



# **Bella Mente Montessori Academy**

**Brown Act Training**

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## Board and Executive Director: Roles and Responsibilities

Board approves the “big stuff”:

- Major educational and operational policies
- Major contracts (leases, loans)
- Annual budget
- Hires and evaluates Executive Director
- Ensures long-term viability

Executive Director:

- In charge of day-to-day operations
- Selection of all other staff



## Holding meetings

Why do we have to comply with Brown Act (open meeting law)?

- Most charters and/or bylaws require compliance (if not in charter, arguably not required)
- Sometimes charter bylaws are not consistent with the Brown Act (when inconsistent, Brown Act controls)
- District oversight issues



## Holding meetings

Boards take action only at “meetings”

What is a “meeting”?

“Any congregation of a majority of the members of a legislative body ... to hear, discuss, or deliberate, or take action on any item.”

You may not, “outside a meeting ... use a series of communications ... directly or through intermediaries, to discuss, deliberate, or take action ....” (Gov. Code sec. 54952.2)

So... avoid inadvertent serial meetings through email communications.





## Board “Committee” meetings

- Brown Act applies to committees created by board, even if just advisory:
  - Applies to “standing” board committees (e.g., finance committee, audit committee, executive committee)
  - “Ad hoc” committees exempt, but must be board members only, less than quorum, limited existence (until purpose fulfilled)
  - Board can delegate some authority to standing or ad hoc committees, but committee authority strictly limited to the four corners of that delegation
  - “Executive” committees can sometimes be helpful, but are unnecessary for most schools
- **Tip:** Brown Act is *inapplicable* to non-board committees



## Holding meetings

- Brown Act “types” of meetings
  - “Regular” meetings require 72 hours posting of notice
  - “Special” meetings require 24 hours notice
  - Teleconferencing
    - Notice in agenda
    - Identify teleconference location and location must be accessible to public; agenda must be posted at teleconference location
    - Roll call vote
    - Quorum must be within jurisdiction
    - When in doubt, use Gov. Code 54953 as reference! <sup>6</sup>



## Holding meetings

- Brown Act limits meeting to posted agenda:
  - Brief general description of business to be transacted (20 words or less)
  - Post in publicly accessible place at/near location
  - Consent agenda ok for routine items
  - Don't create "information only" vs. "action" items if you want flexibility
  - Adding items to regular agenda (tip: this is rare!)
- Must post agenda on website
- Minutes must record how members vote
- **Tip:** If you miss 72-hour posting deadline to include an item on regular agenda, you can still post a special meeting agenda with 24 hours notice for same time and place.



## Holding meetings

- Brown Act limits closed sessions:
  - Statutory basis must be identified, such as...
    - Litigation (identify matter)
    - Personnel evaluation, termination (identify position)
    - Real estate negotiations (identify property, negotiator)
  - Not for budget discussions, general planning
- What happens in closed session, stays in closed session; no public disclosure
- Persons not essential to closed session should be excluded





## Holding meetings

- Rights of public:
  - Speak *before* action taken on any item (including closed session)
  - Publicly accessible location (with disabled access)
  - Public comment can (and should) be time-limited
  - Public comment is not a conversation (and cannot be, because of agenda rules)
  - At regular meeting to address board on something *not* on agenda
    - No non-agenda comment required at special meetings, but you can allow if you want to
- Decorum
  - Required by Brown Act and typically enforced by chair



## Contact Information

**Any questions later?**

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