

Brown Act FAQs

1. What is the Brown Act?

Brown Act is commonly referred to as the open meeting law. It is a California law that requires legislative bodies to do their business openly and publicly so the public can hold them accountable.

2. Do student governments have to abide by the Brown Act?

All legislative bodies and their committees that are established through formal action are bound by Brown Act requirements. Your local Board of Trustees is a legislative body and has created your student government through formal action and recognition so you are therefore subject to Brown Act requirements.

3. Do all meetings have to be open to the public?

Yes, all meetings of a legislative body are open to the public through whatever means are being accessed by members of the body. This includes any standing committees. However, ad hoc meetings and task forces of less than a quorum of members, do not need to be open to the public.

4. Can a member of the body teleconference into a meeting?

Yes, all members can zoom into a meeting but must disclose their location and keep their location open to the public. Brown Act requirements of posting the agenda and allowing the public to speak apply to all locations that members are present at.

5. Does the public have to give up their location?

No. Brown Act only requires voting members of the legislative body that are not at the main location to disclose their location and post an agenda.

6. Do nonvoting members have to disclose their location?

Brown Act does not elaborate on whether or not non voting members need to disclose their location or not. Legal counsel has recommended that they still provide their location for the sake of transparency.

7. Can I still hold a meeting if a teleconference location does not “open” because a member does not show up?

There is no Brown Act violation if the teleconference location does not “open”. In order to not have any arguments, you should amend your agenda as soon as possible to reflect the change and let the public know.

8. Do teleconference locations have to be noticed on the agenda next to the member that will be accessing from that location?

No, teleconference locations can just be placed in a list at the top of the agenda in order to protect the privacy of the members.

9. When teleconferencing, do all votes have to be by roll call?

No, all votes do not need to be by “roll call” but how each member voted at time the action is taken must be made clear to the public. For procedural items, if you can use wording like, “by not opposing, you are voting in the affirmative” that will suffice.

10. Can incoming elected members meet before they take office to discuss the upcoming year?

No, incoming members cannot meet without observing Brown Act requirements like agendizing the meeting and posting the agenda.

11. Under AB 2449, a member has two (2) exemptions in one calendar year. Do those exemptions reset if they end one term and start another in the same year since student leaders terms are July-June?

No, the limit applies to a calendar year, even if a student leader starts a new term in a new position.

12. Agenda Materials: Does Brown Act does not require any specific materials to be published with the agenda? Brown Act only requires an agenda with agenda item descriptions. That said, it does impose some requirements on making records available at the agency office and/or upon request as follows:

- Writings or other materials distributed to at least a majority of a board in connection with an open session agenda item must be made available upon request “without delay.”
- Such materials distributed less than 72 hours prior to a regular meeting must be made available for inspection at a public office or location, identified on the agenda, at the same time they are distributed to the board whether or not they are posted online.
- There is no requirement to post online PPTs or other material presented. The requirement is only to make them available to an individual upon request (if provided to the Board more than 72 hours before the meeting) or available for inspection at the agency office (if provided within 72 hours of the meeting). There is a very limited requirement in the Brown Act to place some materials online, but it is only provided as an option to avoid having to make certain materials available for inspection at an agency office and includes other requirements that make it difficult to implement.
- Copies of materials distributed during a public meeting must be made available during the meeting if created by the district or board, or after the meeting if created by a third party.