

2025 BOARD & COMMITTEE MEMBER HANDBOOK

PREPARED BY:
The City Clerk's Office



Message from the City Clerk:

Welcome, and thank you for your willingness to serve as a member of a City of Upland Board or Committee. Advisory bodies play a crucial role in city governance by supporting the City Council in addressing specific issues, providing professional expertise, and fostering community involvement in decision-making.

As a member of a board or committee, you will contribute a valuable service that is essential to the continued growth and progress of our city. You may offer recommendations on a wide range of important policy matters, and your advice often serves as a catalyst for innovative programs and improved services.

This Handbook is designed to serve as a reference for the basic procedures that apply to all City advisory bodies. Your staff liaison will assist in providing a general orientation, helping you become familiar with the workings of your advisory body and current issues under consideration.

Becoming fully acquainted with your role and developing an effective voice takes time and experience. We hope this Handbook will guide you toward a rewarding and productive experience. Your participation is deeply appreciated by the City Council, city staff, and the community you serve.

The strength and vitality of Upland are driven by dedicated individuals like you, who generously offer their time and expertise.

Respectfully,

Keri Johnson, CMC, CPMC
Upland City Clerk

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THE STRUCTURE OF CITY GOVERNMENT

THE STRUCTURE OF CITY GOVERNMENT

A. FORM OF GOVERNMENT

California state law dictates that cities may be organized under either the general laws of the State or under a charter adopted by the local voters. General Law cities adhere to the provisions and requirements established as general law by the state of California. Charter cities use the election process to adopt a charter or constitution, which sets forth the basis and authority for all future actions not in contradiction with pre-emptive state law. Upland is a General Law City.

B. CITY COUNCIL

The City of Upland operates according to the Council-City Manager form of government which vests authority in an elected City Council. The City Council is composed of 5 members, a Mayor elected at-large and 4 Councilmembers elected by districts. All positions serve four-year terms. The Mayor serves as the presiding officer at City Council meetings and as the official head of the City for legislative and ceremonial purposes. The City Manager is appointed by the City Council and serves at the pleasure of that body.

The City Council is the City's legislative and policymaking body. Acting as a whole, the City Council is responsible for passing ordinances and resolutions necessary for governing the City, as well as setting the direction of City policy.

The Council-City Manager form of government separates legislative and executive responsibilities in a manner similar to state and federal governments. This system provides "checks and balances" of both policy and administrative branches of government by limiting the power of each. The City Council appoints the City Manager and City Attorney.

C. CITY OFFICERS, DEPARTMENTS, AND STAFF

1. City Manager

The City Manager is responsible for the overall administration of the City. This responsibility includes implementation of the general policies set by the City Council in addition to the day-to-day operations of all City functions. The City Manager, with the help of the staff, provides the City Council with the information needed to fulfill its policymaking role.

2. City Attorney

The City Attorney is also appointed by, and serves at the pleasure of the City Council, and is retained to advise the Council and staff on questions of law, to represent the City in legal actions and other actions to which the City is a party, or as otherwise may be requested by the City Council.

3. Departments

The administration of Upland's government is provided by the City Manager and the following departments:

- Administrative Services - Finance, Human Resources/Risk Management, Information Technology, and Library
- Development Services - Building & Safety, Economic Development, Housing, Planning Divisions, and Engineering (Land Development/Transportation) Divisions
- Police – Administrative, Operations, Animal Control, and Code Enforcement Divisions
- Public Works – Administration, Engineering (Capital Improvements), and Utilities, Operations Divisions, and Recreation and Community Services Divisions

The Department Heads are appointed by the City Manager and serve at his/her pleasure. By virtue of their technical training and experience, they are assigned by the City Manager to provide staff assistance as needed to the advisory bodies. However, the advisory bodies have no authority to supervise or direct the work of city staff. This is done only through the City Manager or Department Head.

D. BOARDS AND COMMITTEES

Upland has boards and committees, which advise and assist the Council in dealing with specific issues. Appointments are made by the Mayor with, approval by the full Council. Each Councilmember may nominate an individual to the City Council Advisory Committee, Building Appeals Board, and to advisory positions on the Public Works Committee.

A brief description of the various advisory bodies, appointment process, and their primary functions is available from the City Clerk's office.



BOARD AND COMMITTEE MEMBERSHIP

BOARD AND COMMITTEE MEMBERSHIP

A. APPOINTMENTS

The term of each appointee to the City Council Advisory Committee, Building Appeals Board, and Public Works Committee will coincide with the holding of office by the nominating Councilmember. Prospective appointees must be a resident of the City of Upland and must remain a resident throughout the term of their appointment, unless a member is appointed by another entity (e.g., Chamber of Commerce Representative on the Economic Development Committee). This provision may be waived upon an affirmative 4/5ths vote of the Council.

After application and selection, board and committee appointments are made by majority vote of the Council for specified terms. In some instances, disclosure of economic interests may be required by the City's Conflict of Interest Code under the regulations of the California Fair Political Practices Commission.

B. RESIGNATIONS AND REMOVALS

If a member is unable to continue serving because of health, business requirements, or personal reasons, a letter or email of resignation must be submitted to the City Clerk's office.

The position of any member is vacated when the member ceases to meet the qualifications for office, when Council accepts the member's resignation, or when removed by vote of the Council.

C. ATTENDANCE

In any case where a Committee and/or Board member has missed three (3) regularly scheduled meetings in a twelve (12) month period without notifying the Chair of said board and/or committee in advance of said meeting, the City Clerk shall contact the board, and/or committee member with a request to provide the reasons therefore, which shall be forwarded to the City Council. Whenever a committee member is unable to attend a meeting, they should email the City Clerk's office and staff liaison as soon as possible.

D. VACANCIES

On or before December 31st of each year, a list of all scheduled vacancies for the upcoming year is posted on the City's website, the bulletin boards at City Hall and the Library, and published in the City's quarterly newsletter. Unscheduled vacancies are posted for a minimum of 10 working days before the vacancy may be filled. Vacancies are filled by appointment by the Council. Appointments made in the middle of a term are for the unexpired portion of that term.

E. TERMS

No committee or board member shall serve for more than two (2) consecutive terms on any individual Committee or Board without the approval of the City Council by an affirmative 4/5ths vote.



CHAIR AND STAFF

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A. CHAIR

The member appointed by the Mayor to any advisory committee shall serve as the Chair of that body, With regard to the Library Board, and the Personnel Board of Review, the members of said bodies shall select, nominate, and appoint by majority consensus, a sitting member of the Body to the position of Chair. The term of the Chair shall be for 2 years. No Chair shall serve for more than two (2) consecutive terms without the approval of the City Council by an affirmative 4/5ths vote.

B. STAFF

Each advisory body has a staff liaison as a point of contact for committee members. Members may not direct the staff liaison to initiate programs, conduct studies, or establish official policy.

C. AGENDAS, MINUTES, AND AUDIO/VIDEO RECORDINGS

The agenda, meeting reports, minutes, audio or video and other official records of an advisory body are public records. Agendas, minutes and notices of adjournment or special meetings must be posted as required by the Ralph M. Brown Act.

D. OPEN MEETINGS

All committee and board meetings shall be conducted pursuant to the provisions of the Ralph M. Brown Act. All meetings are open to the public and the public must be provided an opportunity to comment on agenda items before the board or committee begins discussions.



RESPONSIBILITIES

RESPONSIBILITIES

A. ROLE OF THE BOARD OR COMMITTEE MEMBER

It is important to understand your role and scope of responsibility, as well as the limitations of your individual authority. As a member of an advisory body, you will be asked to provide recommendations to staff, the City Manager, or the City Council about specific issues through your body as a whole. Keep in mind that your appointment does not empower you to supervise or direct City staff.

B. REPRESENT THE BOARD OR COMMITTEE

While individual views of committee members are encouraged and welcomed during open meetings to foster discussion and thorough deliberation, once a position has been taken by the committee, members are expected to support and represent the majority view in external communications.

C. REPRESENT THE PUBLIC INTEREST

Members should represent the public interest and not special interest groups. As appointed representatives, committee members have a responsibility to act in the best interest of the broader community they serve, rather than advancing the agenda of any particular organization, affiliation, or personal connection.

D. SERVE AS A LIAISON

Members are in a unique position of serving as a liaison between the city and its citizens and can help to reconcile contradictory viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and the city, presenting city programs and recommendations and providing a channel for citizen expression.

E. PREPARE IN ADVANCE OF MEETINGS

Do your homework and be thorough in recommendations by reviewing items prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. If you are unsure about something *before* or *during* the meeting, ask for clarification from your staff liaison to ensure your decisions are based on the facts presented.

F. CULTIVATE RELATIONSHIPS

Supportive relationships with the City Council and city staff are essential for successful operation of any board or committee. The proper channel to contact city personnel on items of consideration is through the designated city staff liaison providing staff support for your group.

Establish a good working relationship with fellow members of your board, commission, or committee. Respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, and welcome new members.

G. KEEP AN OPEN MIND

An objective, balanced, and receptive approach will help you assess the facets of a given issue and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.

Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest.



MEETINGS

MEETINGS

A. REGULAR MEETINGS

Advisory bodies meet on a quarterly schedule and meetings are held in the Council Chamber at City Hall. The meetings are livestreamed and videorecording are posted on the City website after the conclusion of the meetings. Library Board meetings are held monthly in the Learning Lab of the Library. The agenda for these meetings must be properly noticed no less than 72 hours prior to the meeting.

C. SPECIAL MEETINGS

A special meeting may be called by staff, as necessary. The agenda for these meetings must be properly noticed no less than 24 hours prior to the meeting.

D. SUBCOMMITTEES

The advisory body may request to appoint special subcommittees of less than a majority of the advisory body to address issues within their scope who then may meet to carry out the purpose of the subcommittee. Your staff liaison can assist the body in determining the scope of proposed subcommittees. Subcommittees must have a specific subject matter for review and should dissolve once that item has been completed (no more than one year). If the subcommittee has a continuing subject matter or a regularly scheduled meeting time, it may qualify as a Brown Act committee and public notice provisions will apply.

E. QUORUM

A quorum consists of a majority of the total number of members of the advisory body. A quorum is required to conduct business at any meeting whether it is a regular, adjourned, or special meeting. While it is expected that members be present at all meetings, the staff liaison should be notified at least 72 hours in advance if a member knows that he/she will be absent.

No Quorum - Meeting Cancellation

When a quorum cannot be assembled at the time of a meeting, the meeting must be cancelled. The staff liaison will contact the City Clerk's Office to post a meeting cancellation notice.

Board members and committee members should inform the staff liaison as early as possible if they are unable to attend a meeting. If it is known in advance that a quorum will not be achieved, the staff liaison should notify all members that the meeting will be cancelled. The staff liaison will contact the City Clerk's Office to post a meeting cancellation notice.

F. MINUTES

Minutes are taken at each meeting to provide a record of when and where the meeting took place, who was present, the type of meeting and what was considered, decided, and agreed upon. Action minutes will reflect action taken and a brief summary of the input of the body. Emphasis is given on the body's thought process, not individual members' thought processes. The minutes will summarize only the main points which arose in discussion if, and only if, they are relevant to the decision. The minutes are posted on the City website for public access.



MEETING MANAGEMENT

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The City of Upland is committed to conducting efficient, effective, and accessible government operations. The following material outlines techniques you can use to ensure that your advisory body meetings are efficiently run and give all residents an equal opportunity to address the issues.

A. PROCEEDINGS

1. Let the Chair run the meeting.
2. Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
3. The Chair should announce at the start of a meeting if the order of agenda items is to be rearranged for any reason.
4. Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
5. Remember that people may be attending a meeting for the first time and may be unfamiliar with procedures. In discussions, either avoid or explain technical terms or verbal shorthand.
6. Listen to audience concerns. Do not engage in side conversations. The opportunity for public testimony is central to the strength of democracy and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed. Recognize differences of opinion and remain neutral when listening to concerns.
7. Close the public communications before you begin deliberations on an issue.
8. Sometimes questions can most effectively focus discussion and direct decision-making. For example,

For staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?

For other advisory body members:

- What do you think about this item?
- What have you heard from the residents?
- What are we trying to accomplish?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?
 - Upland Municipal Code
 - Budget
 - Capital Improvement Program
 - General Plan

- Specific Plans
- Council Goals
- Vision and Mission Statement

9. Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
10. Remember that the actions of your advisory body will be to make recommendations.

B. DECORUM AT MEETINGS

1. Limit public speakers to an established speaking time (generally 3 minutes).
2. Discourage outward signs of agreement or disagreement from the audience such as applause or statements from the floor. Such demonstrations can intimidate those with an opposing view and unintentionally discourage open public discussion of all the issues and points of view.
3. Limit your own comments to the issues before the advisory body. Do not interrupt speakers during their comments and save your qualifying questions for them until after they have finished speaking.

C. EFFECTIVE CONFLICT MANAGEMENT

Public meetings or citizen input can sometimes be difficult to manage. Participants are sometimes highly motivated and often nervous. When there is a group of potential adversaries in one room, the possibility of conflict is high. As an advisory body member, your role is to guide opposing views to positive results, not to eliminate them.

The following suggestions may help you manage conflict and confrontation effectively:

- Anticipate differences by learning about the topic beforehand so you can concentrate on the meeting's purposes
- Carefully explain the purpose of the meeting and what action is expected at the conclusion. Insistence on playing by the rules is your best tool for conflict management in public meetings.
- All persons speaking should be encouraged to clearly identify themselves, not only for the record, but also so that you may address them by name. However, speakers are not required to give their name in order to make public comment.
- Make decisions as promptly as possible. Many bodies get so bogged down in procedural distractions, details, and endless searches for more information that the issue never gets resolved.
- Do not overreact to inflammatory comments, most are expressions of frustration and do not require answers. Turn frustration to constructive avenues.
- Avoid speaker-to-audience conversation. The purpose of a meeting is to help your advisory body arrive at a decision, not to engage in audience debate.
- If members have questions of the speaker, permit these questions following the speaker's time at the podium.

- Be careful not to prejudge the action of the advisory body. Use the meeting to gather necessary information about the proposal and individual desires concerning the proposal. Members should not express their views on the proposal until after testimony has ended.
- Once testimony has ended, each member should be invited to discuss individual views on it.
- View the public meeting as an example of participatory government in action at the local level. Make it your personal goal to make the public meeting work and ensure that everyone is fairly heard.

D. BASIS FOR YOUR DECISION

1. Advisory body decisions should be based principally on the factual information presented to you in the open public meeting process. If you collect pertinent information outside of the public process through a meeting with stake holders or site visits, you are required to share that information with your fellow advisory body members in the public meeting. This sharing of information will ensure that other advisory body members and members of the public have a better understanding of the rationale for your decision.
2. Advisory body members are free to meet or refuse to meet with residents, resident groups, or any persons outside of the public meeting process concerning issues before the advisory body. If you meet with any individuals outside of the public meeting you are required to disclose the content of that meeting in the public meeting to again ensure that everybody is aware of the facts and have similar information up on which to base their decision.

E. MOTIONS

When a member wishes to propose a recommendation for an item on the agenda for the body to consider, the member must make a motion. This is the only way an idea or proposal from a member may be presented to the body for discussion and possible action. A motion goes through the following steps:

1. The member asks to be recognized by the chair.
2. After being recognized, the member makes the motion (I move...).
3. Another member seconds the motion. No discussion should occur until the Chair determines whether there is a second to the motion on the floor.
4. The Chair states the motion and asks for discussion.
5. When the Chair feels there has been sufficient discussion, the debate is closed (i.e., "Are there any additional questions? or "Is there any further discussion?").
6. If no one asks for permission to speak, the Chair puts the question to vote through consensus or roll call vote.
7. After the vote, the Chair announces the decision ("The motion is carried" or "The motion fails", as the case may be).

Phrasing a motion is often difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion (step 4), the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended still must be seconded and then voted upon. It is particularly important when a motion is amended that the Chair restate the motion in order that members are clear as to what they are voting on.

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the Chair to divide the motion. If other members do not object, the Chair may proceed to treat each proposal as a distinct motion to be acted upon separately.

F. ROLE OF CHAIR

The Chair shall preserve order and decorum at all meetings of the advisory body, announce the advisory body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward with involving all advisory body members and allowing for adequate public participation. In the absence of the Chair the Vice Chair shall act as presiding officer.

G. RESPONSIBILITIES OF CHAIR

- Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, opportunities for public input, timeline for decision).
- Keep discussion focused on the issue at hand.
- Solicit opinions from advisory body members. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, and the public from personal attacks.
- Attempt to reach decisions expeditiously on items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.
- Maintain order and ensure respect for all opinions.



IMPOSED RESTRAINTS

IMPOSED RESTRAINTS

Certain limitations have been placed upon the powers of both the City Council and its appointed advisory bodies by both statutory and case law. In certain instances, application of these restraints may be crucial in the governmental process. In instances of doubt, the City Clerk's Office should be consulted. Staff liaisons will coordinate an assistance request.

A. CONFLICT OF INTEREST

State law prohibits advisory body members from having a personal interest in any contract, sale, purchase, or decision they are involved in officially. A conflict of interest can disqualify a member and may invalidate the group's actions. If a member has any interest—personal, private, or otherwise—that could influence their judgment or actions away from the public's best interest, it should be reviewed and may require the member to step back from the decision. However, interests shared by the general public or a large group of similar individuals do not count as a conflict.

B. PUBLIC RECORDS LAWS

The Public Records Act, found in the Government Code of the State of California, provides that categories of official records of the city are open to inspection to any interested party at reasonable times. Exceptions to this law are only those records specified in the Act. All advisory body minutes, agenda, open session audio/video records, and supporting meeting documents, are public records that must be disclosed.

C. THE BROWN ACT

The Ralph M. Brown Act, or "Brown Act," is a California law that requires local government business to be done in open and public meetings, with a few exceptions like closed sessions. It applies to all Upland boards and committees. A "meeting" includes any gathering of a majority of members to talk about or decide on issues within the group's authority—even informal conversations or discussions on social media. Members are not allowed to discuss or make decisions on such matters outside of official, publicly noticed meetings. The goal of the Brown Act is to ensure transparency and keep the public informed about how decisions are made.

The Brown Act requires that meeting times and locations be publicly posted in advance and that the committee members only discuss or act on items listed on the agenda. It protects the public's right to attend, participate in, and comment at meetings. Agendas must allow for two types of public comment: one for general topics within the body's jurisdiction but not on the agenda, and one for specific agenda items.

Members must avoid discussing public business outside of official meetings, including through one-on-one or group conversations, which could be considered a "Serial Meeting" and would violate the Brown Act. This also applies to emails—members should not use "Reply All" or forward emails to others on the body, as it may unintentionally create a quorum discussion.



CONCLUSION

Conclusion

The City of Upland deeply values and appreciates the dedication of its board and committee members, as well as the ongoing involvement of our engaged citizens. We are grateful to those who volunteer their time, knowledge, and passion to serve our community and contribute to the important work of our advisory bodies.

City Council appointments are made with great care, selecting individuals who bring valuable experience, insight, and a genuine interest in the mission of each advisory group. We welcome and encourage the sharing of ideas, suggestions, and perspectives—whether offered by citizens, advisory body members, or as part of a group recommendation. Every voice matters in shaping thoughtful and inclusive public policy.

While we highly value independent thinking and robust discussion, participation on a board or committee does require members to approach matters with impartiality. To ensure fair and balanced decision-making, members are asked to refrain from advocating before the City Council on issues that are under consideration by their own advisory group. This allows all members to fully and fairly consider the matters before them and contribute to a recommendation that reflects the collective position of the group.

Advisory bodies exist to support the City Council by focusing on specific areas of concern and offering well-informed guidance. Differences of opinion are a natural and healthy part of this process, and respectful dialogue and voting are key to reaching decisions that best serve the community.

The City sincerely thanks each of our board and committee members for their commitment, and we continue to welcome and value the active participation of our residents in shaping the future of our city.

REFERENCE MATERIAL

Major Provisions and Requirements of the Ralph M. Brown Act



Summary of the Major Provisions and Requirements of the Ralph M. Brown Act

The Ralph M. Brown Act is California's "sunshine" law for local government. It is found in the California Government Code beginning at Section 54950. In a nutshell, it requires local government business to be conducted at open and public meetings, except in certain limited situations. The Brown Act is based upon state policy that the people must be informed so they can keep control over their government.

A. Application of the Brown Act to "Legislative Bodies"

The requirements of the Brown Act apply to "legislative bodies" of local governmental agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Section 54952).

Standing committees of a legislative body, which consist solely of less than a quorum of the body, are subject to the requirements of the Act. Some common examples include the finance, personnel, or similar policy subcommittees of the city council or other city legislative body that have either some "continuing subject matter jurisdiction" or a meeting schedule fixed by formal action of the legislative body. Standing committees exist to make routine and regular recommendations on a specific subject matter, they survive resolution of any one issue or matter, and are a regular part of the governmental structure.

The Brown Act does not apply to *ad hoc* committees consisting solely of less than a quorum of the legislative body, provided they are composed solely of members of the legislative body and provided that these *ad hoc* committees do not have some "continuing subject matter jurisdiction," and do not have a meeting schedule fixed by formal action of a legislative body. Thus, *ad hoc* committees would generally serve only a limited or single purpose, they are not perpetual and they are dissolved when their specific task is completed.

Standing committees may, but are not required to, have regular meeting schedules. Even if such a committee does not have a regular meeting schedule, its agendas should be posted at least 72 hours in advance of the meeting (Section 54954.2). If this is done, the meeting is considered to be a regular meeting for all purposes. If not, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply.

The governing boards of private entities are subject to the Brown Act if either of the following applies: (i) the private entity is created by an elected legislative body to exercise lawfully delegated authority of the public agency, or (ii) the private entity receives funds from the local agency and the private entity's governing body includes a member of the legislative body who was appointed by the legislative body (Section 54952).

The Brown Act also applies to persons who are elected to serve as members of a legislative body of a local agency who have not yet assumed the duties of office (Section 54952.1). Under this provision, the Brown Act is applicable to newly elected, but not-yet-sworn-in councilmembers.

B. Meetings

The central provision of the Brown Act requires that all "meetings" of a legislative body be open and public. The Brown Act definition of the term "meeting" (Section 54952.2) is a very broad definition that encompasses almost every gathering of a majority of Council members and includes:

"Any congregation of a majority of 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 or the local agency to which it pertains."

In plain English, this means that a meeting is any gathering of a majority of members to hear or discuss any item of city business or potential city business.



There are six specific types of gatherings that are not subject to the Brown Act. We refer to the exceptions as: (1) the individual contact exception; (2) the seminar and conference exception; (3) the community meeting exception; (4) the other legislative body exception; (5) the social or ceremonial occasion exception; and (6) the standing committee exception. Unless a gathering of a majority of members falls within one of the exceptions discussed below, if a majority of members are in the same room and *merely listen* to a discussion of city business, then they will be participating in a Brown Act meeting that requires notice, an agenda, and a period for public comment.

1. The individual contact exception

Conversations, whether in person, by telephone or other means, between a member of a legislative body and any other person do not constitute a meeting (Section 54952.2(c)(1)). However, such contacts may constitute a “serial meeting” in violation of the Brown Act if the individual also makes a series of individual contacts with other members of the legislative body serving as an intermediary among them. An explanation of what constitutes a “serial meeting” follows below.

2. The seminar and conference exception

The attendance by a majority of members at a seminar or conference or similar educational gathering is also generally exempt from Brown Act requirements (Section 54952.2 (c)(2)). This exception, for example, would apply to attendance at a California League of Cities seminar. However, in order to qualify under this exception, the seminar or conference must be open to the public and be limited to issues of general interest to the public or to cities. Finally, this exception will not apply to a conference or seminar if a majority of members discuss among themselves items of specific business relating to their own city, except as part of the program.

3. The community meeting exception

The community meeting exception allows members to attend neighborhood meetings, town hall forums, chamber of commerce lunches or other community meetings sponsored by an organization other than the city at which issues of local interest are discussed (Section 54952.2(c)(3)). However, members must observe several rules that limit this exception. First, in order to fall within this exception, the community meeting must be “open and publicized.” Therefore, for example, attendance by a majority of a body at a homeowners association meeting that is limited to the residents of a particular development and only publicized among members of that development would not qualify for this exemption. Also, as with the other exceptions, a majority of members cannot discuss among themselves items of city business, except as part of the program.

4. The other legislative body exception

This exception allows a majority of members of any legislative body to attend meetings of other legislative bodies of the city or of another jurisdiction (such as the county or another city) without treating such attendance as a meeting of the body (Section 54952.2(c)(4)). Of course, as with other meeting exceptions, the members are prohibited from discussing city business among themselves except as part of the scheduled meeting.

5. The social or ceremonial occasion exception

As has always been the case, Brown Act requirements do not apply to attendance by a majority of members at a purely social or ceremonial occasion provided that a majority of members do not discuss among themselves matters of public business (Section 54942.2(c)(5)).

6. The standing committee exception

This exception allows members of a legislative body, who are not members of a standing committee of that body, to attend an open and noticed meeting of the standing committee without making the gathering a meeting of the full legislative body itself. The exception is only applicable if the attendance of the members of the legislative body who are not standing committee members would create a gathering of a majority of the legislative body; if not, then there is no “meeting.” If their attendance does establish a quorum of the parent legislative body, the members of the legislative body who are not members of the standing committee may only attend as “observers” (Section 54952.2(c)(6)). This means that members of the legislative body who are not members of the standing committee should not speak at the meeting, sit in their usual seat on the dias or otherwise participate in the standing committee’s meeting.



With a very few exceptions, all meetings of a legislative body must occur within the boundaries of the local governmental agency (Section 54954). Exceptions to this rule which allow the City Council to meet outside the City include meeting outside the jurisdiction to comply with a court order or attend a judicial proceeding, to inspect real or personal property, to attend a meeting with another legislative body in that other body's jurisdiction, to meet with a state or federal representative to discuss issues affecting the local agency over which the other officials have jurisdiction, to meet in a facility outside of, but owned by, the local agency, or to visit the office of the local agency's legal counsel for an authorized closed session. These are meetings and in all other respects must comply with agenda and notice requirements.

“Teleconferencing” may be used as a method for conducting meetings whereby members of the body may be counted towards a quorum and participate fully in the meeting from remote locations (Section 54953(b)). The following requirements apply: the remote locations may be connected to the main meeting location by telephone, video or both; the notice and agenda of the meeting must identify the remote locations; the remote locations must be posted and accessible to the public; all votes must be by roll call; and the meeting must in all respects comply with the Act, including participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction. No person can compel the legislative body to allow remote participation. The teleconferencing rules only apply to members of the legislative body; they do not apply to staff members, attorneys or consultants who can participate remotely without following the posting and public access requirements.

All actions taken by the legislative body in open session and the vote of each member thereon must be disclosed to the public at the time the action is taken. (Section 54953(c)(2)).

C. Serial Meetings

In addition to regulating all gatherings of a majority of members of a legislative body, the Brown Act also addresses some contacts between individual members of legislative bodies. On the one hand, the Brown Act specifically states that nothing in the Act is intended to impose Brown Act requirements on individual contacts or conversations between a member of a legislative body and any other person (Section 54952.2(c)(1)). However, the Brown Act also prohibits a series of such individual contacts if they result in a “serial meeting” (Section 54952.2(b)).

Section 54952.2(b)(1) prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body. Paragraph (b)(2) expressly provides that substantive briefings of members of a legislative body by staff are permissible, as long as staff does not communicate the comments or positions of members to any other members.

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., three council members) through either one or more persons acting as intermediaries or through use of a technological device (such as a telephone answering machine, or e-mail or voice mail), even though a majority of members never gather in a room at the same time. Serial meetings commonly occur in one of two ways; either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority (“I’ve talked to Councilmembers A and B and they will vote ‘yes.’ Will you?”) or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has reached a collective concurrence on a matter.

We recommend the following guidelines be followed to avoid inadvertent violation of the serial meeting rule. These rules of conduct apply **only** when a majority of a legislative body is involved in a series of contacts or communications. The types of contacts considered include contacts with local agency staff members, constituents, developers, lobbyists and other members of the legislative body.