



BROWN ACT TOOLKIT 2024



DEVELOPED BY :
CSAC'S GOVERNMENT FINANCE
AND ADMINISTRATION POLICY TEAM

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About the Brown Act

The Ralph M. Brown Act, more commonly known as the “Brown Act,” is California’s “sunshine” law for local government. The Brown Act is found in the California Government Code commencing with Section 54950. In a nutshell, the Brown Act requires local government business to be conducted at open and public meetings, except in certain limited situations.

The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. The Brown Act is pivotal in making public officials accountable for their actions and in allowing the public to participate in the decision making process.

Public access to information and the decision-making process fosters civic engagement and ensures transparency and accountability. **The California State Association of Counties (CSAC)** is committed to providing tools and resources that help supervisors and county staff protect open government as they address the needs of their communities.



CSAC Advocacy Efforts

CSAC staff work diligently with California lawmakers and the Governor's administration to help shape the bills, regulations, and policies that impact county governance and operations, including the **Brown Act**. The requirements of the Brown Act are complex and require an understanding of state statutes as well as case law. Consequently, county counsel is the best resource to address any questions regarding interpretation of or compliance with the Brown Act.

Unfortunately, like many local agencies across the state and around the country, California counties continue to experience disruptive behavior during public meetings, both in-person and virtually. These behaviors not only disrupt the proceedings of the day, but undermine the promise of the Brown Act, disrupting the ability of members of the public to participate in the conduct of the public's business safely and productively. To say that these types of behaviors have been disruptive to the normal conduct of county business is an understatement; they are stressful, demoralizing, and, in some cases, frightening for their targets.

To address disruptive behavior, CSAC sponsored **SB 1100 (Chapter 171, Statutes of 2022)**, authored by Senator Cortese. Effective January 1, 2023, SB 1100 authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual if they continue disrupting the meeting after being warned about their behavior, and defines "disrupting" for these purposes. It assists local agencies in dealing with the rising hostility and intimidation occurring during public meetings and ensures the efficient and effective conduct of the public's business. At the same time, the new law safeguards the public's right to address its elected leaders in public meetings under reasonable conduct requirements.

This Brown Act toolkit includes best practices developed by counties to address disruptions during public meetings, including rules of civility, codes of conduct, scripts used to respond to meeting disruptions, and governance policies in conducting effective meetings during conflict.

CSAC will continue to share resources to aid counties in conducting meetings in a way that is inclusive, respectful, and productive.



Rules of Civility / Codes of Conduct

Many local agencies have adopted codes of conduct and other rules for both public officials and members of the public during public meetings. The links below include examples of adopted codes of conduct and display the variety across the state of these policies to suit each jurisdiction.

| COUNTY / ORGANIZATION | LINK TO EXAMPLE RULE |
|----------------------------------|--|
| Lassen County | Code of Conduct |
| Monterey County | Control of Disturbances County Code |
| Nevada County | Order and Decorum of Board Business |
| San Luis Obispo County | Code of Civility |
| San Diego County | Rule for Public Participation at Board Meetings |
| City and County of San Francisco | Policy on Discriminatory or Harassing Remarks Made at Public Meetings of City Boards and Commissions |
| City of Fresno | Code of Conduct for Council Members |
| City of Manhattan Beach | Rules for Decorum at Public Meetings AND Civility Policy |
| Institute for Local Government | Promoting Civility at Public Meetings: Concepts and Practice |



Governance Manual / Procedural Policies

Some jurisdictions choose to include codes of conduct and rules of civility as one component of a broader manual of meeting governance and procedures. Such documents clearly denote the roles, responsibilities, and expectations for each participant or attendee of a public meeting and are intended to remove any ambiguity regarding how public meetings will be managed. The links below include examples of governance manuals and procedural policies that have been adopted by local agencies.

| COUNTY / ORGANIZATION | LINK TO EXAMPLE RULE |
|--|--|
| Inyo County | <u>Board Governance and Rules of Procedure</u> |
| Sonoma County | <u>Rules of Procedure for the Board of Supervisors</u> |
| City of Sacramento | <u>Council Rules of Procedure</u> |
| City of Santa Cruz | <u>City Councilmembers Handbook</u> |
| City of Santa Monica | <u>Rules of Order and Procedure</u> |
| Yolo County Superior Court Judge Dave Rosenberg | <u>Rosenberg's Rules of Order</u> |



ATTACHMENT 1

PUBLIC'S RIGHTS WHILE ATTENDING A MEETING FORMAT FOR EXCLUSION OF DISRUPTIVE PERSONS FROM MEETING

PROCEDURE REGARDING DISTURBANCE OF MEETINGS

(Announcement by Chairperson or Moderator)

As the person who is chairing and is in charge of this meeting, I am advising you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor.

Your act of _____ is causing a serious disruption of this meeting and I must ask you to immediately cease this disturbance. If you disturb this meeting any further, I will ask for your arrest under Penal Code section 403.

[SECOND WARNING: IF DISRUPTION CONTINUES, READ THE FOLLOWING]

At this time I am going to recess this meeting for 15 minutes, at that time we will reconvene our meeting.

(Recess and call for police to be present when meeting reconvenes.)

[FINAL WARNING: IF DISRUPTION CONTINUES , READ THE FOLLOWING]

As the person chairing and in charge of this meeting, I am again advising you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor. Your act of _____ is causing a serious disruption of this meeting. If you do not immediately cease this disturbance, I will request the police to arrest you under Penal Code section 403.

[REQUEST FOR POLICE INTERVENTION TO REMOVE DISRUPTIVE PARTIES]



ATTACHMENT 2

DEALING WITH DISRUPTIONS TO PUBLIC MEETINGS

The County should use extreme discretion and caution before directing someone to leave the board meeting. It must be clear that the person has been warned adequately (almost always more than once) before ultimately directing them to leave the meeting or clearing the room.

The chair has an obligation to maintain order and prevent disruption of the meeting.

1. If a member of the public becomes disruptive, warn the person as follows:

“Your behavior in [shouting, interrupting, making undue noise, etc.] is having the effect of disrupting this meeting. You must stop this behavior, so that we may continue the business before us.”

2. If the behavior continues warn the person again as follows:

“Your behavior is having the effect of disrupting the meeting. You have been asked to stop [shouting, interrupting, making undue noise, etc.] If you do not stop this behavior you will be asked to leave the meeting so that we may continue the business before us.”

3. If the behavior still continues, make the following statement:

“Your behavior in [shouting, interrupting, making undue noise, etc.] is having the effect of disrupting the meeting. You have been asked to stop this behavior twice. Your actions are in direct violation of California Penal Code section 403, and your intentional activity has substantially impaired the conduct of the meeting and that you are required to leave the meeting, pursuant to Government Code section 54957.9. The meeting will continue only after you have left the meeting room.”

4. If the person does not leave, then briefly recess the meeting and state the following:

“Since the person(s) disrupting this meeting have not left the room, we will briefly recess this meeting to clear the chambers. When we reconvene, the Board will consider readmitting persons not responsible for willfully disturbing the orderly conduct of the meeting. Members of the media shall be allowed to remain.”

