



Brown Act Basics for Rising HR Superstars

Presented by: Angelique A. Cramer and Jennifer Burchett

ACHRO/EEO Fall Institute
September 23, 2025, 1:00 PM

Lozano Smith

FIRM OVERVIEW

Lozano Smith is a full-service education and public agency law firm serving hundreds of California's K-12 and community college districts, and numerous cities, counties, and special districts. Currently representing over 600 public agencies of all types throughout the State of California, our attorneys understand the intricacies and range of ever-changing laws affecting local public agencies.

AREAS OF EXPERTISE

- > Administrative Hearings
- > Charter Schools
- > Community Colleges
- > Construction Advice and Litigation
- > Facilities & Business
- > Governance
- > Investigations
- > Labor & Employment
- > Litigation
- > Municipal
- > Public Finance
- > Special Education
- > Student
- > Title IX

COST CONTROL

We recognize and understand the financial constraints placed on public agencies. Our team works tirelessly to provide the very best legal representation with those limitations in mind. We are mindful of costs and focus on getting our clients the best possible product in a cost-effective manner.

PODCAST, PUBLICATIONS, AND LEGAL UPDATES

One of the best ways we keep legal costs to a minimum is through strategic, preventive legal services. These include Client News Briefs which provide an immediate summary of new laws, cases, or other developments. In addition, we provide a range of publications and podcast episodes which provide the tools to minimize liability, thus reducing the need for legal assistance down the road. All of these offerings can be found on our mobile app and website.

CLIENT SERVICE is our top priority and we take it very seriously. With premier service as the benchmark, we have established protocols and specific standards of practice for each of our offices statewide. Client calls are systematically returned within 24 hours and often sooner when required.

DIVERSITY IS KEY and we consciously practice it in all that we do. It is one of our core beliefs that there is a measurable level of strength and sensitivity fostered by bringing together individuals from a wide variety of different backgrounds, cultures and life experiences. Both the firm and the clients benefit from this practice, with a higher level of creative thinking, deeper understanding of issues, more compassion, and the powerful solutions that emerge as a result.

ONE FIRM, STATEWIDE

Our team of more than 100 attorneys span multiple offices and practice areas to cover all aspects of public agency law. With our statewide office locations, clients have the benefits of a large firm and comfortable relationships of a small firm.

- > Sacramento
- > Fresno
- > San Diego
- > San Luis Obispo
- > Walnut Creek
- > Los Angeles
- > Monterey
- > Bakersfield

GIVING BACK TO THE COMMUNITY

Lozano Smith's signature "Blue Hat" Project symbolizes our team's hands-on pledge to engage in our communities. With involvement by more than 150 Lozano Smith employees, we have assembled care kits, volunteered on campuses, and invested in our communities through partner projects. Lozano Smith has partnered with school districts, several statewide associations and various community agencies to help impact hundreds of students and many communities throughout California. Featured programs include, for example:

- > Art Scholarships
- > Backpack Giveaways
- > Bullying Prevention Awards
- > Campus Beautifications
- > Distribution of Care Kits
- > Leadership Academies
- > Mentoring Program Awards
- > Music Scholarships

MODEL WORKSHOPS AND SEMINARS

Lozano Smith is a recognized leader statewide for its successful development and implementation of topical seminars designed to provide practical advice and training. Lozano Smith's robust client training program is focused on cost control and ensuring preventative measures are in place. We invite you to explore our [Frequently Requested Workshop Listing](#).

DIGITAL LEARNING BY LOZANO SMITH

We are also proud to offer LS Illuminate (LSI), Lozano Smith's digital training platform. Designed to meet the growing list of mandatory employee trainings, LSI simplifies the process with on-demand access to essential legal curriculum and compliance reporting. For more information, including exploring enrollment options, visit illuminate.lozanosmith.com.

LS

Lozano Smith

ATTORNEYS AT LAW

Brown Act Basics for Rising
HR Superstars

Presented by: Angelique A. Cramer and Jennifer Burchett

ACHRO/EEO Fall Institute | September 23, 2025, 1:00 PM

1

Topics



Overview

Meetings

Closed Session

HR Issues

Agenda Items and Meeting Packets

Public Participation

Brown Act Violations

LS

LozanoSmith.com

2

2



The Brown Act: An Overview

LS

LozanoSmith.com

3

3

Brown Act Overview

- The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964.
- On November 2, 2004, the voters approved Proposition 59 to mandate that the Brown Act, be broadly construed in furtherance of the public's "right of access to information concerning the conduct of the people's business."



LS

LozanoSmith.com

4

What Does The Brown Act Require?



- Actions and deliberations taken openly and in public.
- Meetings are public, unless closed session is allowed.
- Meeting agendas and packets must be publicly available.
- Agenda posted on District website (Direct Link) or dedicated webpage.

LS

LozanoSmith.com

5

5

Who Is Subject to the Brown Act?

Legislative bodies of Local Agencies. This includes:

- Governing Bodies, i.e. the Board of Trustees.
- Subcommittees and Commissions created by formal Board action with a majority of Board members.
- Subcommittee created by formal Board action with a definite ongoing charge OR has a regular meeting schedule set by the Board.
- Academic Senates are considered "legislative bodies" covered by the Brown Act because they are an advisory body to the Board of Trustees.

LS

LozanoSmith.com

Govt. Code § 54952

6

6

Who Is Subject to the Brown Act? (Continued)

Legislative bodies of Local Agencies. This includes:

- Other District senates, including the Student Senate, Classified Senate, and Management/Confidential Senate must also follow the Brown Act, as they are committees formed by formal action of the Board of Trustees.
- The Board of Trustees has established participatory governance groups by adopting Board Policy 2510, entitled, "Participation in Local Decision Making of the Board of Trustees," and Administrative Procedure 2510, entitled "Participatory Governance." Govt. Code § 54952 (b)
- Subcommittees of Subcommittees – "ad hoc" committees established to advise a subcommittee would not be subject to the Brown Act. But use caution.



LozanoSmith.com

7

7



LozanoSmith.com

8

8

What Is A Meeting?

- Any congregation of a majority of members at the same time and location to hear, discuss, or deliberate on any item within the District's jurisdiction.
- Even if no action taken or no concurrence reached.



LozanoSmith.com

9

Types Of Meetings



Regular Meeting:
Scheduled by official action; **72 hours' notice.**

Special Meeting:
Called any time with at least **24 hours' notice.**

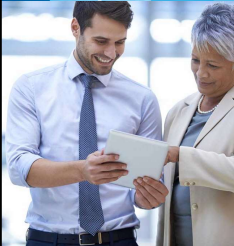
Emergency Meeting: RARE.

LozanoSmith.com

10

10

What Does Not Constitute a Meeting?



Individual contact or memorandum

Public conferences

Community meetings

Other local agency meetings

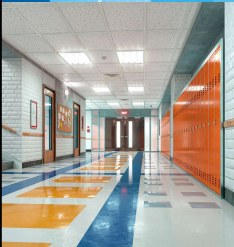
Social gatherings

LozanoSmith.com

11

11

Serial Meetings



“[A] serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members.”

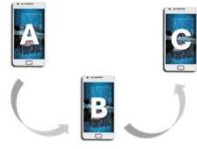
LozanoSmith.com

Attorney General's Brown Act Handbook12

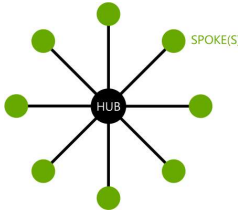
12

What Do Serial Meetings Look Like?

LINEAR OR CHAIN MEETING



HUB OR SPOKE MEETING



 LozanoSmith.com

13

13

Serial Meetings Can Occur Through the Use of Technology

Telephone

Email

Text Message

Direct Message

Social Media

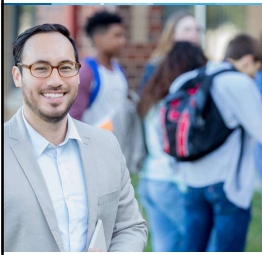


 LozanoSmith.com

14

14

Where Can Governing Boards Meet?



- Usually within boundaries of the local agency
- Exceptions
 - Traditional Brown Act Teleconferencing
 - Just Cause or Emergency Circumstance (AB2449)

 LozanoSmith.com

15

15

Options for Remote Board Meetings

1) Traditional Option	Members may attend Board meetings remotely, so long as specific requirements are met. Always available under the Brown Act.
2) The Just Cause and Emergency Circumstance Option	Members may attend Board meetings remotely with an appropriate "just cause" or "emergency circumstance" exemption. Available until January 1, 2026.

LS

LozanoSmith.com

16

16

AB 2449 – Remote Attendance at Meetings

Effective from January 1, 2023, to January 1, 2026

Quorum Yes.	Public Access Yes. Both physical and remote.	How 2-way audio and video.
-----------------------------------	--	--

LS

LozanoSmith.com

17

17

Justification

JUST CAUSE - Childcare - Caregiver need - Contagious illness - Disability - Travel on official state or local business	EMERGENCY - Physical emergency - Family emergency 
---	---

LS

LozanoSmith.com

18

18

Quorum



- A minimum number of members who must be present in order to conduct substantive business. Quorum is defined by:
 - State Law;
 - Bylaws; and
 - Parli Pro.
- Generally, a majority of members (50% + 1)

LS

LozanoSmith.com

19

19



The Brown Act: Closed Sessions

LS

LozanoSmith.com

20

20

Closed Sessions

- Narrow exceptions in the law
- Announce in open session the items to be discussed in closed session (e.g. “agenda items 2 through 4”).



LS

LozanoSmith.com

21

21

Common Closed Session Topics



- Real property negotiations.
- Litigation – pending or threatened.
- Appointment, employment, evaluation of performance, employee discipline or dismissal.
- Labor negotiations.
- Student discipline and student record challenges.

LS

LozanoSmith.com

22

22

Closed Session & Reporting

- Announce in open session the basis for closed session.
- Report action and vote taken in closed session.

As a general rule, only board members and necessary staff or consultants may attend a closed session.



LS

LozanoSmith.com

23

Closed Session: Confidentiality



- Board members are legally prohibited from speaking publicly about confidential information that has been acquired in closed session.
- Confidential information means a communication made in a closed session that is specifically related to the basis of the legislative body of a local agency to meet lawfully in closed session.

LS

LozanoSmith.com

24

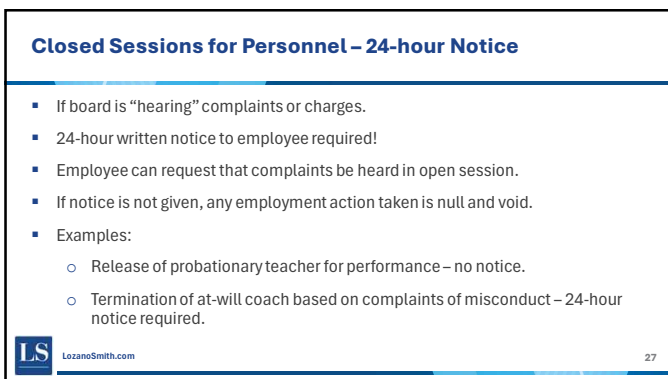
24



25



26



27

Approval of “Local Agency Executive” Contract

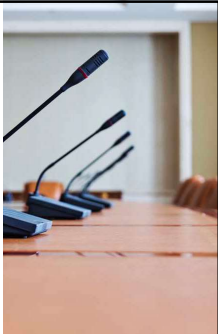
Open session ratification.

Must give oral summary of compensation prior to vote!

LS

LozanoSmith.com

28



28

Tip: Labor Negotiations in Closed Session – Budget Priorities



Government Code § 54957.6: “Closed sessions with the local agency’s designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency’s available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency’s designated representative.”

LS

LozanoSmith.com

29

29



The Brown Act: Agenda Items & Meeting Packets

LS

LozanoSmith.com

30

30

When Do I Need an Agenda?



- All **Meetings** Must Have an Agenda.
- Post agenda **72 hours before a Regular Meeting**, or at least **24 hours before a Special Meeting**.

 LozanoSmith.com

31

31

Agenda



Generally, the board may not discuss or take action on any item that is not in the posted agenda.

However, there are exceptions:

- Emergency situation;
- “Subsequent need” items;
- Held over items; and
- Response to public comments.

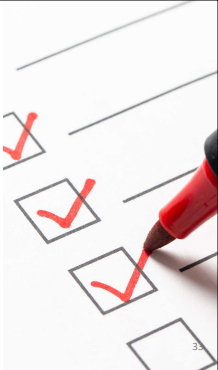
 LozanoSmith.com

32

32

Agenda Anatomy

- Every agenda item usually has:
 - Staff presentation;
 - Board discussion;
 - Public comment; and
 - Action.
- Public comment must be “before or during” consideration of item.



 LozanoSmith.com

33

33



Agenda Language Requirements

Clear description.

Purpose is to notify the public.

Usually less than 20 words.



LozanoSmith.com

34

34

Agenda Language Examples

Bad	Good
“Consideration of Curriculum” “Top 10” “Revisions to Board Policies”	- Consideration and approval of contract with new ABC Corp for student textbooks. - Discussion and approval of revisions to high school graduation honors policy. - Discussion and approval of new student athlete drug testing policy – Proposed Board Policy 5555.



LozanoSmith.com

35

35

Meeting Materials – Open Session

If a writing relating to open session is distributed less than 72 hours prior to a regular meeting to all, or majority of board, a district must:

- Make available for public inspection at a public office or designated location listed on agenda; and
- Include the address of this designated location on the agendas for all board meetings.
- OR: post on website and comply with additional disclosure rules. (AB 2647)



LozanoSmith.com

36

36

Materials Distributed for Open Session Agenda

- Documents: agendas, agenda packets, minutes, and other documents are distributed and shared with the public.
- If sent by third parties, must be made available "after the meeting" for public inspection.



LS

LozanoSmith.com

37

37

Materials Distributed During Closed Session

Writings distributed for **closed** session are exempt from public disclosure if otherwise exempt under the Public Records Act.



LS

LozanoSmith.com

38

38



The Brown Act: Public Participation

LS

LozanoSmith.com

39

39

Public Participation

- Board meeting **IS**:
 - A meeting of the Board in public to conduct the District's business.
- Board meeting is **NOT**:
 - A public meeting;
 - A townhall meeting; or
 - A press conference.



LS

LozanoSmith.com

40

40

Public Comment Basics

- Right to comment before or during each agenda item.
- At a regular meeting, comment on any matter under the District's jurisdiction AND on agenda items.
- At special meeting, comment on agenda items only.



LS

LozanoSmith.com

41

41

Managing Public Comment

- Board may not prohibit public from criticizing the policies, procedures, programs, or services of the agency, or the acts or omissions of the legislative body even if criticism is about the performance of its employees.
- Time, place and manner rules.



LS

LozanoSmith.com

42

Public Participation - Disruptions

Board has right to order **disruptive persons** to be removed from meeting, and if order cannot be restored, can order the room cleared and then continue with meeting.

- **Caution:** Actions that constitute disruption are highly fact-specific.
- **Example:** Holding signs v. yelling or interrupting speaker.

43

Enforce Speaker Time Limits



- Follow the public comment time limits in board bylaws for individual speakers and total time per item.
- Ensure speakers are aware how much time they have.
- Use a timer with an audible buzzer.

44

The Brown Act: Violations

45

Who May Bring a Brown Act Challenge?



Who may commence an action?

Who is an "interested person?"

46

Types of Brown Act Challenges

As an overview, citizens have three legal options to enforce the Brown Act:

- A lawsuit over an alleged **previous** violation of the Brown Act (Gov. Code, § 54960, subd. (a));
- A lawsuit to contest or enjoin **ongoing or future** actions in alleged violation of the Brown Act (Gov. Code, § 54960, subd. (a)); and
- A lawsuit to **void an action taken** by a government entity in alleged violation of the Brown Act (Gov. Code, § 54960.1).

47

Response to Brown Act Challenges

Depending on the type of action, there are statutory requirements for both prerequisites and responses to a Brown Act Challenge.

- Cease and Desist Letter within 9 months of alleged violation of past actions or ongoing/future actions.
 - Unconditional commitment within 30 days.
- Cure and Correct within 90 days of alleged violation (30 days in certain circumstances) to void an action taken.
 - Up to 30 days to cure and correct the action. Otherwise, lawsuit must be commenced within 15 days.

48

Penalties for Violation



- Nullification of action
- Court order to record closed session
- Investigation by Grand Jury
- Court may award costs and attorney fees to the plaintiff
- Criminal penalty

LS

LozanoSmith.com

49

49

Questions?

50



Thank you from Lozano Smith!

Together with you, we are impacting communities and lives through:

- Professional development
- Volunteer projects
- Sponsorships and award programs
- Scholarships

#BlueHatProject
#LozanoSmithFoundation

LS

LozanoSmith.com

51

51

For more information or questions about the presentation, please feel free to contact:

Angelique A. Cramer Attorney at Law	858.909.9002	acramer@lozanosmith.com
Jennifer Burchett Interim Assistant Superintendent/VP of Human Resources at Cuesta College	805.546.3129	jennifer_burchett@cuesta.edu

 Or any of the attorneys in one of our 8 offices.

52

52

Transform Your Training With LSI

Designed to meet the growing list of mandatory employee trainings, **Lozano Smith Illuminate** simplifies the process with on-demand access to essential legal curriculum and compliance reporting.

Featured Courses:

- Ethics Training for School Board Members
- Sexual Harassment Prevention Training
- Special Education Training Series
- Title IX Training Series
- Workplace Violence Prevention Program

Your go-to source for streamlined employee training programs.

 illuminate.lozanosmith.com

 illuminate
essential curriculum for compliance reporting

53

53

 **Lozano Smith Podcast**

Balancing law and public agency applications.

Stay informed on your time!

Check out the latest related episode:
CCS Podcast Series: Part 1 - The Power of Positivity in Governing Board Meetings



 lozanosmith.com/podcast.php
Subscribe on your favorite app or device.

54

54

Connect with us on social media for the latest updates.



@LozanoSmith

Disclaimer: These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact clientservices@lozanosmith.com or call (559) 433-6600.

Copyright © 2025 Lozano Smith
All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.

4912-2534-0760

55

Disclaimer:

These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact clientservices@lozanosmith.com or call (559) 431-5600.

Copyright © 2025 Lozano Smith

All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.