

# HOMELESSNESS TASK FORCE BROWN ACT PRIMER



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# Overview

- Brown Act and Milpitas Open Government Ordinance
- Serial Meetings
- Subcommittee Guidelines



## Purpose of 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 such meetings, except as otherwise provided in this chapter.

(Gov. Code § 54953.)



## Milpitas Open Government Ordinance

- “All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this chapter. In case of inconsistent requirements under the Brown Act and this chapter, the requirement which would result in greater or more expedited public access shall apply.” (MMC § I-310-2.20.)



# Application

- *Legislative Body*
  - Governing body
  - Appointed bodies
  - Standing committees, but not ad hoc committees
- Milpitas Open Government Ordinance applies to all “*policy bodies*”
  - City Council,
  - standing subcommittees,
  - panels or ad hoc committees of the City Council,
  - **City-created task forces**, and
  - all City Commissions or Boards



# Application

- *Standing Committees*
  - Have either “continuing subject matter jurisdiction” or a meeting schedule fixed by formal action of the legislative body
  - Make routine and regular recommendations on a specific subject matter
- *Ad Hoc Committees*
  - Composed solely of members of the legislative body
  - Include less than a quorum
  - Have a defined purpose and time frame to accomplish that purpose
  - Advisory, not decision-making
  - Do not have a fixed schedule set by the legislative body



# Application

- *Meeting*
  - Any gathering of a majority of the members at the same time and place (even electronically) to **hear, discuss or deliberate** upon any matter under their jurisdiction
  - No action needs to be taken for a meeting to occur
  - Essentially, any collective concurrence of a quorum of the legislative body is a “meeting.”



# Serial Meetings

## *Elements of a Serial Meeting*

- Series of communications
- Between less than a quorum
- But taken as a whole involves the majority
- Concurrence is formed.





# Serial Meetings

## *Two types of Serial Meetings*

### 1. Chain

- Member A speaks to Member B who speaks with Member C about a particular matter and in the process they all form a collective concurrence on a matter

### 2. Hub and Spoke

- An intermediary acts as the hub of a wheel with members relaying information back and forth to each other through the hub, and in the process a majority of the legislative body develops a collective concurrence
  - Can occur with staff so staff should be wary.



# Serial Meetings

## *Ways Serial Meetings Can Happen*

- Personal Meeting
- Telephone
- E-mail (especially “reply all”)
  - Work through staff liaison
- Written Correspondence - letters
- Social Networking Sites such as Facebook and Twitter



# Serial Meetings – Electronic Communications

- Refrain from “reply all” in e-mails
- DON’T communicate your position or make a commitment on a pending matter to a majority of members.
- Ensure that any individual e-mails do not become a serial meeting
  - When in doubt, send the email to the staff liaison instead of forwarding it to members directly



# Subcommittee Guidelines

- Delegate tasks and committee members at a public meeting.
- Limit work to discreet tasks serving only a limited and defined purpose.
- Committees must be comprised of less than a quorum (5 or fewer members).
- Limit the number of committees and member overlap to prevent “serial” meetings.
- Do not share information directly between committee members. Instead, share with staff liaison who can then share the information with the larger group.



# Questions?

