



BEAR VALLEY COMMUNITY SERVICES DISTRICT

BROWN ACT COMPLIANCE POLICY

I. RALPH M. BROWN ACT

The "State Open Meeting Law" officially known as the Ralph M. Brown Act ("Brown Act") is found in California Government Code section 54950 and following. The Brown Act ensures the public's right to attend and participate in meetings of local legislative bodies such as the District's Board of Directors ("Board") and its standing committees. Because the Brown Act is subject to amendment by the Legislature, to the extent the provisions of this policy are not consistent with the Brown Act, the applicable provisions of the Brown Act will control.

II. APPLICABILITY

The Brown Act and this policy applies to meetings of the District's legislative bodies, which are the Board and the standing committees of the Board.

III. AGENDAS

1. The General Manager will cause to be prepared an agenda for each regular and special meeting of the Board and each meeting of a standing committee in accordance with the Brown Act.
2. The Board will have a place of each agenda to receive public comments on matters which are not on the agenda that a member of the public may wish to bring before the Board or a committee. However, the Board or committee may not discuss or take action on such matters at that meeting, other than (a) briefly responding to statements or questions, (b) asking a question for clarification, (c) make a brief announcement or report, or (d) providing brief general directions to staff regarding the matter, if appropriate, including placing a matter on a future agenda.
3. At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board or committee, will be posted in a place that is freely accessible to members of the public. As long as the District maintains a website, the agenda will also be posted on the website at the same time. All information made available to the Board or committee (except confidential information not required to be disclosed to the public) will be available for public review prior to the meeting.
4. The agenda for a special meeting of the Board will be posted at least 24 hours before the meeting in the same location as for regular meeting agendas.

IV. MEETINGS

1. **Definition:** A meeting, as defined by the Brown Act, is "any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body."
2. **Exceptions (Meetings not covered by the Brown Act):** Conferences and retreats, other public meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the Brown Act; provided, that legislative body members do not discuss amongst themselves

business of their legislative body other than as part of the scheduled meeting or events. Also excluded from the application of the Brown Act are individual contacts or conversations between a member of a legislative body and any individual.

3. Meetings of the Board of Directors:

- a. **Regular Meetings** of the District Board of Directors will be held on the second Thursday of each calendar month at 6:00 p.m. in the District Administration Office or other designated location within District boundaries, or at such other day and time as may be established by the Board.
- b. **Special Meetings** of the Board may be called by the President of the Board or by a majority of the Board by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television stations, requesting notice, in writing and posting a notice on the District's web site. The notice will be delivered personally or by any other means at least 24 hours before the time of the meeting as specified in the notice. The call and notice will specify the time and place of the special meeting and the business to be transacted or discussed. No other business may be considered by the Board at a special meeting.
- c. **Emergency Meetings.** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency special meeting without complying with the 24-hour notice. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the President of the Board or a majority of the Board. Newspapers of general circulation in the District, radio and television stations which have requested notice of special meetings will be notified by at least one hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board, or its designee, will notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.
Closed session may be held during an emergency meeting by a unanimous vote of the members present, and all other rules governing special meetings will be observed with the exception of the 24-hour notice. The minutes of the emergency meeting, a list of persons the Board or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting will be posted for a minimum of ten days in the District office as soon after the meeting as possible.
- d. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda and adjourn the to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she will cause a written notice of adjournment to be given.
- e. **Standing Committee Meetings.** The meetings of standing committees of the Board are subject to the notice and open meeting provision of the Brown Act.

The Secretary of the Board will ensure that all required and appropriate information is available for the public at meetings of the Board and its standing committees, and that the physical facilities for the meetings are functional and accessible for all persons.

V. PUBLIC PARTICIPATION

Members of the public will be allowed to speak on a specific item of business on the agenda before or during the Board's or committee's consideration of the matter. The legislative body may, however, adopt reasonable regulations, including time limits, on public comments.