present at the meeting vote in favor of motion, it passes. If not, it fails.



Brown Act Violations – Prohibited Meetings

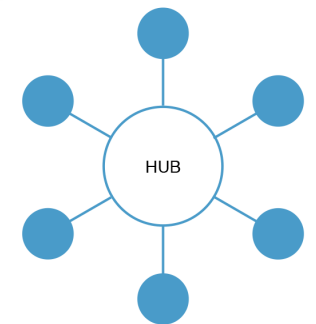
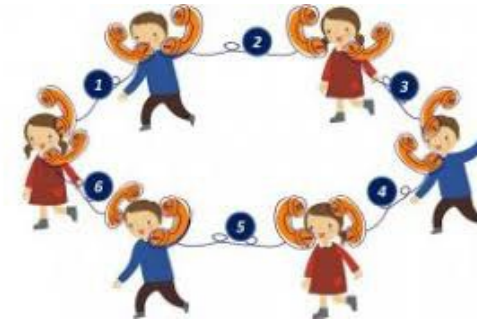
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- **Quorums outside of noticed meetings**

- 11 of you discussing Youth Commission business outside of a regular meeting
- Youth Commission work groups should keep discussions of issues within their own work group. Do not discuss with commissioners in other work groups.

- **Serial Meetings Prohibited:**

- **Daisy Chain:** If Member A contacts Member B, and Member B contacts Member C, and so on, passing along commission information, until a quorum (11 members) has been contacted, this is a “serial meeting” that violates the Brown Act.
- **Hub and spoke:** one person separately contacts a quorum of members (11 or more) discussing her/his views on action to be taken by the government body.



Serial meetings
don't have to be
face-to-face

The test is
whether there is
a series of
communications



QUESTIONS





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