Brown Act Highlights

Who is covered?

The Brown Act applies to the meetings of all legislative bodies (GC 54952) which includes:

1. The Board of Trustees
2. Any subcommittee of task force created by the Board with a majority of Board members
3. Any subcommittee or task force created by the Board which has a definite, ongoing charge (either decision-making or advisory) OR has a regular meeting schedule set by the Board, regardless of Board membership.

Agendas

Required: (GC 54954.1 . 3)

• Post agenda 72 hours before meeting.
• Include time and place (must be within district with some exceptions).
• Mail agenda one week before meeting to those who request it.
• Special meetings require 24 hour notice and are limited to agenda items.
• Senates do not call emergency meetings (which do not require 24 hour notice).
• Allow for public comments before or during discussion of agenda items (no sign in requirements).
• Include all action items on the agenda, with a brief description.

Recommended:

• Use resolution format for action items.
• Have a first reading at the meeting before action is taken.
• Sections: approval of minutes and agenda, public comment, reports (officers, liaisons, committees), action items (first or second reading), discussion items (no action)

Meetings

• All meetings are open
• All votes are open; no secret ballots.
• Action is limited to those items on the agenda.
• Members may respond to public comments but not take action (time limits may be used).

All items distributed by the Senate before or during meetings must be available to the public at the meeting.

Robert’s Rules Highlights

• Majority rules; but the minority must be heard.
• A motion must be on the floor to have discussion.
• Do not talk over each other.
• Go back and forth from pro to con arguments.
• When there are no more people who want to speak on one side go to the vote.
• No personal attacks
• Stay focused on the issues
BROWN ACT DO’S AND DON’TS FOR ACADEMIC SENATES


BROWN ACT COVERAGE

The Brown Act applies to the meetings of all legislative bodies (GC 54952) which includes:

1. The Board of Trustees
2. Any subcommittee of task force created by the Board with a majority of Board members
3. Any subcommittee or task force created by the Board which has a definite, ongoing charge (either decision-making or advisory) OR has a regular meeting schedule set by the Board, regardless of Board membership.

THIS MEANS THAT THE BROWN ACT APPLIES TO THE ACADEMIC SENATE AND ALL COLLEGE COMMITTEES RECOGNIZED BY THE BOARD AS ADVISORY OR DECISION MAKING IN ITS BOARD POLICIES.

A meeting of a legislative body (GC 54952.2) occurs whenever a majority of members gather to discuss business within their charge with the following exceptions. All exceptions require that a majority of members do not discuss among themselves any business within their charge.

1. attendance at a conference
2. an open meeting of some other group to address local issues (even a Board-recognized group under the definition of legislative bodies.), and
3. social gatherings

THIS MEANS THAT A MAJORITY OF SENATE MEMBERS CAN GO TO CONFERENCES, UNION MEETINGS, OR OTHER GATHERINGS IF THEY DO NOT DISCUSS SENATE BUSINESS AMONG THEMSELVES.

AGENDAS

Required: (GC 54954.1 .3)

Post agenda 72 hours before meeting.
Include time and place (must be within district with some exceptions).
Mail agenda one week before meeting to those who request it.
Special meetings require 24 hour notice and are limited to agenda items.
Senates do not call emergency meetings (which do not require 24 hour notice).
Allow for public comments before or during discussion of agenda items (no sign in requirements).
Include all action items on the agenda, with a brief description.

Recommended:

Use resolution format for action items.
Have a first reading at the meeting before action is taken.
Sections: approval of minutes and agenda, public comment, reports (officers, liaisons, committees), action items (first or second reading), discussion items (no action)
MEETINGS

Required: (GC 54952.2, 54953-.6, 54957.5-.9, 54957-.7)

All meetings are open; closed session are for litigation (the senate is or will be sued), personnel matters (senate has the responsibility for evaluating a senate employee) or negotiating with a bargaining agent (the senate does not do this).

All votes are open; no secret ballots.

Action is limited to those items on the agenda.

Exception: action may be taken on a non-agenda item, but this requires:

1. that the need for immediate action was discovered after the agenda was posted, and

2. a vote of two-thirds of all members (not just those present) or unanimous if less than two-thirds of members are present.

Members may respond to public comments but not take action (time limits may be used).

All items distributed by the Senate before or during meetings must be available to the public at the meeting (reasonable fees may be charged).

Exception: items under Title 1 Sections 6253.5, 6254, or 6254.7.

Recommended:

Bring extra copies of documents which may have been distributed at previous meetings and make these available to the public for discussion of action items.

If others bring items to distribute, you are not required to provide public copies immediately, but offer to send copies later to those who request them in writing (use a sign-up list).

Be careful what you distribute at meetings. These are now public documents.

Set time limits for discussion, particularly for public comments (e.g., 15 minutes total and 3 minutes per person on each action item).

Senates usually allow public comment on agenda items during the discussion of that item.

Use the public comments section of the agenda for citizens items not on the agenda.

Keep discussion within the scope of the agenda item.

This summary does not substitute for legal opinion or serve as an official interpretation of the statutes. Readers are cautioned to use this summary information judiciously.

Relations with Local Senates committee
The Academic Senate for California Community Colleges
June 1996, Revised June 1998
MOST COMMON MOTIONS

<table>
<thead>
<tr>
<th>Motion/Question</th>
<th>InOrd</th>
<th>2nd</th>
<th>Deb</th>
<th>Amd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main motion, question, resolution</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lay a motion on the table</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Take a motion from the table</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Limit or extend limits of debate*</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone to a certain time</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Amend a pending motion</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone indefinitely (reject)</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Point of order</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspend orders of the day*</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Call the previous question*</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

GUIDELINES FOR PARTICIPATING IN MEETINGS:

To accomplish anything at a meeting, a person must embody his or her idea in a motion and guide it through the steps below. A motion (also known as a question) is like a direction; it proposes some action or opinion for the group to take.

Introducing A Motion

1. Raise your hand to address the Chair.
2. Say "I move," not "I make a motion" or "I so move"
3. Give the precise text of your motion (the chair may assist you somewhat)
4. The Chair ascertains if there is a second for your motion
5. If there is no second, the motion is not before the group (unless a second is not needed)
6. The Chair states the question, inviting debate

Debating or Discussing A Motion

1. Member offering motion has initial preference; member seconding does not.
2. The Chair will alternate between pro and con.
3. Address all your remarks, even questions, to the Chair.
4. Keep your remarks closely related to the last motion stated by the Chair.
5. Avoid personal attacks, and try to avoid the use of names of members in a negative light.
6. Stay focused on the issue being discussed, not on personality conflicts with other members.
7. Do not attack or even question the motives of another member.
8. Do not criticize the Chair or the past acts of the group.
9. Do not speak against your own motion. (but you may vote against it)
10. Observe time restraints: (no speech in excess of three minutes, no more than two speeches per person per motion per calendar day; and no second speech if another person is seeking his first)

Voting On A Motion

1. The Chair puts the question to a vote. (All those in favor say Aye, ... those opposed say Nay. Or raise hands.)
2. If a majority is needed, the chair takes a voice vote.
3. If a two thirds vote is needed, the chair takes a show of hands.
4. If you are dissatisfied at a voice vote, demand a show of hands. (division)
5. If you are dissatisfied with a show of hands, move to order a roll-call vote.
6. The Chair computes results on the basis of present, voting members only.
7. A tie vote rejects a motion but, the Chair, if a member, may vote when the vote is by ballot or when that vote, cast as the Chair intends to cast it, would change the outcome.

General Consent is a procedure where if there seems to be no opposition in routine business or on questions of little importance. The Chair asks if there is any objection. If there is none, the action is taken, adopted by silence. If there is objection, the chair follows the normal procedure, above. Use general consent for things like approving the agenda & minutes or adjourning. It makes the meeting move much faster.