



Ventura Port District

Meeting of January 20, 2021

The Brown Act



Conduct Public Business Openly

“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
BODIES**

MEETINGS

EXCEPTIONS



Application of the Brown Act



What is a Legislative body?

- Governing body of the agency
- Advisory committees created by the governing body
- Standing committees comprised of less than a quorum
- But not temporary committees comprised of less than a quorum



What is a Meeting?

- In person gatherings
- Communication through intermediary
- Emails, Facebook, Twitter [AB 992]
- Serial meetings – prohibited!
- When is a gathering not a Brown Act “meeting”?



AB 992 – Social Media

- First specific amendment to the Brown Act to address social media issues
- Authorizes a board member to communicate via social media to provide information to the public
- Social media communications are permissible as long as *less than a majority* of board members use the social media platform to “discuss among themselves” the district’s official business
 - “Discuss among themselves” is defined to include making posts, commenting and even using emojis to express reactions
- Expands Brown Act to prohibit a board member from:
 - Responding “directly to any communication on an Internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted or shared by *any other member* of the legislative body.”





Meetings

REGULAR MEETING

Board sets time
and place for its
regular meetings.
Agenda posted 72
hours ahead

SPECIAL MEETING

May be called by
president or
majority any time.
Agenda posted 24
hours ahead

ADJOURNED MEETING

Regular or special
meeting may be
adjoined to a future
date and time. No
new agenda required
if less than 5 days

EMERGENCY MEETING

May be called
without notice if
public health or
safety may be
impaired





E-Mail

- Refrain from replying
 - DO NOT REPLY TO ALL!
- Do not take a position or make a commitment
- E-mail Board for info only
- Take caution
- Ensure compliance with law
- Applies to other social media as well
- Public vs. private devices – San Jose case



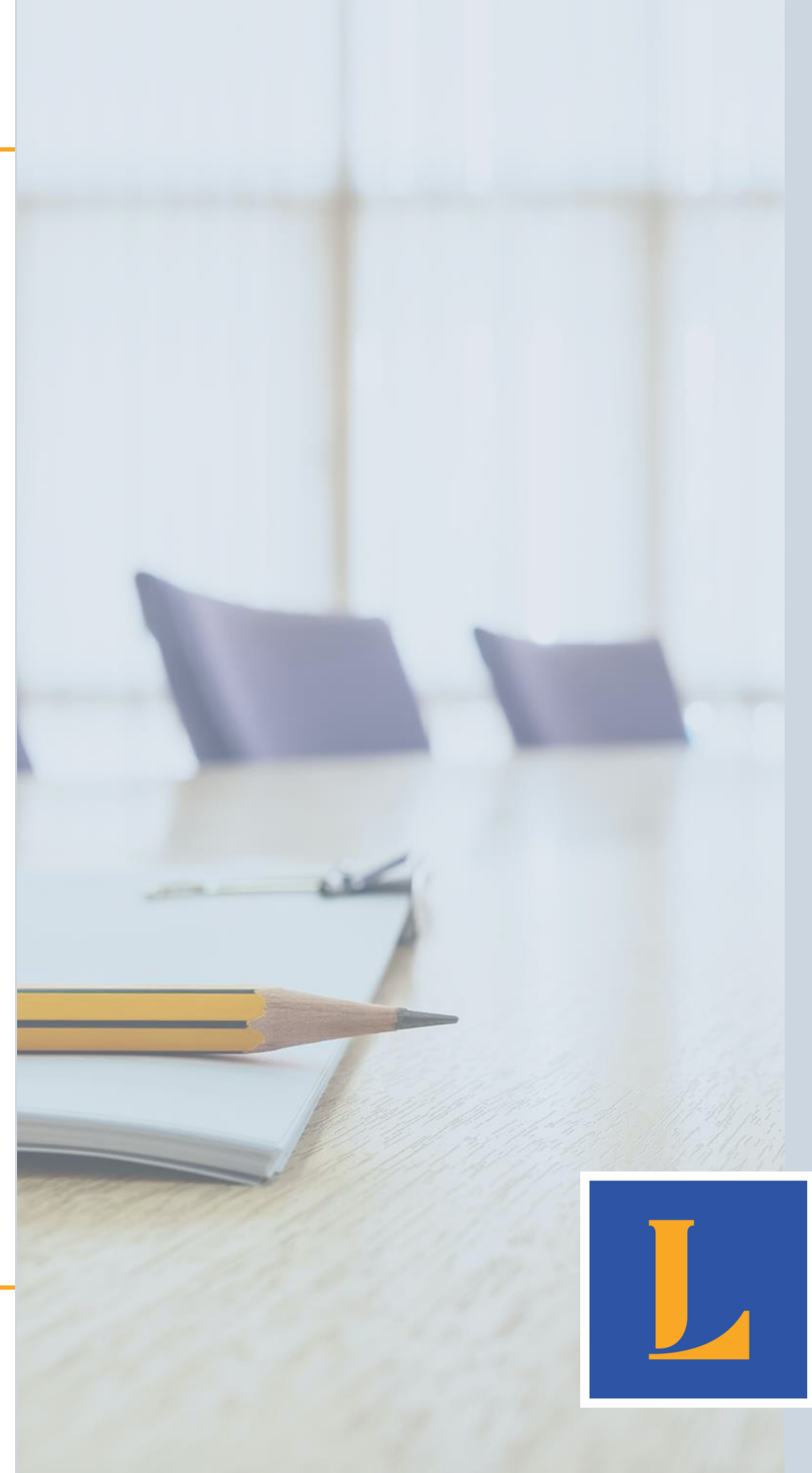
Meeting Agenda

- Brief description of each item of business to be transacted or discussed at the meeting
- Must provide opportunity for public to speak
 - Prior to deliberation on an agenda item
 - Reasonable limitations allowed
- General rule: No action/discussion if not on agenda
- Exceptions:
 - Emergency
 - Matter arose since agenda posted [2/3 vote]
 - Item on agenda of adjourned meeting <5 days prior



Closed Session

- Must be expressly authorized
- Must be on the agenda [safe harbor description]
- Must be verbally announced
- Any action, or no action, must be reported
- Common closed sessions: personnel, labor & real property negotiations, pending/anticipated litigation
- Closed sessions confidential; disclosure prohibited



The Brown Act - Ramifications

- Violations may be prevented by court order
- Action not in compliance may be invalidated
- Court costs & attorney's fees are recoverable
- Individuals may be guilty of a misdemeanor



Questions?

