



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.

Brown Act

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 of Order

Feature / Aspect	Robert's Rules of Order	Rosenberg's Rules of Order
Purpose	Formal structure for deliberation and decision-making	Simplified process for efficient local government/public meetings
Audience	Large organizations, nonprofits, formal assemblies	City councils, commissions, small boards
Language	Technical and legalistic	Plain, conversational
Motions	Must be made and seconded	No seconding required
Debate Rules	Strict: limited turns, amendments, motions to table, etc.	Flexible: emphasis on free and respectful discussion
Role of Chair	Neutral moderator	Active leader and facilitator

Rosenberg's Rules of Order

Roberts

vs.

Rosenberg's

Public
Participation

Often limited or highly controlled

Encouraged, with guidelines

Voting

Formal roll call or voice votes

Streamlined; focus on clarity over procedure

Decision-
Making

Rule-bound; can be slow

Outcome-focused; efficient

Tone

Procedural and legalistic

Practical and respectful

Best For

Complex or contentious bodies needing clear structure

Smaller, collegial groups prioritizing dialogue and respect

Substitute Motions

Under Rosenberg's Rules, a substitute motion is a type of amendment that replaces the original motion entirely rather than just modifying it. It is treated as a first-degree amendment.

1. Main Motion is Made: A member introduces a main motion.
2. Substitute Motion is Offered: Another member proposes a substitute motion to replace the main motion.
3. Chair Determines Relevance: The chair ensures the substitute motion is germane (relevant) to the main motion.
4. Debate Occurs on the Substitute Motion: Discussion focuses on whether the body prefers the original or the substitute.
5. Vote on the Substitute Motion: The vote is not final passage—it is to determine if the substitute will replace the original. If Substitute Passes, it becomes the main motion. Debate can continue on the new main motion (if needed).
6. Final Vote: The body then votes to adopt or reject the (possibly substituted) main motion.

Brown Act

Post-Covid Zoom Rules and Options

- “Old” or “Former” Brown Act Rules
- AB 2449 Rules (“Just Cause” or “Emergency”) – sunsets December 2025 but likely will be extended.

Emergency. Director gives a general description of their reason (does not need to be longer than 20 words). Disclosure of a medical diagnosis or disability is not required. The member must request approval—at the beginning of the meeting, and the Board must take up action to approve the request.

Just Cause: Exists when there is a 1) member with contagious illness; 2) need for childcare or caregiving for a parent, grandparent, grandchild, sibling, spouse, or domestic partner; 3) disability; 4) member traveling on legislative business for the governing body to another agency.

At least a majority of the Board must participate from within the jurisdiction of the agency
AND in person, in a singular location, open to the public and accessible to those with disabilities



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

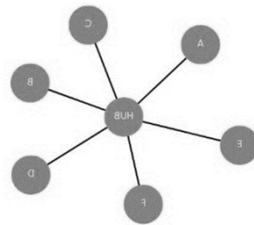
Closed Sessions

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

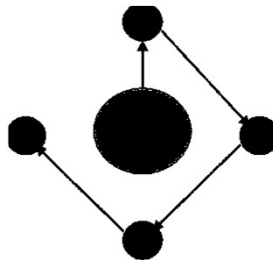
- Personnel issues
- Labor negotiations
- Conference with Legal Counsel
- Threats to security or public safety
- Real property transactions

Serial Meetings

Hub and Spoke

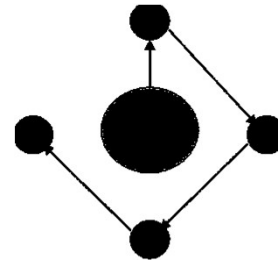
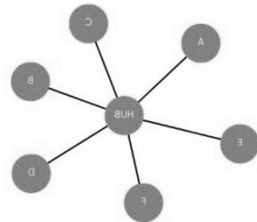


Daisy Chain



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?