



BROWN ACT REQUIREMENTS; CHARTER LIMITATIONS ON BLT; AND 2019 CHARTER REVIEW

Elliot H. Min, Deputy City Attorney, City Attorney's Office

Board of Library Trustees
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THE BROWN ACT



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THE BROWN ACT

"...**public commissions, boards and councils and other public agencies** in this State exist to aid in the conduct of **the people's business**. It is the intent of the law that their actions be **taken openly and** that their deliberations be **conducted openly**."



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MEETINGS

1. Any congregation of a majority of the members at the same time and place to discuss any item that is within the subject matter of the Committee.
2. Except at a meeting, a majority cannot communicate directly, through intermediaries, or technological devices to develop a collective concurrence as to action to be taken on an item.
3. A majority of the Committee may not text or e-mail each other to develop a collective concurrence as to action to be taken by the Committee.



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SERIAL MEETINGS

1. A series of communications, each less than a quorum, but which taken as a whole involves a majority of the Committee's members
2. Does not require a collective concurrence to occur in order for there to be a violation.
3. Staff may communicate with members outside of a public meeting to answer questions or provide information, but cannot pass communications between members



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AGENDAS

1. The agenda must specify the time and location of the meeting and a "brief general description" of each item of business to be transacted or discussed.
2. If a matter is not on the agenda, it may not be discussed or acted upon.
3. City's Sunshine Ordinance requires posting the agenda (with all reports and presentations) publically no less than 12 days before the meeting.



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AGENDA EXCEPTIONS

1. Brief responses to statements or questions posed by the public.
2. Questions to staff for clarification.
3. Requests to staff to report back on an issue at a subsequent meeting.
4. Requests to agendaize a matter of business for some future meeting.
5. Brief announcement by members of the body or staff and brief reports on their activities.



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PUBLIC COMMENT

1. Public has the right to address the Charter Review Committee at any meeting on any subject that is within the Committee's subject matter jurisdiction.
2. The Committee may impose reasonable restrictions on such comment; generally three minutes.
3. Committee chair responsible for enforcing the limit
4. The Committee may require members of the public to voluntarily fill out a speaker's card.



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Charter Limitations on the Board of Library Trustees



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CITY CHARTER § 808. BOARD OF LIBRARY TRUSTEES

“There shall be a Board of Library Trustees, which shall have the power and duty to:

- (a) Have charge of the administration of City libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.
- (b) Designate its own secretary.
- (c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.



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CITY CHARTER § 808 cont'd

- d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.
- e) Approve or disapprove the appointment, suspension or removal of the Library Director, who shall be the department head.
- f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.



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CITY CHARTER § 808 cont'd

- g) Contract with schools, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council."



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2019 CHARTER REVIEW

1. In 2019, City Council appointed the 15-member Charter Review Committee ("CRC").
2. CRC will make recommendations for amendment to City Charter to the City Council to place on 2020 ballot.
3. The CRC is appointed every 8 years.
4. BLT's Charter-granted authority can only be amended via voters.
5. If you want a change, contact the CRC!



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QUESTIONS?



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RECOMMENDATION

That the Board of Library Trustees receive and file the presentation from Elliot Minn, Deputy City Attorney, on the Ralph M. Brown Act (California Government Code Section 54950), City Charter and the 2019 Charter Review Committee.



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