

New Law Requires Public Report on Action and Vote of Each Member in Open Sessions

Legal Alerts

Changes to Brown Act Effective January 1, 2014

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California Senate Bill 751, recently signed into law, will require all legislative bodies to publicly report any action taken in any meeting, and the vote or abstention on that action of each member present. The bill is effective January 1, 2014. In order to comply with these requirements, legislative bodies must verify the vote or abstention of each member, and publicly announce the action taken and the vote or abstention of each member in attendance. This information should also be noted in the minutes. As a practical matter, votes may need to be taken by roll call or in another manner that allows verification of the vote of each member in order to comply with the requirements of SB 751.

The Brown Act already requires legislative bodies to report individual votes on actions taken during teleconferenced meetings and on certain actions taken in closed session. SB 751 will extend this requirement to actions taken in open session in any meeting of a legislative body subject to the Brown Act. The legislative history of the bill indicates that its purpose is to improve the ability of the public and others who monitor legislative meetings of local agencies to know how members voted on a particular action.

Additional revisions to the Brown Act resulting from the recent passage of AB 246 and AB 381 are also effective January 1, 2014:

The Brown Act authorizes legislative bodies of local agencies to hold closed sessions only for certain purposes. Among those purposes is to hold closed sessions with certain state and local officials on matters posing a threat to the security of facilities or public services. AB 246 amends Section 54957 to authorize the legislative body of a local agency to hold these closed sessions with the Governor, as well as the other listed officials.

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With certain exceptions, meetings are to be open and public. Agendas and other documents distributed to the governing board are discloseable records with certain exceptions. AB 381 amends Section 54957.5 to include certain *alternative investments* among the types of information exempted from disclosure under the Brown Act.

For more information on this legislation and how it may affect your agency, contact one of the attorney authors of this legal alert listed at right or your BB&K [Municipal](#), [Special District](#) or [Education](#) attorney.

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