

Number: **BP 008**

Authority: Board of Directors  
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Dept./Div.: Administration



## **BOARD POLICY**

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### **BROWN ACT POLICY**

#### **ARTICLE 1 POLICY**

It is the policy of the Ironhouse Sanitary District ("District") that all employees have knowledge of and comply with California's Brown Act, codified in Government Code §§ 54950 et seq. Attached to this policy is a thorough summary of the Brown Act published by the California League of Cities that all employees and Board Members are required to read and refer to should they have questions regarding this policy. District employees should also consult the General Manager should they have any questions regarding this policy or the application of the Brown Act to District events. The District Board and General Manager are authorized to establish additional District procedures consistent with this Policy and the Brown Act.

#### **ARTICLE 2 MEETINGS COVERED**

All District meetings and writings of District officials must be open to the public. This includes noticed meetings and any communication medium through which a majority of District officials discusses, deliberates, or takes action on an item of business. The second category includes, but is not limited to: teleconferences; web conferences; and series of communications, such as email chains, internet or intranet chat room conversations, and blog dialogues

The Brown Act does not apply to the independent conduct of individual decision-makers or to social, ceremonial, educational, and other gatherings unless the majority of a decision making body discusses official business. The Brown Act includes limited exceptions for closed session meetings, as outlined below.

#### **ARTICLE 3 MEETING TYPES AND AGENDA REQUIREMENTS**

##### **3.1 Regular Meetings**

Meetings occurring at dates, times, and locations set by resolution, ordinance, or other formal action by the District Board, such as regular Board meetings. A detailed agenda must be posted and made available to the public at least 72 hours before the meeting.

### 3.2 **Special Meetings**

Meetings called by the District Board President or a majority of the Board to discuss only discrete items on the agenda. Agendas must be posted and made available to the public at least 24 hours before the meeting.

### 3.3 **Emergency Meetings**

A limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.

### 3.4 **Adjourned Meetings**

Regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.

### 3.5 **Closed Session Meetings**

In limited circumstances, the District Board may conduct meetings that are closed to the public. Closed session items must be briefly described on the posted meeting agenda and the agenda must cite the Brown Act section authorizing the closed session. Following a closed session meeting, the District Board must provide a written or oral report on certain actions taken and the vote of every member present. Closed sessions may be held to discuss or take action on:

- A. Litigation;
- B. Anticipated litigation by or against the District;
- C. Real estate negotiations related to purchases, sales, leases, or exchanges
- D. The appointment, employment, evaluation of performance, discipline, or
- E. dismissal of a public employee;
- F. Labor negotiations;
- G. License applicants with criminal records; and
- H. Public security.

### 3.6 **Teleconference Policy**

If District officials wish to discuss official business via teleconference, the District must:

- A. Post agendas at teleconference locations specifying all teleconference locations;
- B. Provide public access to teleconference locations;
- C. Provide the public an opportunity to speak at each teleconference location; and
- D. Take all votes by roll call.

### 3.7 **Violations**

Conducting District business through serial communications or informal gatherings that are not open to the public is a violation of the Brown Act. For example:

- A. If Member A contacts Member B, and Member B contacts Member C, and so on, until a quorum has been involved, this type of “serial meeting” may result in a violation of the Brown Act. This includes telephone and email communications.
- B. If an intermediary, such as a District staff member or even an applicant, contacts at least a quorum of District officials members to develop a collective concurrence on action to be taken by the legislative body, a Brown Act violation is likely. This includes telephone and email communications.
- C. If a quorum of District officials discusses official business over the watercooler, even if no decision is reached or action is taken, this is a Brown Act violation.

### 3.8 **Public Participation**

The Brown Act provides that members of the public, including individuals, lobbyists, and news media may attend, record, broadcast, and participate in public meetings. The District may adopt reasonable limitations on public testimony and regulate the conduct of public meetings. These rules are covered in the District’s Bylaws.

### 3.9 **Non-Agenda Items Discussed at Meetings**

Generally, at any District meeting, discussing or taking action on an item not appearing on the posted agenda is prohibited. With regards to non-agenda items, Board Members are only allowed to:

- A. Briefly respond to public statements or questions;
- B. Ask a question for clarification;
- C. Make a brief announcement;
- D. Make a brief report on his or her activities (e.g. trips in which reimbursement was received from the City);
- E. Provide a reference to staff or other sources for factual information; and
- F. Request staff to place the matter on a future agenda and report back to the legislative body in a subsequent meeting.