

# Presentation on Laws Governing Open Meetings and Conflicts of Interest

City Attorney Heather M. Minner



## It is the People's Business

- The people of the State do not yield their sovereignty to the agencies which serve them.
- The people insist on remaining informed so that they may retain control over the instruments they have created.

## The Heart of the Brown Act

All meetings of the legislative body shall be open and public, and all persons shall be permitted to attend any meetings, except as otherwise provided in this chapter.

## What is a meeting?

Any gathering of a majority of members to hear, discuss, deliberate, or take action on any item within the subject matter of the governing body.



## Impermissible Serial Meetings

A majority of members shall not use a series of communications, directly or through intermediaries, to discuss or take action on any item of business.

## Impermissible Serial Meetings

- Daisy Chain
- Hub and spoke
- Individual briefings OK, so long as not developing a collective concurrence.



## Meetings Not Subject To the Brown Act

- Contacts with individuals
- Conferences
- Community meetings
- Other legislative bodies
- Social or ceremonial events



## Open and Public Meetings

- Agenda with brief description of each item 72 hours in advance.
- No action or discussion on non-agenda items. Except:
  - brief response, request for information, placing item on future agenda, brief announcements.

## Closed Session Meetings

Narrow, specific authority in the Brown Act. Permitted for:

- Existing or anticipated litigation
- Real estate negotiations
- Employment/evaluation of personnel
- Labor negotiations

## Closed Session Meetings

Required to protect 3<sup>rd</sup> party confidential information:

- Criminal records of Applicants.
- Confidential settlement offers.
- Sensitive personnel information.
- Security briefings.

## Ethics and Conflicts of Interest

- Universal ethical values to strive for.
- Political Reform Act: conflicts based on economic interests.
- Courts: conflicts based on personal interests or bias.
- Contract City Attorney advises on compliance, reviews allegations.

## Political Reform Act

- Enforced by the FPPC
- Public servants shall not make or participate in making a governmental decision if they have reason to know that they have a financial interest in the decision.

## Disqualifying Financial Interests

- If it is reasonably foreseeable that the decision will have a material financial effect on financial interests.
- Business, home, real estate, source of gifts or income, personal finances.
- Exception for general public impacts.
- When in doubt, ask.

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