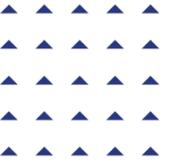


# The Brown Act and Recent Legislation

Stephen Kodur, SSCCC Community Organizer  
Dr. Julie Adams, SSCCC Executive Director



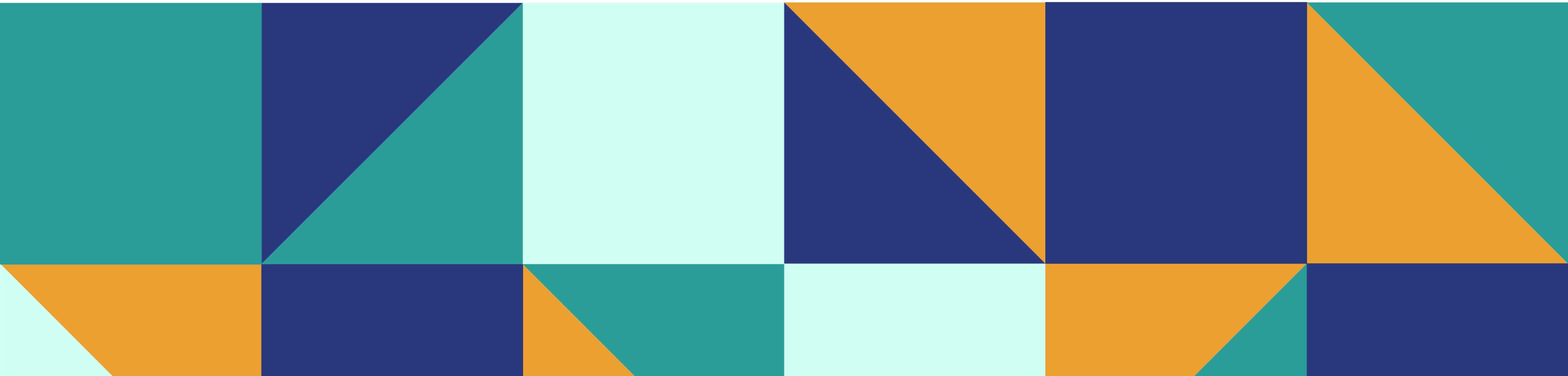


# CAVEAT

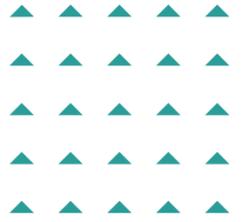
- We are not lawyers
- We are interpreting the law as it is written and how we will implement it

# GOV CODE §54950

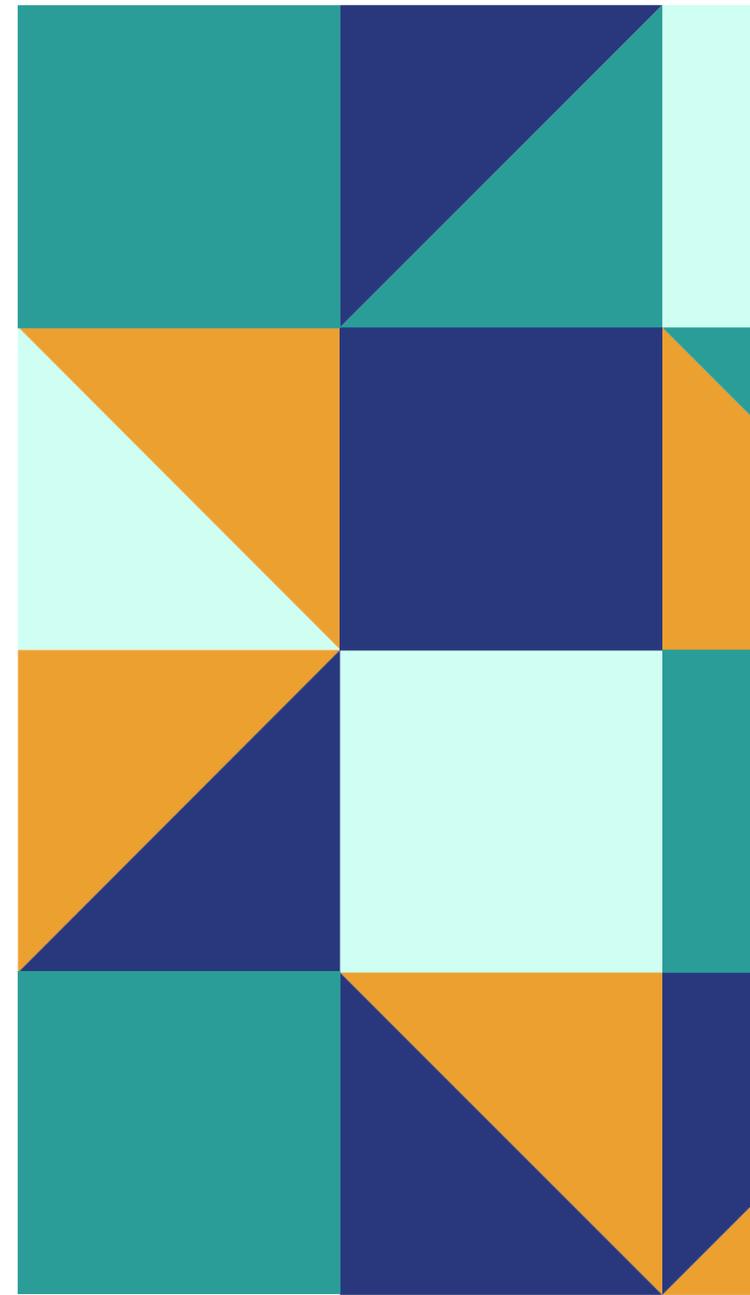
In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State **exist to aid in the conduct of the people's business**. It is the intent of the law that their **actions be taken openly and that their deliberations be conducted openly**.

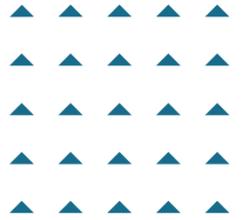
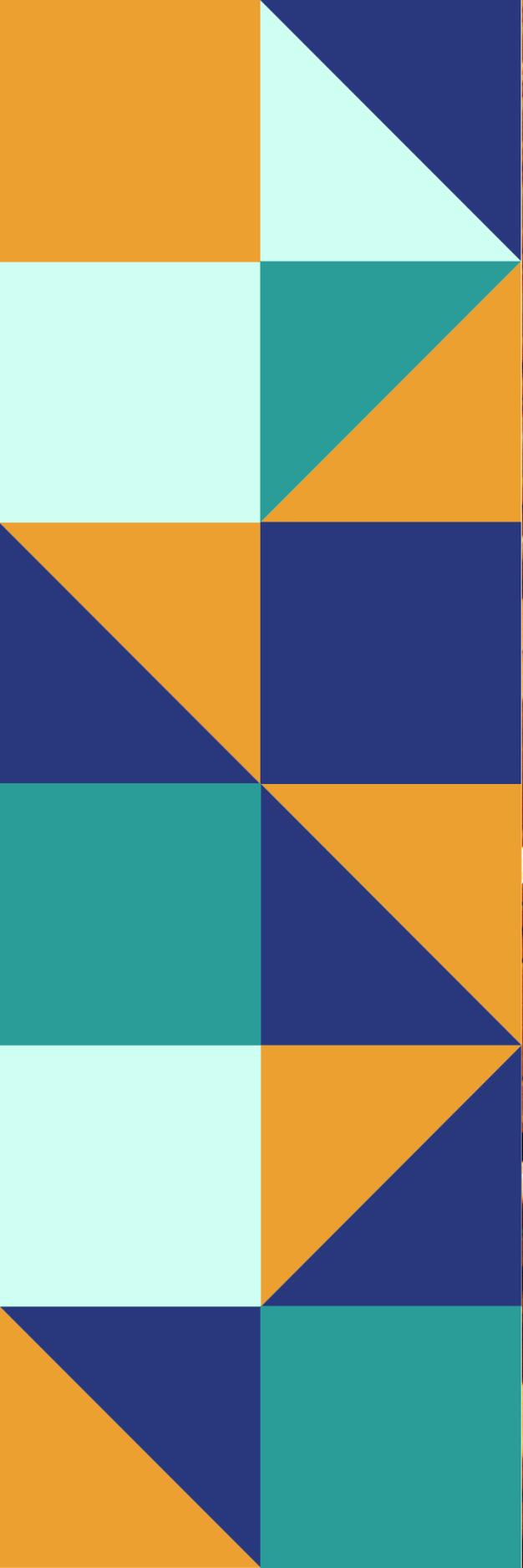


# GOV CODE §54950



The **people of this State do not yield their sovereignty** to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The **people insist on remaining informed** so that they may retain control over the instruments they have created.





# LEGISLATIVE BODY (GOV CODE §54952)

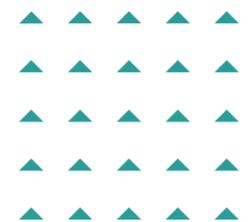
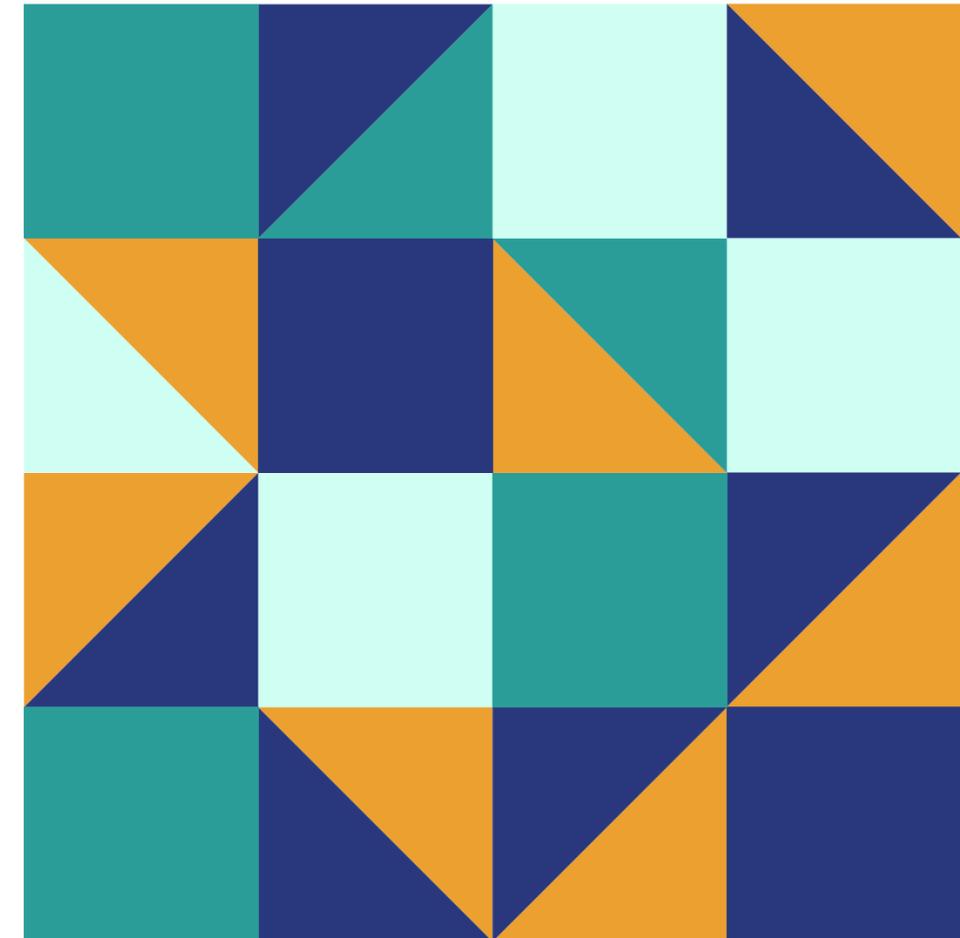
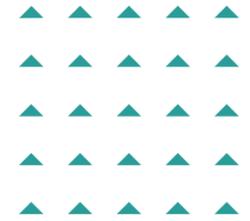
- Local body created by state or federal statute
- Committee (decision-making or advisory) created through formal action of a legislative body
  - advisory committees with less than a quorum are not leg bodies
- Standing committees with a continuing subject matter jurisdiction **OR** a fixed meeting schedule by formal action

# WHAT ABOUT THE SSCCC?

- SSCCC was created by Board of Governors and is enshrined in Title 5 §50002

*"The Board of Governors recognizes the Student Senate for the California Community Colleges as the representative of community college-associated student organizations before the Board of Governors and the Chancellor's Office." Cal. Code Regs. tit. 5 § 50002*

- All standing committees of the SSCCC are therefore legislative bodies including regions and their committees
- Ad hocs/task forces/work groups are not legislative bodies and do not apply

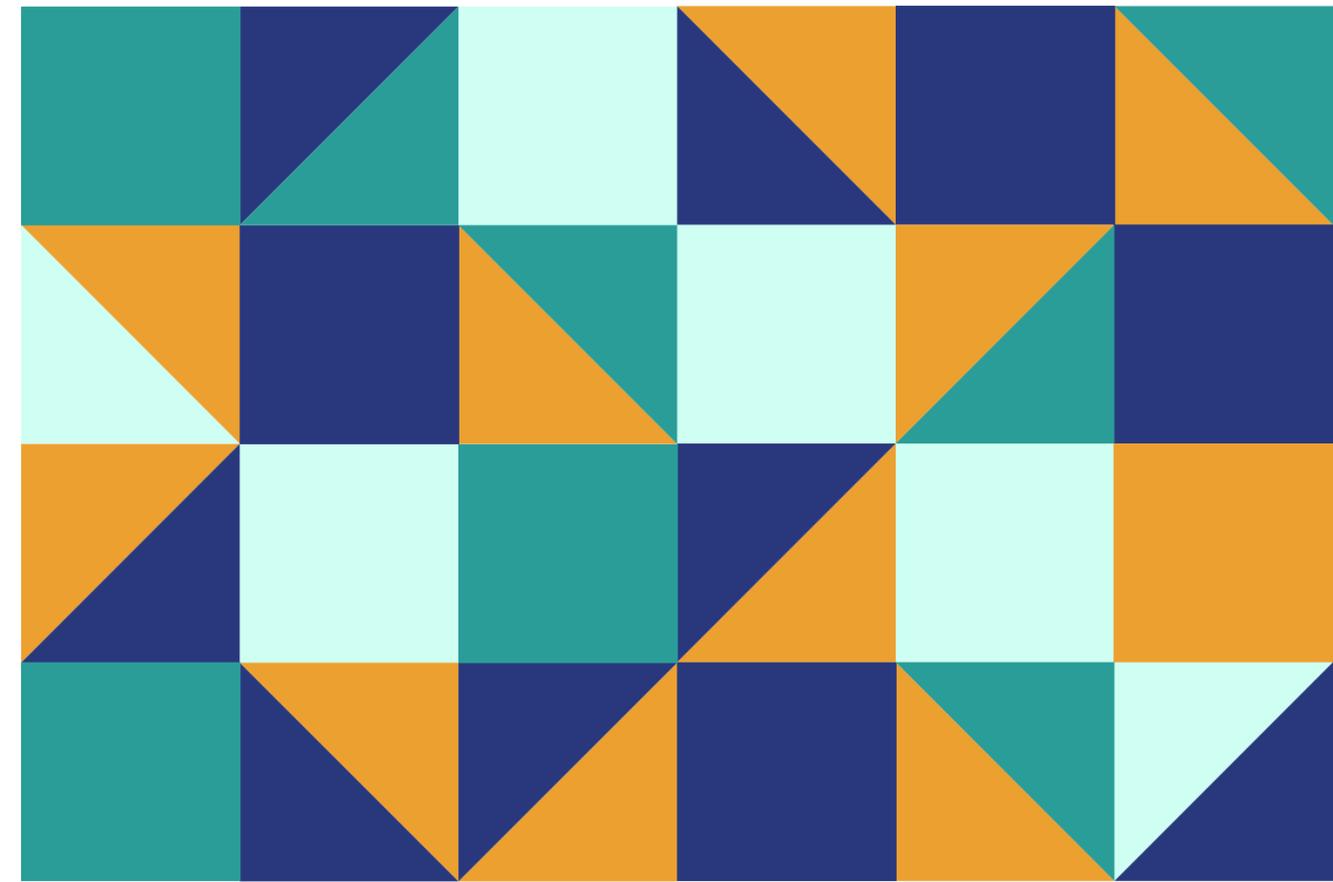


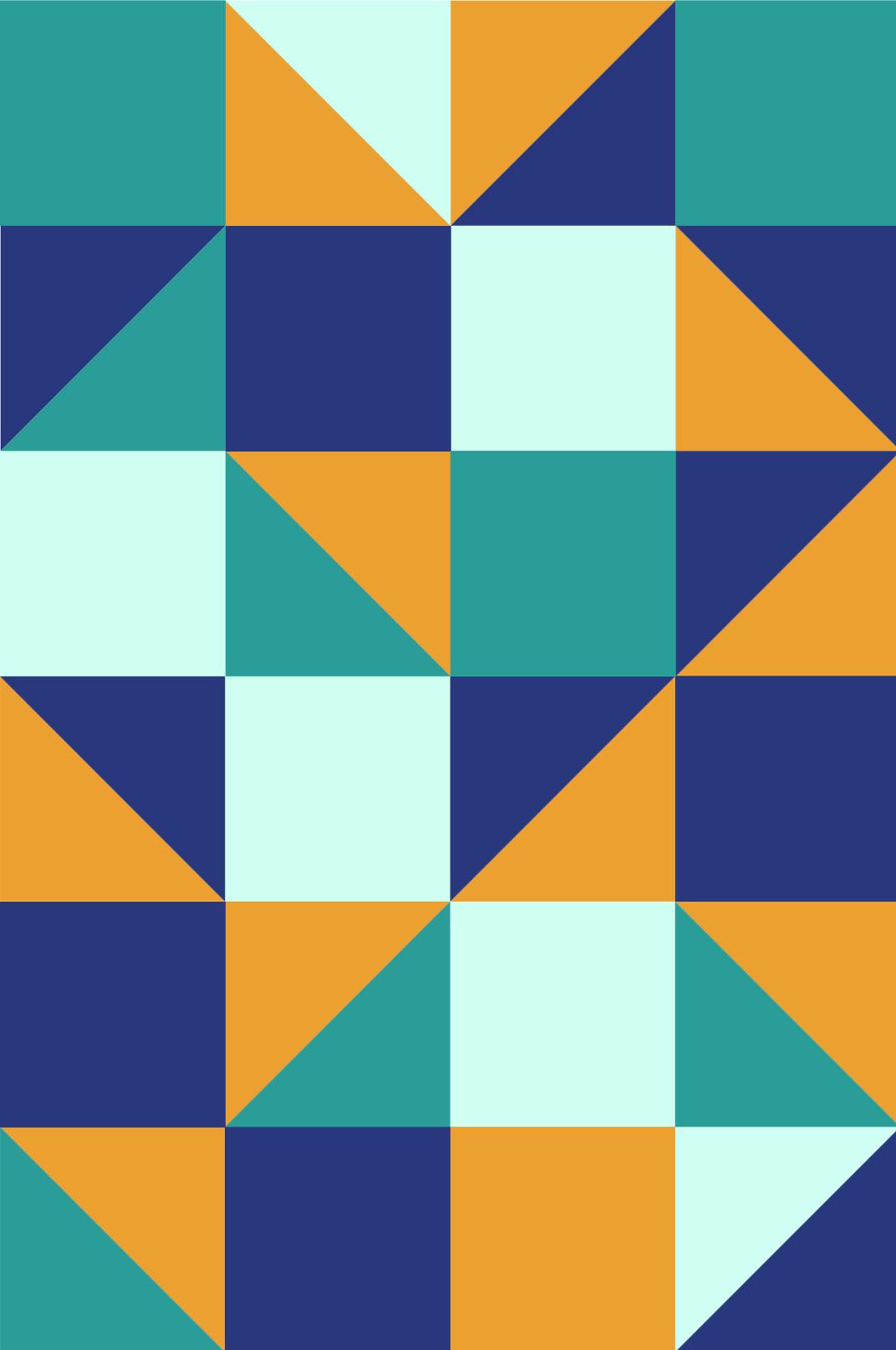
# WHAT ABOUT STUDENT BODY ASSOCIATIONS?

- Action by the district board is required to establish a student body association
- This constitutes a formal action

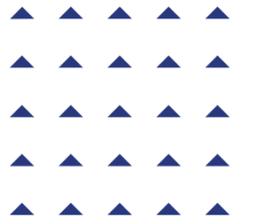
*"The governing board of a community college district may authorize the students of a college to organize a student body association."*

*California Ed Code 76060*

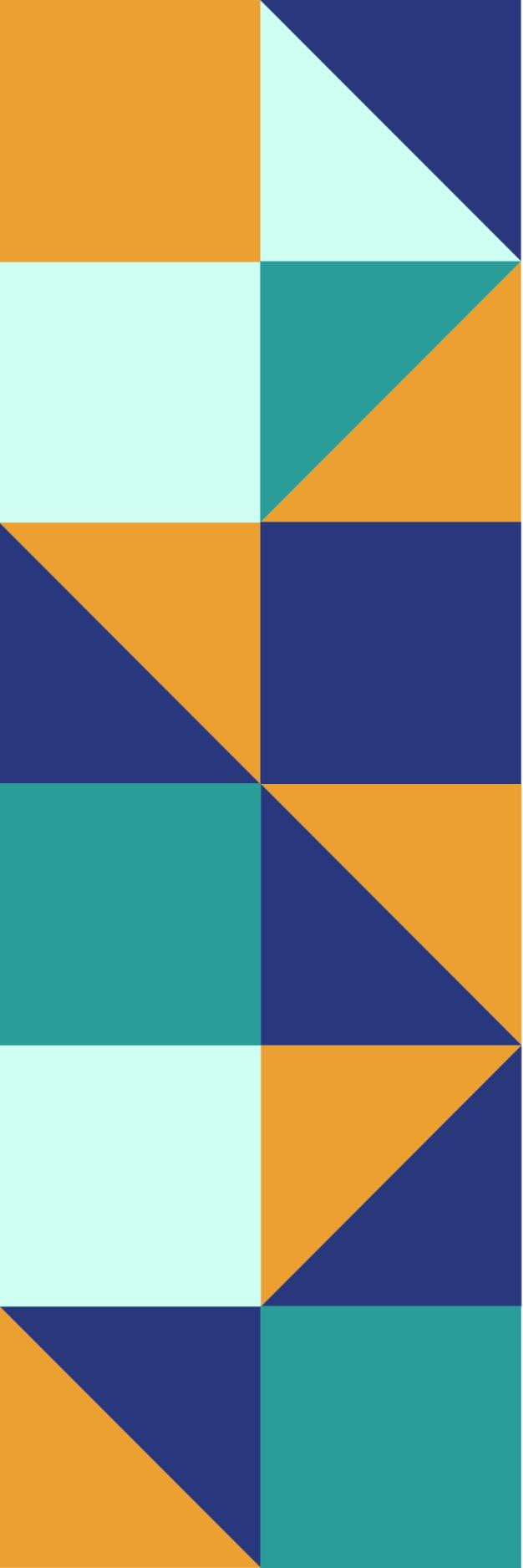




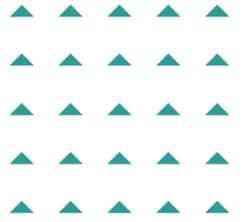
# BROWN ACT KEY REQUIREMENTS



- Agenda posted 72 hours in advance
- All member locations are on agenda and posted
- Specify the time and location of the meeting
- Posted in a location that is freely accessible to members of the public and on the website (if there is one)
- ADA-compliant at all access points
- Provide opportunities for members of the public to attend and address the legislative body
- Only deliberate on items on the agenda
- Publicly report any action is taken and vote of each member present
- No secret ballots for actions



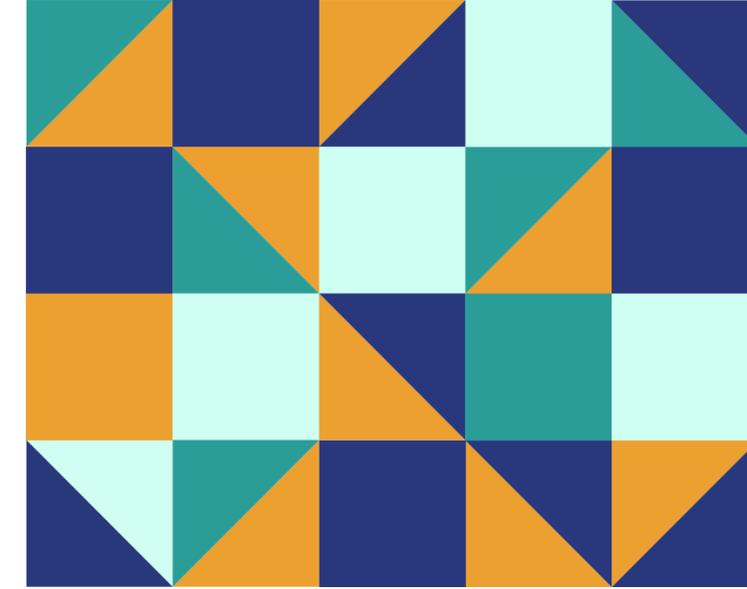
# **SPECIAL MEETINGS (GOV CODE §54956)**

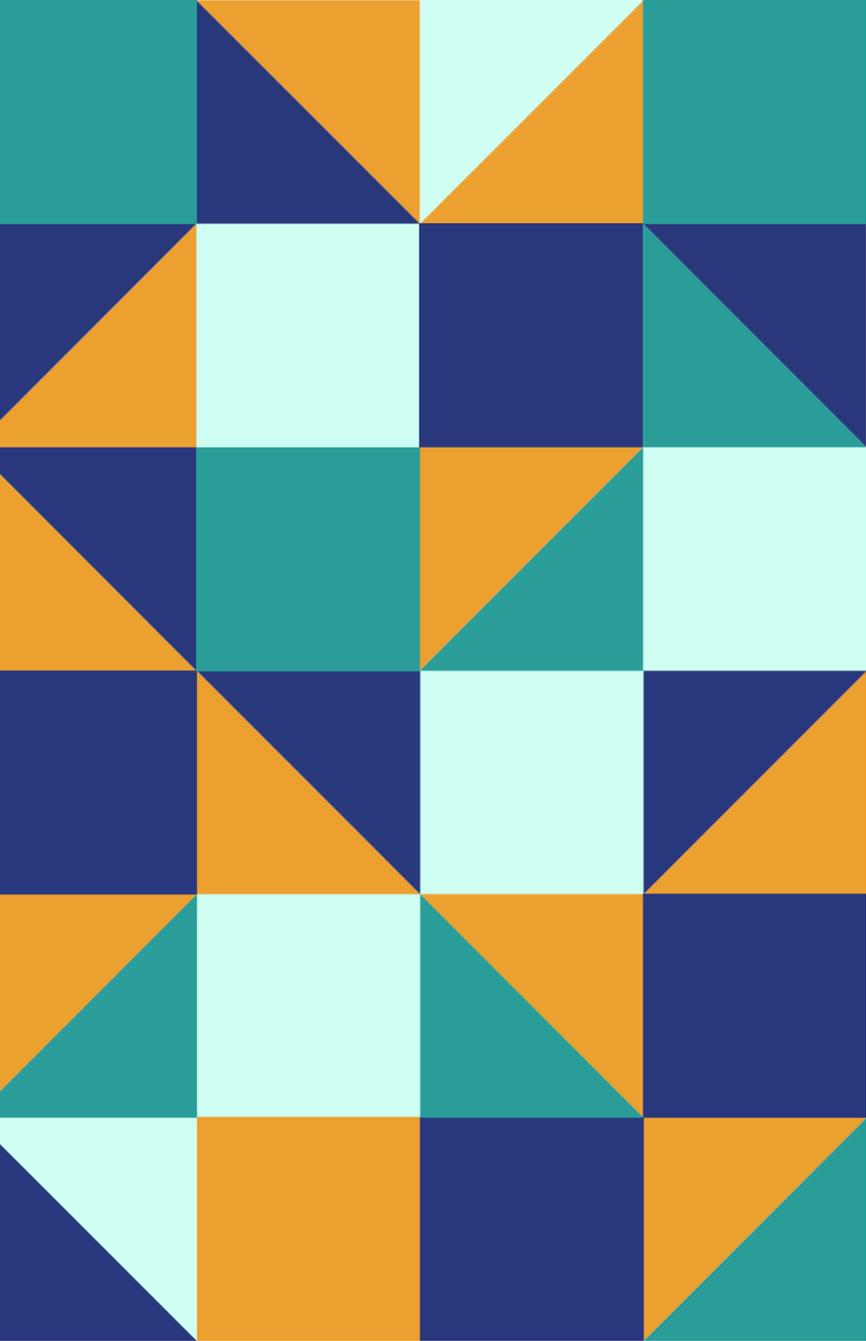


- Agenda posted 24 hours in advance
- Specify time and location of meeting
- Posted in a location that is freely accessible to members of the public and on committee website (if there is one)
- Special meetings should be used for special circumstances and not clerical or posting errors

# EMERGENCY MEETINGS (GOV CODE §54956.5)

- Very limited cases
  - Work stoppage
  - Crippling activity
  - Severe impairment of public health and/or safety



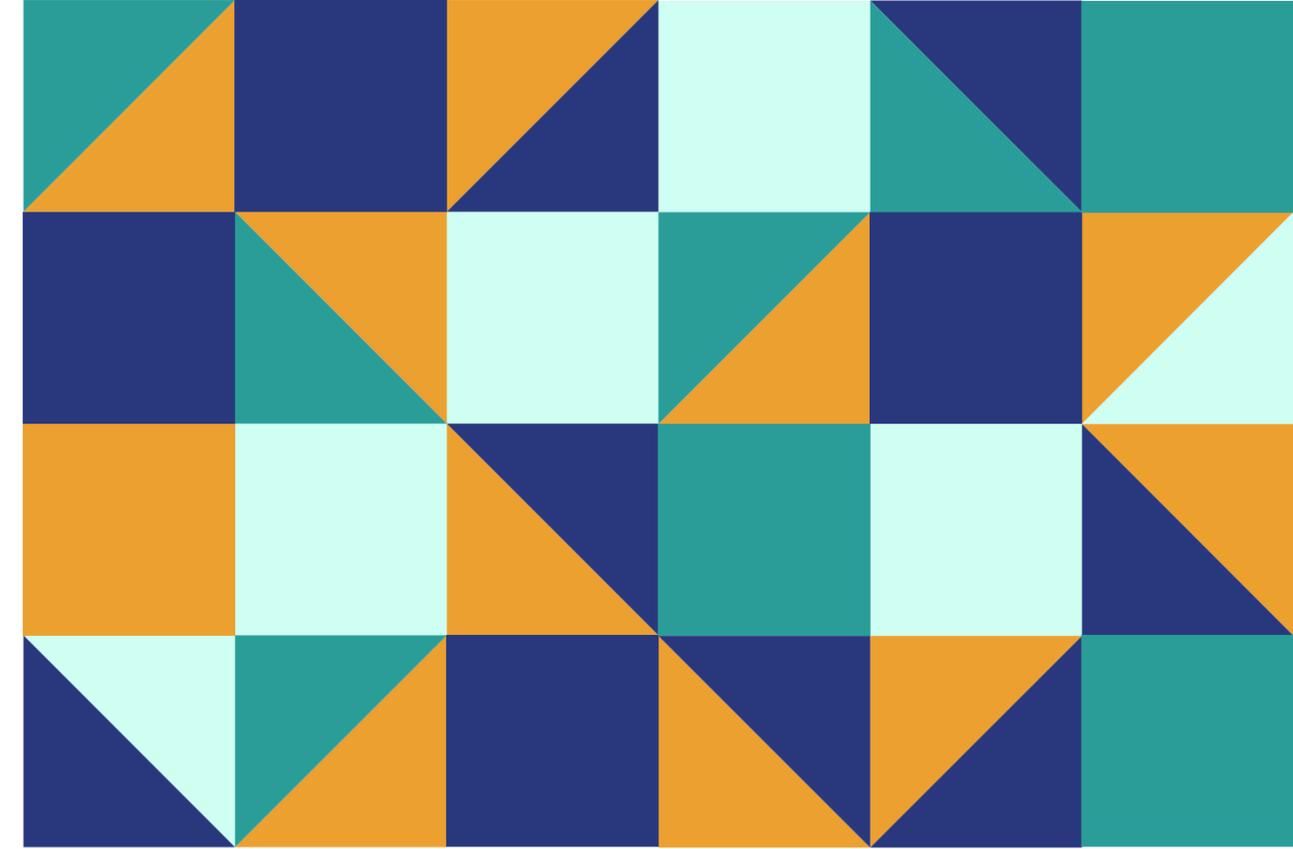


# CLOSED SESSIONS (GOV CODE §54957)

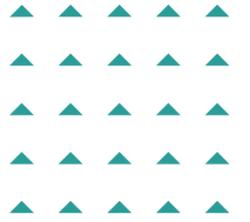
- May hold a closed session for certain topics such as
  - Employment
  - Evaluation, discipline, dismissal of a public employee
  - Pending litigation
- The Board of Directors will use this to evaluate ED or lawsuits
- Regions and SBAs will not use this

# PUBLIC DELIBERATIONS

- Business of the legislative body must be performed in public
- Careful:
  - A series of contacts that lead to a discussion with a majority of members or revealing positions of other members of the body
  - Watch out for non-quorum meeting discussions
- Members may congregate
  - Simply do not discuss items within the bodies subject matter



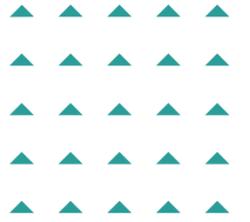
# AGENDAS



**NOTICE IS HEREBY GIVEN** that the Student Senate Board will hold a **Regular Meeting** on **06/10 at 10:00 AM** at **Meeting Location: 998 W Mission Bay Dr, San Diego, CA 92109** and **via Zoom teleconference**. The SSCCC Board reserves the right to suspend the orders of the day if necessary to conduct business. All SSCCC Board meetings are held in locations that are wheelchair accessible. Other disability-related accommodations will be provided to persons with disabilities upon request. Persons requesting such accommodations should notify Dr. Julie Adams, [jadams@ssccc.org](mailto:jadams@ssccc.org), (916) 254-0390, no less than three working days prior to the meeting. The SSCCC will make efforts to meet requests made after such date, if possible. Please contact the SSCCC Executive Director for any agenda-related questions.

Pursuant to Government Code §54957.5: Supplemental materials distributed less than 72 hours before this meeting to a majority of the SSCCC Board of Directors will be made available for public inspection at this meeting. Materials prepared by any Board of Directors member and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents will also be posted in our Google Drive noted below and available in person at the SSCCC office, address above.

# AGENDAS



Meeting Location: 998 W Mission Bay Dr, San Diego, CA 92109

[Join Zoom Meeting Link](#)

**Call-In Info:**

+1 669 900 6833 (US Toll)

+1 646 876 9923 (US Toll)

**Meeting ID:** 375482 **Passcode:** 375482

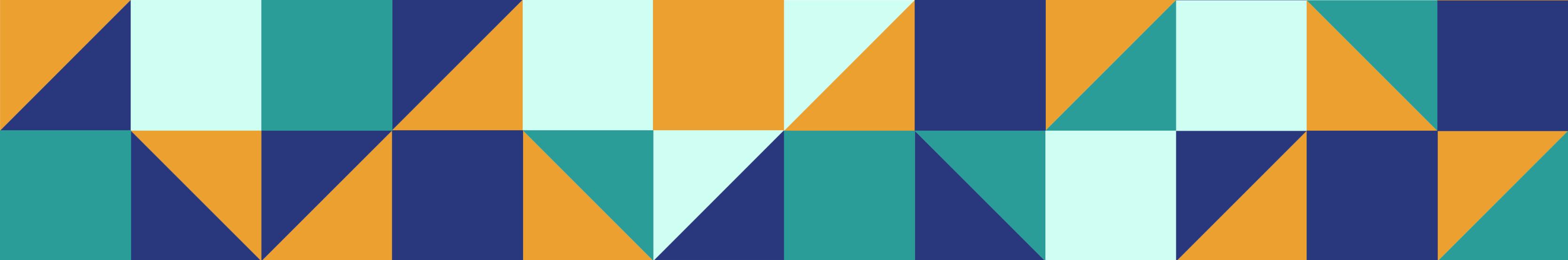
[Agenda Materials](#)

[Add to your Calendar](#)

**Board members will be attending via teleconference from the following locations**

*Note: While teleconference locations are listed below, if a member does not participate from a teleconference location that location may not be open to the public.*

- 1579 East Jefferson Way, Simi Valley, CA 93065 United States



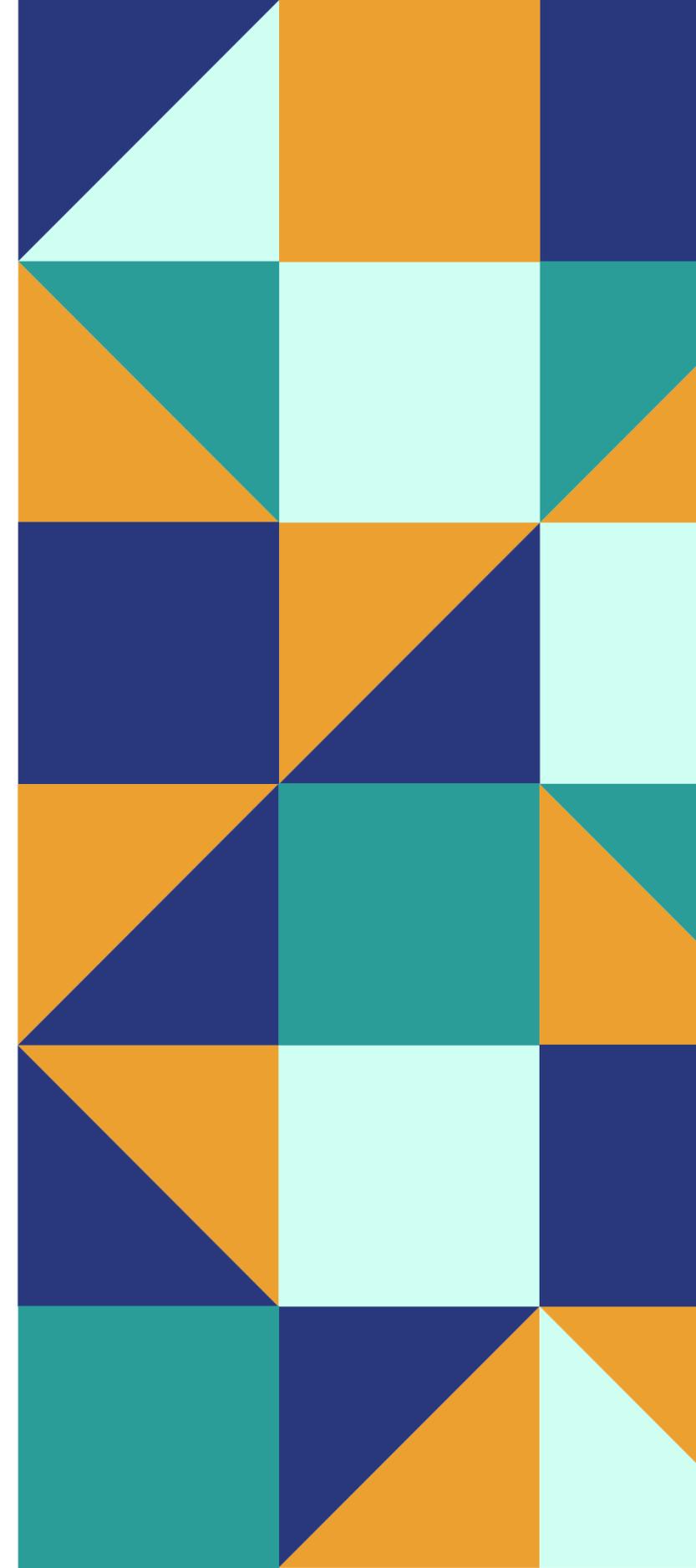
# EVER WONDER WHY LEGISLATIVE BODIES LARGELY MEET IN PERSON?

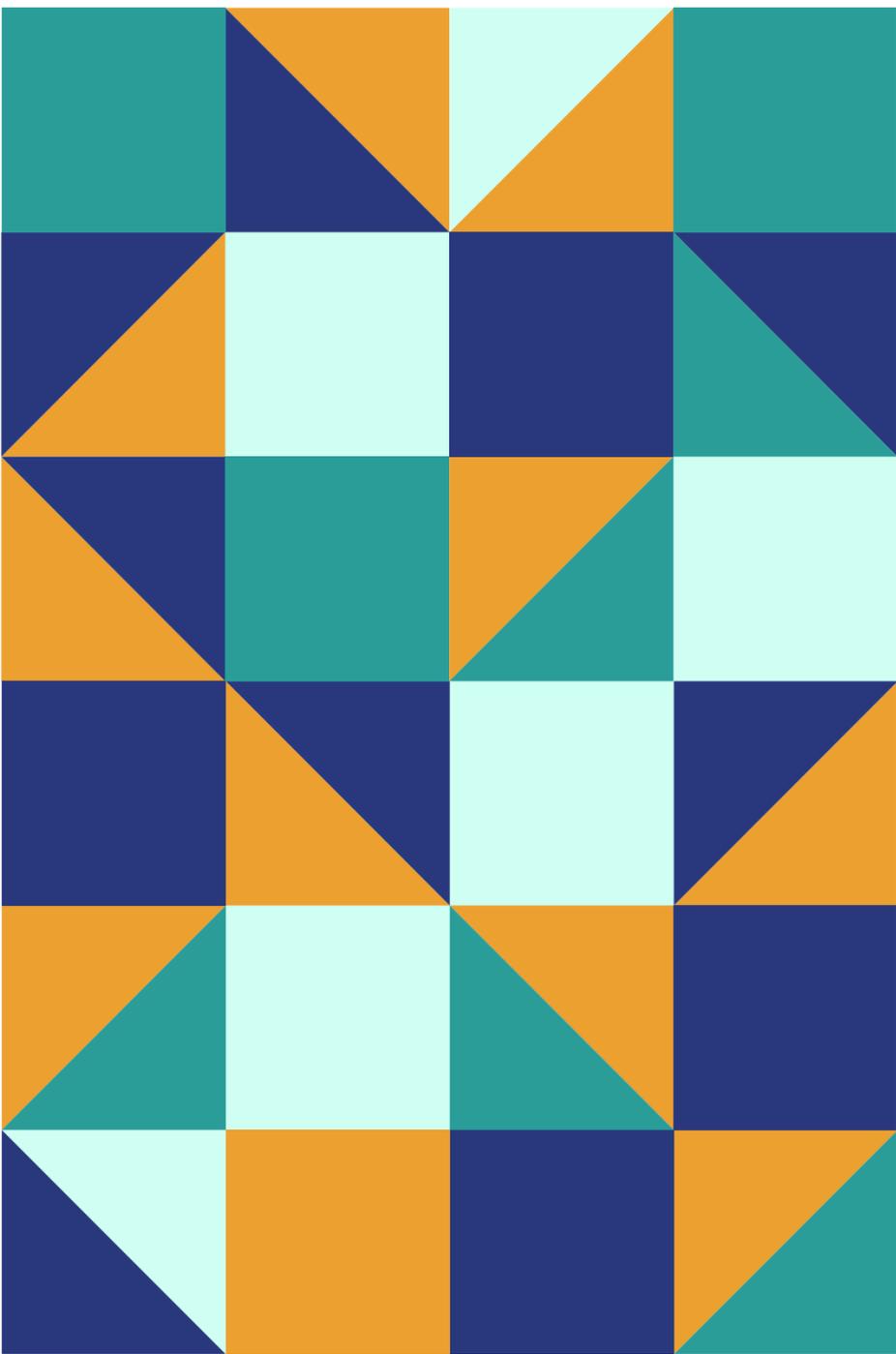
- Teleconferencing requires (§54953b):
  - All votes by roll call
    - "by not objecting you are in agreement"
  - Agendas posted at all teleconference locations
  - Teleconference disruption precludes taking any action
  - Each teleconference location is accessible to the public
    - Members of public may address the legislative body at each teleconference location

# RECENTLY SIGNED LEGISLATION: AB 2449 (RUBIO)



- **If quorum of members at same location in person**
  - Then some may participate via teleconference
  - Non-emergency: just cause and provides notice
  - Emergency provisions as well
  - Limited to 3 months or 20% of regular meetings
- Must have both video and sound
- All votes still by roll call
- Teleconference disruption precludes taking any action
- Must disclose all people 18+ in the location
- In effect until Jan 1, 2026





# AB 2449 WHEN CAN I TELECONFERENCE?

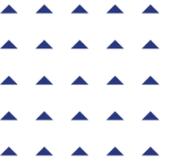


Emergency circumstances: physical or family medical emergency

*The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act*

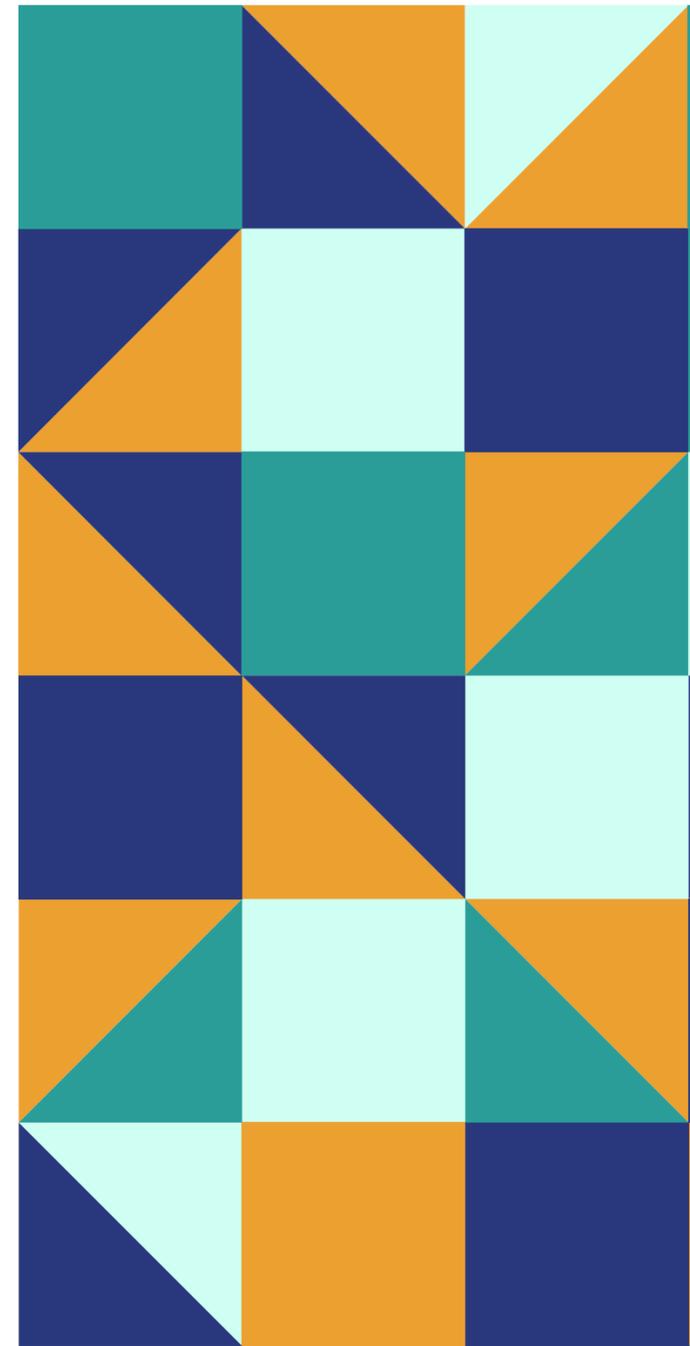
Bodies take action at the earliest opportunity even if it is the day of the meeting.

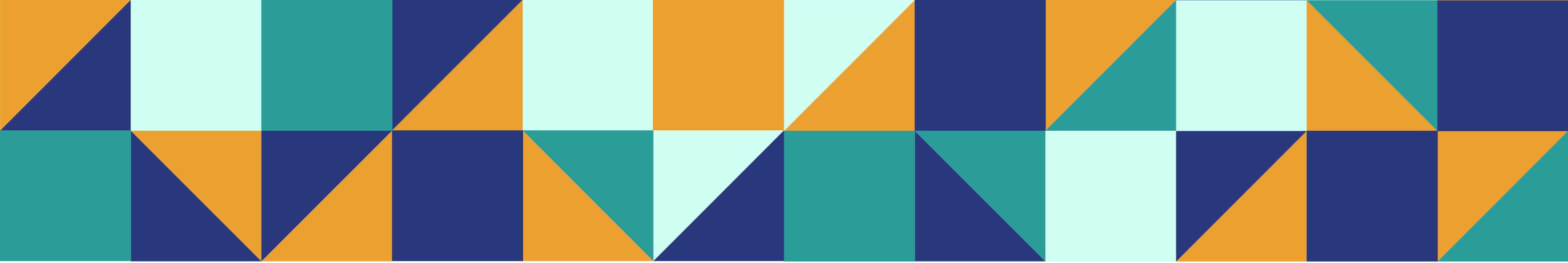
# AB 2449 WHEN CAN I TELECONFERENCE?



- Just cause:
  - Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
  - Contagious illness
  - Physical or mental disability not otherwise accommodated
  - Travel while on official business of the legislative body or another state or local agency
  - Can only be used twice in a calendar year

*\*Cannot be used to participate remotely "for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year"*





# SO WHAT IS THE SSCCC DOING?

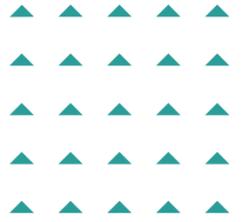
Students have spoken out about the inequity of the Brown Act on student leaders

- This culminated in a resolution being unanimously passed at GA 2023 to support exemptions for student run organizations.

AB 1275- The SSCCC sponsored a bill that would exclude student run organizations from teleconferencing restrictions.

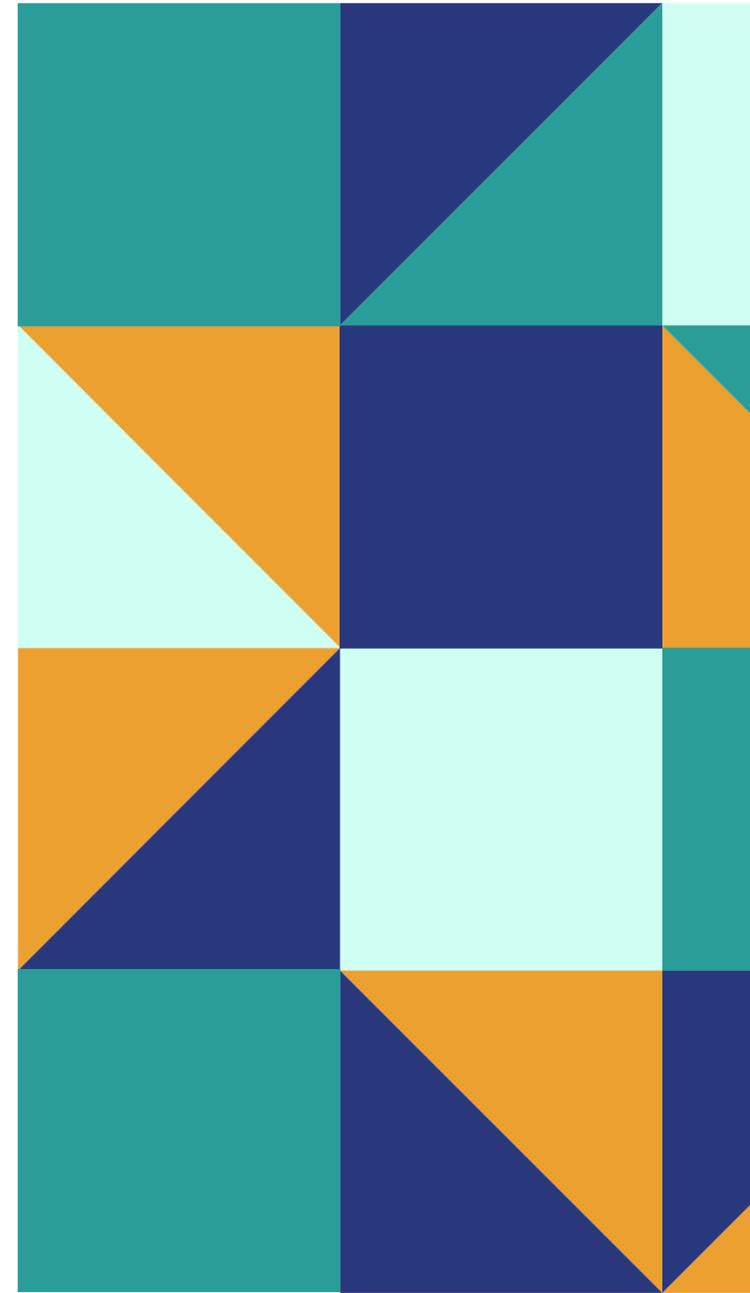
- Status
- Advocacy

# FREQUENTLY ASKED QUESTIONS/SCENARIOS

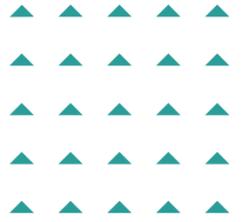


You have a few students who will be attending your SBA meeting online. What needs to happen?

What happens, if a day before the meeting, they let you know that they can no longer attend?

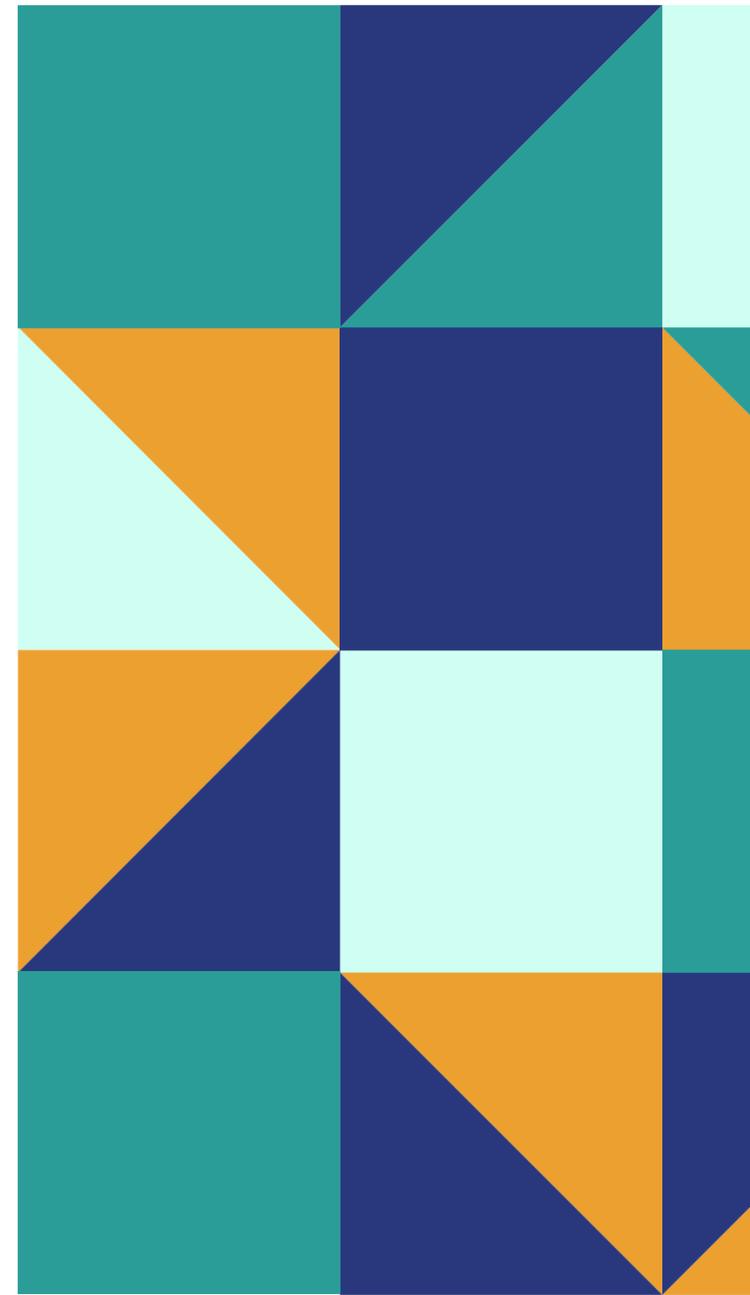


# FREQUENTLY ASKED QUESTIONS/SCENARIOS

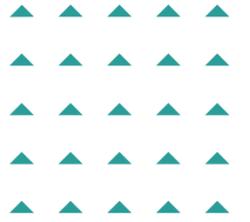


If a student leader is elected for another term, would their exemptions under AB 2449 for remote locations be reset?

For example, can I use two exemptions for just cause in the spring term and then again in the Fall term?

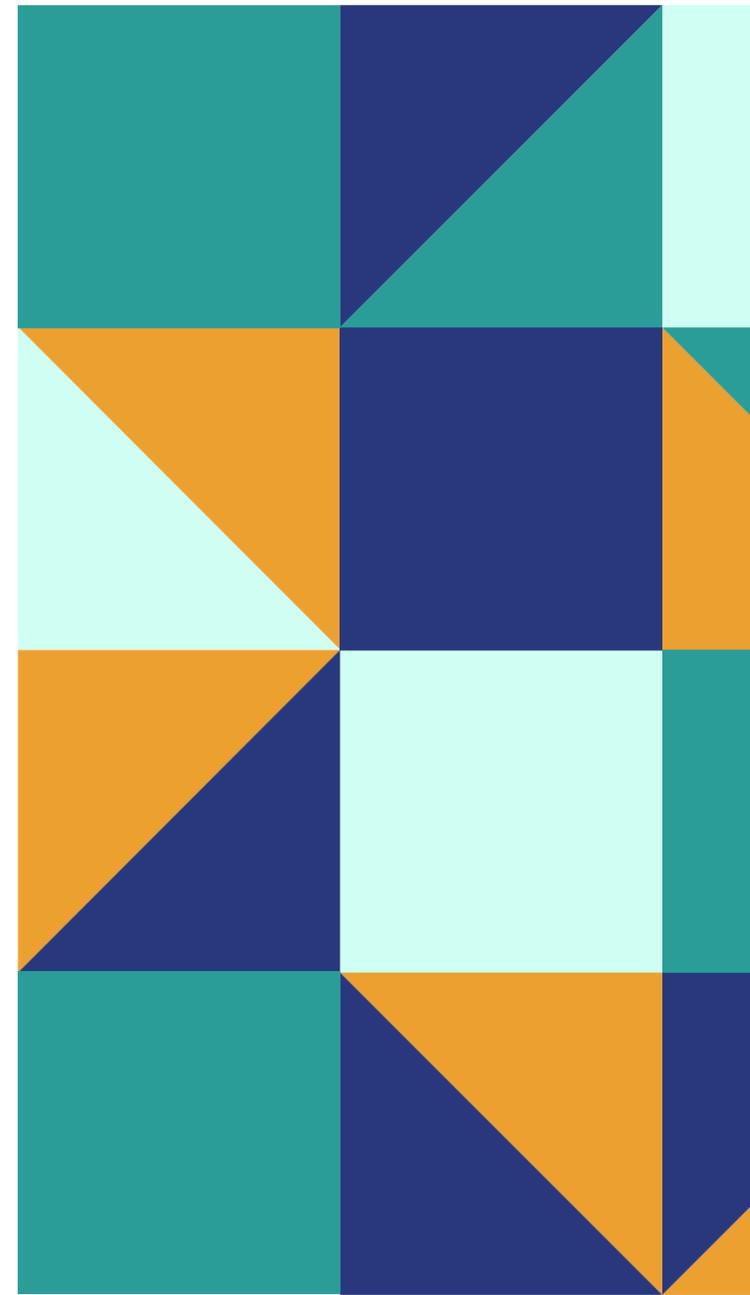


# FREQUENTLY ASKED QUESTIONS/SCENARIOS

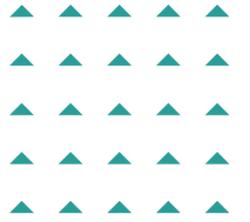


Do non-voting members have to disclose their locations?

Most SBAs have executive committee members who may be non-voting or advisors who are ex-officio. If they choose to teleconference, would they need to disclose their location?



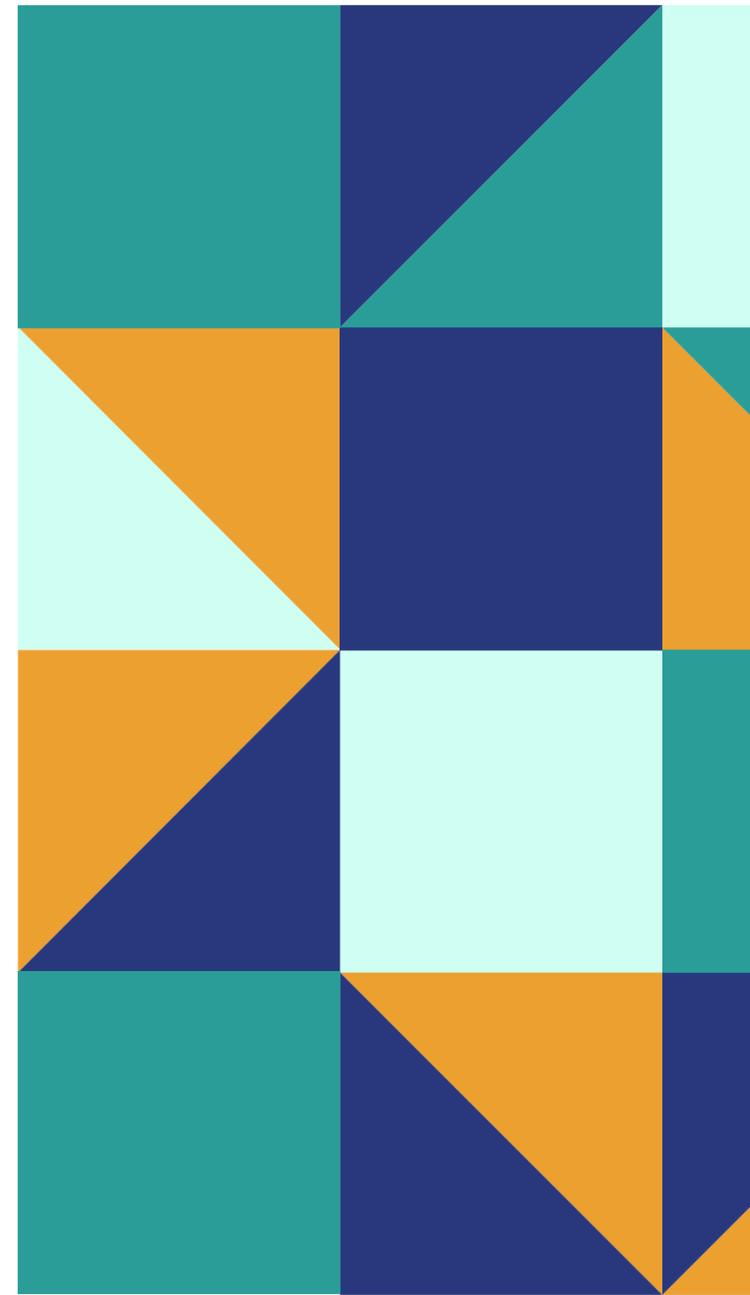
# FREQUENTLY ASKED QUESTIONS/SCENARIOS



Your student leaders were elected in the spring but want to begin meeting to plan out their objectives for the next year.

Are those members subject to Brown Act?

Do you need to agendize this meeting?



# Contact Us



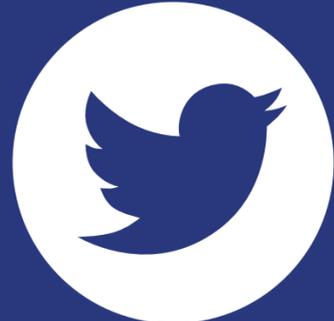
**Stephen Kodur**

*skodur@ssccc.org*

**Julie Adams**

*jadams@ssccc.org*

# Follow Us!

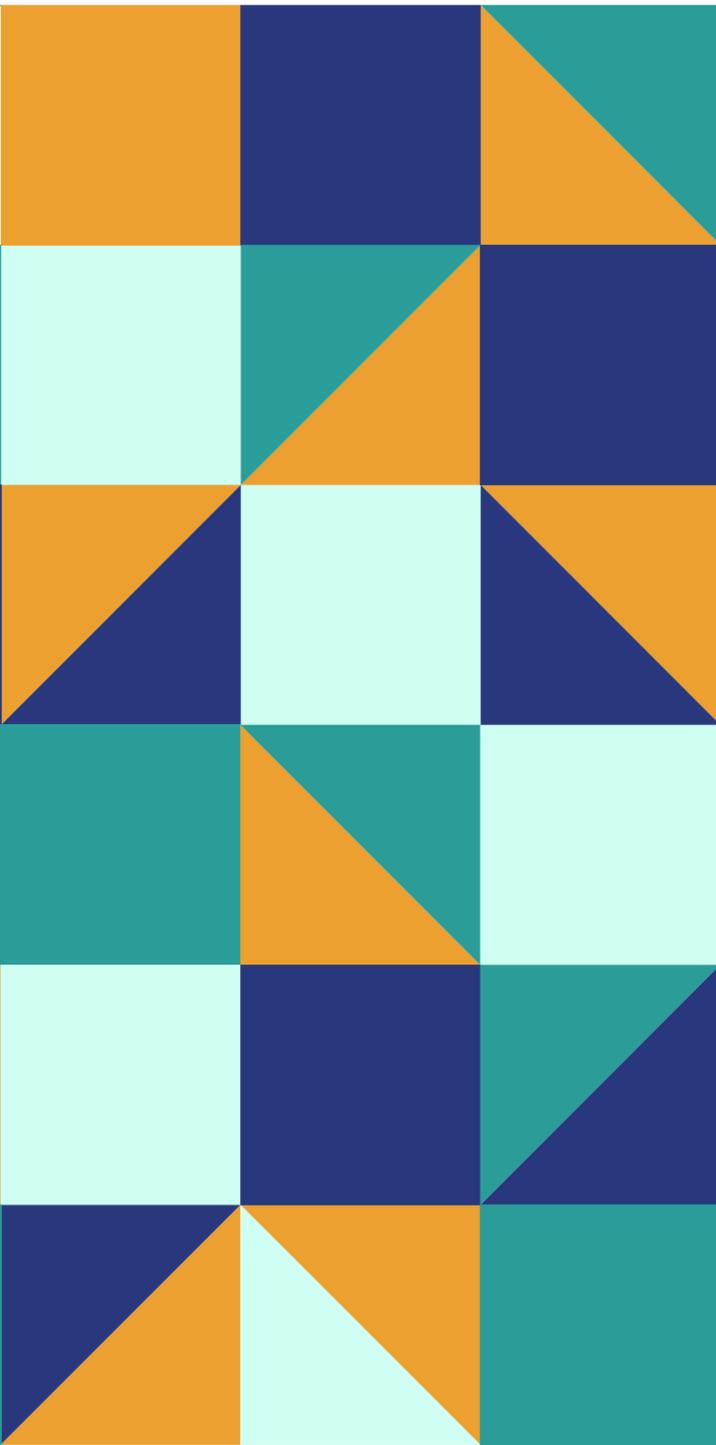


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[www.sssccc.org](http://www.sssccc.org)





# STATE OF EMERGENCY OPTIONS: AB 361 (RIVAS)

- First executive orders and then AB 361 (Rivas) suspends some teleconference restrictions
- All votes still by roll call
- Teleconference disruption precludes taking any action
  - as long as it is available to the public
- Reconsider health and safety concerns every 30 days (majority vote)
- In effect until Jan 1, 2024 under state of emergency
- State of emergency is declared by the Governor per Gov Code §8625

# BROWN ACT "ERAS"

- Jan 1, 2023 – Dec 31, 2023
  - Traditional Brown Act, AB 361, and AB 2449
- Jan 1, 2024 – Dec 31, 2025
  - Traditional Brown Act and AB 2449
- Jan 1, 2026 – ?
  - Traditional Brown Act
- Unless more legislation comes

*Governor ended state of emergency on Feb 28, 2023.*

