

Duldulao, Abigail

From: Bearden, Joshua
Sent: Thursday, March 5, 2020 11:54 AM
To: Duldulao, Abigail
Subject: FW: Brown Act

Hi Abbey,

Would you print this email and include in Monday's senate packet?

Joshua L. Bearden, PhD
Academic Senate President
Professor of History
Los Medanos College
CC-216
925-473-7841

From: Bearden, Joshua
Sent: Thursday, March 05, 2020 11:54 AM
To: Kratochvil, Bob <bkratochvil@losmedanos.edu>
Cc: Montoya, Carlos <cmontoya@losmedanos.edu>; Maxwell, Tanisha <tmaxwell@losmedanos.edu>; Ybarra, Nancy <NYbarra@losmedanos.edu>; Zuniga, Luis <lzuniga@losmedanos.edu>; Ramirez, Sophia <SRamirez@losmedanos.edu>; Huffman, Laurie <LHuffman@losmedanos.edu>; Arcidiacono, Marie <marcidiacono@losmedanos.edu>; Hiscocks, Ryan <rhiscocks@losmedanos.edu>
Subject: Brown Act

Hi Bob,

At our next meeting the Academic Senate will discuss the issue of whether SEM and Distance Education are Brown Act committees and should have to comply with the open meetings law. The Senate council has agendized this as a discussion item, and I understand that eventually this will come before SGC for a formal vote. We (Senate council) are unanimously of the opinion that a vote to make any of these bodies "non-Brown Act" would be a violation of that law.

After researching Brown Act requirements, we understand that sub-committees are not subject to the Brown Act if they meet all four of these requirements:

- 1) Are advisory only
- 2) Are composed of less than a quorum of the standing committee
- 3) Serve a limited or single purpose
- 4) Will dissolve once their task is complete

While SEM and DE may meet #1 and #2, they do not meet #3 or #4. Each of these bodies exercise continuing subject matter jurisdiction and will not dissolve once a single or limited task is completed. Also, the vote to make the Safety Committee a non-Brown act committee was also a violation of the Brown Act because it also does not meet all four of these criteria. Though we understand the Safety Committee's desire to act quickly and with flexibility, the Brown Act does have provisions that allow for action during emergency situations.

I would also like to clarify the requirements for teleconferencing and recording Brown Act meetings:

- 1) Members of the committee are allowed to call, zoom, or otherwise use teleconferencing software so long as A) the address they will be located is published on the agenda 72 hours in advance; B) the public is allowed access to this space and each teleconference location allows for public comments C) a majority of the committee's members are meeting within the jurisdiction (i.e., a majority cannot be located outside Contra Costa County) and finally D) all votes must be taken audibly by roll call if any members are teleconferencing. There are misconceptions that committees have been told they cannot use teleconferencing software. There is a difference between not being allowed to do this and choosing not to teleconference because an individual (or committee) has made the decision that they do not want to meet these requirements.
- 2) All public meetings may be recorded or broadcast, and a member of the public (or member of the body) does not need to seek permission to record or broadcast a public meeting. The only exception is when doing so would place an undue burden on the legislative body's ability to conduct business.

I have copies all the co-chairs of SEM, DE, and the Senate council as I want us to be on the same page about information that will be presented at Monday's senate meeting. At this point we do not plan to hold vote on this matter since we believe there is nothing to vote on because the requirements of the Brown Act are clear. As a side note, this might be a good time to hold a college-wide training/professional development seminar on Brown Act since there are so many misconceptions about the public meeting law.

I look forward to continuing this conversation!

Joshua L. Bearden, PhD
Academic Senate President
Professor of History
Los Medanos College
CC-216
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