

# Corning Union High School Special School Board Meeting

**DATE:** December 20, 2017

**TYPE OF MEETING:**  
Special

**TIME:** 6:00 P.M.

**MEMBERS ABSENT:**

**PLACE:** Corning Union High School  
Library

**VISITORS:**  
Deanna Glover

**MEMBERS PRESENT:**

Scott Patton  
Todd Henderson  
Pauletta Bray, Jim Bingham  
Ken Vaughan

**SCHOOL DISTRICT REPRESENTATIVES:**

Jared Caylor, District Superintendent  
Dave Messmer, Director of Technology  
Jessica Marquez, Administrative Assistant to Superintendent

**THE CORNING UNION HIGH SCHOOL -**

- 1. CALL TO ORDER:** The meeting was called to order at 6:00 p.m. by Board Clerk, Pauletta Bray.
- 2 FLAG SALUTE:** Board Clerk, Pauletta Bray asked the Board and audience to stand And salute the flag.
- 3. ROLE CALL:** Board Clerk, Pauletta Bray asked for a roll call. Attendance is as follows:
  - Todd Henderson
  - Jim Bingham
  - Ken Vaughan
  - Pauletta Bray
  - Scott Patton

**4. BOARD WORKSHOP  
REGARDING  
OPEN MEETING  
LAWS:**

Roman Munoz, Attorney at Law of Dannis Woliver Kelley was present to share a presentation with the Board and the audience:

**Brown Act-** The people of the State do not yield their sovereignty to the agencies which serve them. The board members are elected into office and everything should always be made public. If there is any action to be taken, the public has the right to know.

**Intent of the Brown Act-** The intent is to keep the public informed of the actions, debates and views of locally elected representative and to provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents

**Board Role and Conduct-** Board members have collective, not individual authority. Authority to make decisions is only granted to the board as a whole. No Board member has the authority other than as conferred by Board majority.

Only elected officials are subject to the Brown Act. Not the Superintendent or Superintendent's Assistant. The Board is expected to know the Brown Act, even before taking office.

**Legislative Body** includes commission, committee and Board. Board Clerk, Pauletta Bray asked if the Brown Act is for all local agencies and Roman Munoz shared that, yes it definitely is indeed.

**What is/is not a meeting-** Any majority of a legislative body at the same time and place, including teleconference locations to hear, discuss, or deliberate upon any time within the subject matter jurisdiction of the legislative body. Three members that meet is a violation of the Brown Act. The Board Retreat is posted to the public so this is fine. Appearance is everything and the perception of the public is not to be taken lightly. Board Member, Jim Bingham requested information with regard to phone calls. Roman Munoz shared that phone calls can become a problem.

Note: For any exclusion to apply, Board members must not discuss topics within the subject matter of the district "other than as part of the scheduled program".

A majority of the members of the Board shall not, outside a noticed meeting, use a series of communications of any kind, direct or through intermediaries, to discuss, deliberate, or take action on anytime of business that is within the board's jurisdiction.

**Meeting Location & Logistics-** A conference call is legal however, needs to be posted. An example would be if a member is out of town and staying in a hotel. The notice would need to be posted on the outside of the hotel room door, the door left open for any public to attend if desired. There has to be a quorum within the District boundaries and all votes at the meeting must be by roll call.

An example: Members can attend a City Council meeting but cannot sit together. Also, Graduation is not considered to be a meeting although every board member is present at the same time. CSBA conferences are not a notice meeting as they are typically for educational purposes.

Example #2: A parent comes to a board member with a concern and the board member phones another board member, another board member happens to be there visiting, that is a violation of the Brown Act.

Public Statements- Responding to emails requesting information sent to Trustees from the public:

- Trustees will refer the request to the board president with a copy to the superintendent.
- The board president and superintendent will agree on who responds
- If the superintendent responds, s/he will copy all trustees
- If the board president responds, s/he will copy the superintendent, who will pass it on to all trustees.

**Permitted Communication**-Private briefings for less than a quorum of board members on background events concerning agenda items do not violate the Act unless the comments or position of any other board member is disclosed.

**Agenda Requirements**- Agenda to be posted in a location freely accessible and searchable on the website to members of the public. There is a 72 hour posting requirement of regular meetings, 24 hours for special meetings. Agendas and backup should be made available when distributed to majority of the Board. The content of the agenda must include the following:

- Time and location
- How to request for accommodations may be made
- List of agenda items in sufficient detail to allow public to determine whether to participate
  - No required order of items
  - Closed session items must meet specific description requirements

Emergency Meetings- Not subject to the 24 hour notice requirement but are only for work stoppage, crippling activity, activity which severely impairs public health, safety or both, disaster and must attempt to provide notice.

**Action & Vote Requirements**- A decision is made by majority vote. The board must always act as if five members are present. Student Board members vote before the board members vote but their vote is not included in the vote tally of the Board.

**Action on Non-Agenda Items-** Board may consider items not on agenda in two circumstances which are emergency items and if there is a need to take action on an item that may have arose after the agenda was posted. This requires 2/3 vote. Sometimes it is better to hold a Special Meeting if there is sufficient advance notice.

**Non-Agenda Items-** The Board may ask for clarification or make a brief announcement or brief report of activity.

**Public Rights-** The public has the right to comment and the agenda must provide opportunity for public comment. The Board may place reasonable time limitation on particular topics or speakers. At special meetings, the public only has the right to address agenda items.

There was a discussion how difficulty can occur when the public and the board gets into a debate. It takes away from the order of the meeting. Each person should be allowed 2-3 minutes to speak and the advice from Roman would be to call a break, call a recess or phone law enforcement if needed.

**Meeting Public Rights-** The public may request to place an item directly on board agenda. The procedure would be for the public to phone Superintendent or Superintendent's Assistant for request. The Superintendent would then discuss with the Board President to discuss and determine if the items should be placed on the agenda.

**Limited Public Forum/Public Comment-** Public comment prior to open/closes session, at a regular/special meeting and regulating the length and content is suggested. Having comment cards is a good idea. After closed session, the Superintendent can quickly review and then determine what limits to set.

**Meetings Public Rights-** Public meetings are considered a limited public forum. Board need not permit disruptive conduct in a meeting and any person attending a public meeting may videotape, unless disruptive.

**Closed Session-** The Board may meet in closed session to discuss/take action on items within enumerated to the open meeting requirements. Act provided sample "safe harbor" closed session item descriptions.

Closed Session Procedure-

Who may attend:

Board  
Administrators  
Legal Counsel  
Board's Negotiators  
Parties specifically allowed

Who may not attend:

Opposing party  
Other consultants

Closed Session Topics- Personnel Actions, Appointment, Employment, Evaluation, Discipline/Dismissal, Hearing Complaints or Charges against employees (require 24 hour notice of right to open session) and Labor Negotiations.

Closed Session Topics- Real Property Transactions, Pending and Anticipated Litigation, Tort Claims, Student Discipline hearings

**Personnel Exception-** Governing Boards may meet in closed session to consider the appointment, employment, evaluation of performance, discipline or dismissal of a public employee.

There was a brief discussion on Labor Negotiations. The Brown Act does not apply but this should not be abused. The Board runs the risk of violating the public's trust.

**Employee Contracts-** All contracts of employment with the Superintendent, deputy superintendent, assistant superintendent or associate superintendent shall be ratified in an open session of the governing body which shall be reflected in the governing body minutes. The Brown Act prohibits a board from holding a special meeting regarding salaries, salary schedules or compensation paid in the form of fringe benefits, of a "local agency executive".

**Complaints of Chargers-** Governing boards may meet in closed session to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session. A 24 hour notice is required. Performance evaluation is not a hearing about specific complaints of charges brought against an individual.

**Labor Negotiations-** May discuss salaries, salary schedules or compensation paid in the form of fringe benefits of its unrepresented employees and for the represented employees, any other matter which in the statutorily provided scope of representation. Prior to closed session, the Board must identify its negotiator in open session.

**Real Property Transactions-** Limited to meeting with real property negotiators prior to sale or lease of property, to discuss confidential information concerning price or terms of payment during property negotiations.

**Pending and Anticipated Litigation-** To receive advice from legal counsel regarding pending or threatened litigation when discussion in open session would prejudice the position of the district in the litigation. Includes consideration of tort claims

**Reporting Out-** The Board must publicly report action taken in closed session. Must report if action was taken, report the vote and provide copies of contract, agreement or other approved documents to a requester at time session ends (if prior written request on file) otherwise the next day.

If a contract is signed in closed session, this is considered an agreement and this must be reported out. If nothing is signed, it does not need to be reported out. If action is taken on a personnel items, it has to be made a public notice.

What happens in closed session must stay in closed session. The Board members may not disclose confidential information from closed session.

**Consequences are:**

- Injunctive relief
- Disciplinary action
- Referral to the grand jury
- Expose the District/COE to potential liability.

If a board member violates the legal requirements to keep all closed session discussion confidential, the Board President and the Superintendent will take immediate action to rectify the matter.

**Violations:**

- Criminal liability
- Public can sue to stop violation of Act
- Declaratory relief regarding past violation of the Act
- Payment of attorney's fees
- Voiding of action taken in violation of the Act
- Court may order taping of closed session

There was a discussion that if there was a teacher that wanted to meet regarding the way that they are being treated. The recommendation from Roman Munoz was to let the employee know that there is an adopted board policy and process in place for these particular types of situations. Once the process is followed and if the employee is not satisfied, they then have the right to file an appeal to the Governing Board, if needed.

Board Member, Ken Vaughan asked Roman if the Corning Union High School has been in violation of the Brown Act and Roman confirmed, that the Governing Board has not.

Deanna Glover is an employee of the district and shared with the board the following feedback from the public's perspective:

The Board meetings start with closed session at the beginning of the meeting and it sometimes appears that the items on the agenda are discussed in closed session. At the recent organizational meeting, the board came out and had already seemed to determine who would be the new board president and board clerk. It may not be the case but this is what it appears to be.

The Board President typically has already met one on one with the Superintendent prior to the meeting so although some parts of closed session may appear to be orchestrated, often, this is not the case. The Superintendent usually has direction from the Board prior to the meeting.

Board Member Todd Henderson, confirmed that communication with board 3 or more board members should be done here at public meetings. Roman Munoz confirmed that this was correct. Roman reminded everyone that the Superintendent is always welcome to send weekly updates but the board cannot discuss school matters outside of the board meetings unless there are 2 members only. 3 or more board members, is a violation of the Brown Act.

Roman Munoz did share with the Board and audience that closed session at the beginning of the meetings is the recommendation that he gives. The reason is that usually there are very important topics to be discussed in closed session which require a lot of attention.

Roman J. Munoz thanked the Board for listening to the presentation and wished the Board a very Merry Christmas and Happy Holidays.

## 5. ADJOURNMENT:

A motion was made by Pauletta Bray and seconded by Ken Vaughan to unanimously approve to adjourn the meeting at 7:45 p.m. There being no further discussion, the Board adjourned the meeting.

**Approved**

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Jim Bingham, President

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Todd Henderson, Clerk

**CORNING UNION HIGH SCHOOL DISTRICT**  
**SPECIAL BOARD MEETING**

**DATE:** December 20, 2017  
**TIME:** 6:00 PM  
**LOCATION:** Corning Union High School Library

1. Call to Order
2. Flag Salute
3. Roll Call
4. Board Workshop Regarding Open Meeting Laws
5. Adjourn





DANNIS WOLIVER KELLEY

Attorneys at Law


## **THE BROWN ACT: WHAT EVERY BOARD MEMBER SHOULD KNOW**

**A Presentation to the Corning Union High  
School District Board of Trustees  
December 20, 2017**

Roman J. Muñoz  
Attorney  
Sacramento Office  
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**DANNIS WOLIVER KELLEY**  
Attorneys at Law

## The Brown Act:

### What Every Board Member Should Know

A Presentation to the  
Corning Union High School District Board of Trustees

December 20, 2016

Presented by  
Roman J. Muñoz

The Brown Act is intended to establish the fundamental principles and procedures for public meetings. It is not intended to establish a right of public access to public meetings. It is not intended to establish a right of public access to public meetings. It is not intended to establish a right of public access to public meetings.

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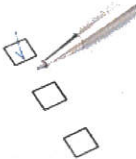
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**DANNIS WOLIVER KELLEY**  
Attorneys at Law

## Agenda

- Role of the Brown Act & Application
- What is a Meeting?
- Agenda Requirements
- Public Rights at Meetings
- Closed Sessions
- Violations of the Brown Act



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Attorneys at Law

## Intent of the Brown Act

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is good for them not to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The Ralph M. Brown Act, Gov. Code, § 54950



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## Intent of the Brown Act

- To keep the public informed of the actions, debates and views of locally elected representatives; and
- To provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents.



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## Board Role & Conduct

- Board members have collective, not individual authority. Authority to make decisions is only granted to the board as a whole. The full board gives direction to the superintendent, most commonly at board meetings. Individual board members do not have the authority to direct the superintendent or staff, unless otherwise agreed to by the board and superintendent.
- No individual Board member has authority other than as conferred by Board majority
- Board Bylaws – Code of Ethics, Governance
- Protocol for communicating with staff, requests for information



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## Applicability

- Act applies to a "member of the legislative body of a local agency" which includes "[a]ny person elected to serve as a member of a legislative body who has not yet assumed the duties of office ..."
- Once elected, officials are expected to know the requirements of the Brown Act, even before taking office (Gov. Code, § 54952.1.)



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## Legislative Body

- Includes any:
  - Commission
  - Committee
  - Board
- Whether**
  - Permanent or temporary
  - Decision-making or advisory
  - Established by charter, ordinance, resolution, or formal action of the Board.
- Does not include ad hoc committees or committees formed by the Superintendent.

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## What is/is not a Meeting

- A "meeting" is:
  - Any congregation of a majority of members of a legislative body at the same time and place, including teleconference locations, to **hear, discuss, or deliberate** upon any item within the subject matter jurisdiction of the legislative body
  - There need **not be action** taken or planned, for a "meeting" to occur

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## Meetings – Location, Logistics

- All meetings must be open and public
  - Teleconference locations must be identified and accessible;
  - Agendas must be posted at each location where a member is attending via electronic means;
  - At least a quorum must be within District boundaries;
  - All votes at the meeting must be by roll call.
- Meeting place must be accessible to public—nondiscriminatory, accessible to disabled, no payment or purchase required

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## Meetings – Location, Logistics

- Meeting place must be within District boundaries, with limited exceptions:
  - To comply with court order or attend judicial proceeding;
  - To inspect real or personal property which cannot be brought within bounds of agency;
  - To meet with state or federal elected or appointed officials, when a local meeting impractical;
  - To participate in meetings of multi-agency significance.

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## What is/is not a Meeting?

- Definition of meeting excludes:
  - Appearance of a Board majority at a general conference open to the public involving a discussion of broad issues and attended by a broad spectrum of officials from a variety of governmental agencies;
  - Attendance at open and publicized meetings, organized to address a topic of local concern by a person or organization other than the local agency;
  - Individual contacts and conversations;
  - Social or ceremonial occasions.

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## What is/is not a Meeting?

- Definition of meeting excludes:
  - Attendance by a Board majority at open and noticed meetings of another body of the same local agency or any other agency; or
  - Attendance by a Board majority at an open and noticed meeting of a standing committee of the Board, if members of the Board that are not members of the committee attend only as observers. (Gov. Code, § 54952.2.)

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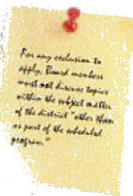
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## What is/is not a Meeting?

### ■ Note:

- For any exclusion to apply, Board members must not discuss topics within the subject matter of the district "other than as part of the scheduled program."



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## What is/is not a Meeting?

- A majority of the members of a Board shall not, outside a noticed meeting, **use a series of communications** of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the board's jurisdiction.
- This includes communications through:
  - Telephone, electronic mail, facsimile, internet;
  - Communication through an intermediary

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## What is/is not a Meeting?

- An employee or official of a district may engage in separate conversations or communications outside of a meeting with other board members in order to answer questions or provide information regarding a matter that is within the district's jurisdiction, if that person does not communicate to board members the comments or position of any other board member.
- A board member may engage in conversations and communications with members of the public, interest groups, friends and family about a matter within the board's jurisdiction as long as that person is not used as an intermediary to communicate his/her comments or position to other board members.

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## Public Statements—Sample Board Protocol

- **Responding to emails requesting information sent to Trustees from the public:**
  - Trustees will refer the request to the board president with a copy to the superintendent (if the superintendent is not already copied).
  - The board president and superintendent will agree on who responds.
  - If the superintendent responds, s/he will copy all trustees.
  - If the board president responds, s/he will copy the superintendent, who will pass it on to all trustees.



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## Permitted Communications

- Communications limited to providing information (i.e. superintendent's weekly report) or procedural or administrative matters do not constitute meetings or confidential communications
  - Receipt of written legal advice is not a meeting!
- Private briefings for less than a quorum of board members on background events concerning agenda items do not violate the Act *unless the comments or position of any other board member is disclosed*



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## Agenda Requirements

- **Publicizing a Meeting**
  - Agenda to be posted in a location freely accessible and searchable on the website to members of the public
    - 72 hours before regular meeting
    - 24 hours before special meeting
  - Post on the District's website
  - Mail to persons requesting mailed notice including local news media
  - Agendas and backup should be made available when distributed to a majority of the Board



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## Agenda Requirements

- Content of Agenda
  - Time and location of meeting;
  - How a request for accommodation may be made;
  - List of agenda items in sufficient detail to allow public to determine whether to participate ("brief general description")
    - No required order of items
    - Closed session items must meet specific description requirements



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## Emergency Meetings

- Not subject to the 24 hour notice requirement
  - But only for:
    - Work stoppage
    - Crippling activity
    - Activity which severely impairs public health, safety or both
    - Disaster
  - Must still attempt to provide notice



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## Action & Vote Requirements

- "Action"
  - Decision by a majority of the board
  - A collective commitment or promise by a majority of the board to make a positive or a negative decision
  - An actual vote by a majority of the board members upon a motion, proposal or resolution
- Board shall act by majority vote of entire membership
- Student board members vote before board members vote but their vote is not included in the vote tally of the Board



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## Action on Non-Agenda Items – Regular Meetings

- Board may consider items not on agenda in two circumstances
  - Emergency Items
    - Majority vote
    - Limited application
  - Need to take immediate action
    - Arose after agenda posted
    - Requires 2/3 vote, unanimous if less than 2/3rds of Board present
- Sometimes better to use Special Meeting if sufficient advance notice



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## Non-Agenda Items

- Board may also:
  - Ask for clarification
  - Make a brief announcement or brief report of activity
  - Request staff to "report back" or place item on future agenda
  - "Briefly respond to statements made or questions posed by persons exercising their public testimony rights" (Gov. Code § 54954.2.)



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## Meetings – Public Rights

- Right to comment:
  - Agenda must provide opportunity for public comment
    - Before or during consideration of item
    - Public comment must be allowed on any other matter under the Board's jurisdiction
- Board may place reasonable time limitations on particular topics or speakers
- At special meetings, the public only has the right to address agenda items



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## Meetings – Public Rights

- Public may place items “directly related to school district business” on the agenda (EC 35145.5)
- Is Board obligated to speak to each agenda item?
- Check Board Bylaws for member response protocol
- Check Board Bylaws for process by which Board member may request to place an item on the agenda



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## The Board Meeting: A Limited Public Forum/Public Comment

- Public Comment Prior to open/closed session
- At Regular/Special Meeting
- Regulating length & content; derogatory remarks; disruption



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## The Board Meeting: A Limited Public Forum/Public Comment

- Rights of person requesting item to speak at meeting when item heard
- Number of speakers – provide opportunity for everyone to speak
- Physical arrangement of room
- Video / audio recording by member of public



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## Meetings – Public Rights

- Public meetings are considered a limited public forum
  - The public has broad constitutional rights to comment on any subject relating to the business of the governmental body
  - Attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest
  - Prohibiting members of the public from criticizing school district employees is unconstitutional
- Board need not permit disruptive conduct in a meeting
  - Penal Code section 403 prohibits acts that disturb or break up a lawful assembly or meeting
- Any person attending a public meeting may videotape, unless disruptive



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## Closed Session

- Board may meet in closed session to discuss/take action on items within enumerated "exceptions" to the open meeting requirements;
- Prior to closed session, disclose in an open session the items to be discussed in closed session which may be a reference to items on the Board's agenda (Gov. Code § 54957.7.)
- Act provides sample "safe harbor" closed session item descriptions



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## Closed Session Procedure

- Who may attend?
  - Board
  - Administrators
  - Legal counsel
  - Board's negotiators
  - Parties specifically allowed
- Who may not attend?
  - Opposing party?
  - Other consultants?



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## Closed Session Topics

- Most Common:
  - Personnel Actions – Appointment, Employment, Evaluation, Discipline/Dismissal/Release
  - Hearing “Complaints or Charges” against employees - requires 24-hour notice of right to open session
  - Labor Negotiations



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## Closed Session Topics

- Real Property Transactions
- Pending and Anticipated Litigation
- Tort Claims
- Student discipline hearings - require 24-hour notice of right to open session (Ed. Code)



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## Personnel Exception

- Governing boards may meet in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee (Gov. Code, § 54957, subd. (b)(1).)



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## Employment Contracts

- All contracts of employment with a superintendent, deputy superintendent, assistant superintendent, associate superintendent... or other similar chief administrative officer or chief executive officer of a local agency **shall be ratified in an open session of the governing body which shall be reflected in the governing body's minutes** (Gov. Code, §53262(a).)



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## Employment Contracts

NOTE: The Brown Act **prohibits a board from holding a special meeting** "regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a "local agency executive." (Gov. Code § 54956(b).)

- A local agency executive is defined to include a person who is the head of a department.
- This prohibition applies to consideration of superintendent employment agreements (Gov. Code § 3511.1(d).)
- Is CBO subject to this prohibition?



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## Complaints or Charges

- Governing boards may meet in closed session to hear complaints or charges brought against the employee by another person or employee **unless** the employee requests a public session (Gov. Code, § 54957, subd. (b)(2).)
- 24-Hour Notice Requirement:
  - Written notice of right to have complaints or charges heard in an open session
  - Delivered, personally or by mail, to the employee at least 24 hours before the closed session (Gov. Code § 54957(b)(2).)



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## Complaints or Charges

- Performance evaluation is not a hearing about specific complaints or charges brought against an individual (*Fischer v. Los Angeles Unified Sch. Dist.* (1999).)
- "Complaint" and "Charge" connote an accusation; something which is brought against an individual (*Bell v. Vista Unified Sch. Dist.* (2000).)
- Decision to initiate or consider moving forward with formal discipline is not a hearing (*Kolter v. Los Angeles Unified Sch. Dist.* (2009).)

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## Labor Negotiations

- May discuss salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for represented employees, any other matter within the statutorily provided scope of representation (Gov. Code, § 54957.6(a))
- Prior to closed session, the Board must identify its negotiator(s) in open session

**Note:** Compliance with Brown Act not required for discussions regarding negotiations with represented employees (Gov. Code, § 3549.1, Rodda Act).

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## Real Property Transactions

- Limited to meeting with real property negotiators prior to sale or lease of property, to discuss confidential information concerning price or terms of payment during property negotiations (Gov. Code, § 54956.8)
  - General real property issues are not included within this exception

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## Pending and Anticipated Litigation

- To confer with, or receive advice from legal counsel regarding pending or threatened litigation when discussion in open session would prejudice the position of the district in the litigation (Gov. Code, § 54956.9)
  - Includes consideration of tort claims
  - Must counsel be present?



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## Reporting Out

- Board must publicly report action taken in closed session
  - "Action taken" is defined in the Act
  - Must report the vote of every member present
  - Must provide copies of contracts, agreements or other approved documents to a requester at time session ends (if prior written request on file), otherwise next day
- Specific requirements for reporting out depending on type of action taken



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## Reporting Out

- Personnel actions:
  - Must provide title of position
  - Cannot use name of employee, best practice to provide ID number if more than one employee with the same title
  - The report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any (Gov. Code, § 54957.1, subd. (a)(5).)



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## Confidentiality of Closed Session

- Board member may not disclose confidential information from closed session
- Consequences:
  - Injunctive relief
  - Disciplinary action
  - Referral to grand jury
  - Expose the District/COE to potential liability
- "If a board member violates the legal requirement to keep all closed session discussion confidential, the Board President and Superintendent will take immediate action to rectify the matter."



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## Violations

- Consequences for violation of the Brown Act:
  - Criminal liability exists if there is "intent to deprive public" (Gov. Code, § 54959)
  - Public can sue to stop violation of Act
  - Declaratory relief regarding past violation of the Act
  - Payment of attorneys' fees
  - Voiding of action taken in violation of the Act
  - Court may order taping of closed session



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thank  
you!

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