

# REGIONAL HOUSING NEEDS ALLOCATION



TO: Housing Methodology Committee  
FR: Deputy Executive Director, Policy  
RE: Summary of Key Brown Act Requirements

DATE: November 7, 2019

## Overview

At its October 18, 2019 meeting, members of the Housing Methodology Committee (HMC) requested clarification about how the Brown Act that affects committee deliberations. In particular, committee members were interested in opportunities for facilitating dialogue among members in between HMC meetings. Below is a summary of key provisions of the Brown Act.

### Discussion Outside HMC Meetings

Staff and HMC members should be mindful of discussing items the HMC will consider outside a noticed meeting. Such discussion can be in the form of a "daisy chain" in which Member A shares an opinion with Member B who shares it with Member C until a quorum of the group has shared their opinion on a topic. It can also be in the form of a "hub and spoke" where staff or a member acts as a hub of information and opinions and ends up sharing opinions of various members with a quorum of the group. This prohibition is contained in Cal. Gov't Code Section 54952.2(b)(1). With this in mind, it is acceptable for ABAG/MTC staff to unilaterally provide information to HMC members in between meetings, but members should not discuss the information with other HMC members in between meetings. HMC members should also be careful not to discuss topics that will be under consideration by the HMC amongst themselves in between meetings to avoid the risk of an unnoticed "serial meeting."

### Schedule for Providing Materials

The Brown Act provides that meeting agendas be posted in a physical location "freely accessible to members of the public" and posted on the agency's website at least 72 hours before the meeting. The agenda must also contain a "brief description of each item of business to be transacted or discussed at the meeting." These requirements are contained in Cal. Gov't Code Section 54954.2. There is no specific requirement with respect to the meeting packet or memoranda or information related to specific items on the agenda. Agency practice for ABAG and MTC has been to post the agenda and make the packet available to committee members approximately one week before a meeting, but this is not a requirement of the Brown Act.