

**DRAFT – COMPARISON OF PUBLIC MEETING PROVISIONS  
Policy Body v. Ancillary Body v. Brown Act**

	<b>Policy Body</b>	<b>Ancillary Body</b>	<b>Brown Act</b>
<b>1. Agenda Posting – Regular Meeting</b>	10 calendar days	4 calendar days	72 hours
<b>2. Staff Reports – Regular Meeting</b>	10 calendar days	N/A	Not specified.
<b>3. Staff Reports – Expenditures of \$1M or More – Regular Meeting<sup>1</sup></b>	14 calendar days	N/A	Not specified.
<b>4. Supplemental Staff Reports –Regular Meeting</b>	5 calendar days	N/A	Not specified.
<b>5. Council Memos – Regular Meeting</b>	3 business days	N/A	Not specified.
<b>6. Action Taken by Council</b>	Not yet decided by Task Force	N/A	<p>No action or discussion shall be taken on any item not identified on the posted agenda, except that members may make certain brief statements, ask questions or make a referral to staff.</p> <p>A legislative body may take action on items not identified on the posted agenda when (1) a majority votes that an emergency exists; (2) 2/3 of the members vote that there is a need to take immediate action; or (3) the item was posted on an earlier agenda.</p>

<sup>1</sup> Note, this provision is an original reform referral from the City Council (Public Information Reform #4) which required a detailed accounting of all City contracts and expenditures of \$1 million or more to be made available to the City Council and public, on-line, no later than 2 weeks prior to being heard. Otherwise, a 2/3 majority vote of the Council would be required to hear an item that was received less than 2 weeks prior to the hearing.

	<b>Policy Body</b>	<b>Ancillary Body</b>	<b>Brown Act</b>
<b>7. Agenda Posting – Special Meeting</b>	Not yet decided by Task Force	Not yet decided by Task Force	24 hours
<b>8. Access to Meetings</b>	Not yet decided by Task Force	Not yet decided by Task Force	Meetings must be held in facilities that (a) do not discriminate on the basis of race, religion, color, national origin, ancestry or gender; (b) comply with the Americans with Disabilities Act; and (c) do not require a member of the public to pay money or make a purchase.
<b>9. Recording and Photography</b>	Not yet decided by Task Force	Not yet decided by Task Force	Recording and broadcasting of public meetings is permitted unless the governing body makes a reasonable finding that the recording constitutes a persistent disruption of the proceedings.
<b>10. Public Testimony<sup>2</sup></b>	Not yet decided by Task Force	Not yet decided by Task Force	At regular meetings, the public is entitled to comment on any item of interest; at special meetings, the public is entitled to comment on items on the agenda. The governing body may prescribe a time limit on the speakers.
<b>11. Written Statements</b>	Not yet decided by Task Force	Not yet decided by Task Force	Members of the public may submit written statements.

<sup>2</sup> Recall that one of the Council Reform Referrals (Neighborhood Participation Reform # 5) is to expand the speaking time from 2 minutes to 4 minutes for "Neighborhood Group or Community Association Designees" or those subject to an eminent domain action, clarify the speaking time allowed to a representative from an advisory commission, and create a strategy to address recently identified challenges to public participation for those with disabilities. Recall also that, even though the Task Force decided that expanding the time for the public to speak was appropriate, the expansion of time should be applied without discrimination.

	<b>Policy Body</b>	<b>Ancillary Body</b>	<b>Brown Act</b>
<b>12. Minutes<sup>3</sup></b>	Not yet decided by Task Force	Not yet decided by Task Force	Minutes are not required to be prepared for any meetings.
<b>13. Public Comment by Members of Policy Bodies</b>	Not yet decided by Task Force	N/A	Not specified.
<b>14. Conflict Disclosures<sup>4</sup></b>	Not yet decided by Task Force	N/A	Not specified.

**NOTE:** Two provisions under Public Meetings – Section 2.5 (Public Notice Requirements) and Section 2.13 (Senior Staff Meetings Open to Public) do not relate to meetings of policy bodies or ancillary bodies and thus are not included in the matrix above. These provisions should also be discussed and decided by the Task Force.

<sup>3</sup> Recall that one of the Council Reform Referrals is that (1) City Council and committee meeting minutes must more accurately reflect the actual meeting discussions; (2) public meeting videos should be immediately available after on-site meetings on the city website; and (3) public meeting videos should be available no later than 3 days after the meeting for off-site meetings or in the event of technical problems.

<sup>4</sup> Recall that one of the Council Reform Referrals (Public Information Reform # 9) requires policy body members to disclose conflicts, in writing, 24 hours before a meeting. Recall also that at the 11/16/06 meeting, the Task Force endorsed staff's approach to implementation but recommended that the City address enforcement (i.e, what are the penalties for non-disclosure of conflicts of interests?).