



# BROWN ACT TOOLKIT 2024



**DEVELOPED BY :**  
CSAC'S GOVERNMENT FINANCE  
AND ADMINISTRATION POLICY TEAM

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[www.counties.org](http://www.counties.org)

# Contents

Contacts .....	3
About the Brown Act .....	4
CSAC advocacy efforts .....	5
Rules of civility / codes of conduct .....	6
Governance manuals and procedural policies .....	7
Scripts and protocols for handling disruption .....	8-10



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# About the Brown Act

**The Ralph M. Brown Act**, more commonly known as the “Brown Act,” is California’s “sunshine” law for local government. The Brown Act is found in the California Government Code commencing with Section 54950. In a nutshell, the Brown Act requires local government business to be conducted at open and public meetings, except in certain limited situations.

The Brown Act was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. The Brown Act is pivotal in making public officials accountable for their actions and in allowing the public to participate in the decision making process.

Public access to information and the decision-making process fosters civic engagement and ensures transparency and accountability. **The California State Association of Counties (CSAC)** is committed to providing tools and resources that help supervisors and county staff protect open government as they address the needs of their communities.



# CSAC Advocacy Efforts

CSAC staff work diligently with California lawmakers and the Governor's administration to help shape the bills, regulations, and policies that impact county governance and operations, including the **Brown Act**. The requirements of the Brown Act are complex and require an understanding of state statutes as well as case law. Consequently, county counsel is the best resource to address any questions regarding interpretation of or compliance with the Brown Act.

Unfortunately, like many local agencies across the state and around the country, California counties continue to experience disruptive behavior during public meetings, both in-person and virtually. These behaviors not only disrupt the proceedings of the day, but undermine the promise of the Brown Act, disrupting the ability of members of the public to participate in the conduct of the public's business safely and productively. To say that these types of behaviors have been disruptive to the normal conduct of county business is an understatement; they are stressful, demoralizing, and, in some cases, frightening for their targets.

To address disruptive behavior, CSAC sponsored **SB 1100 (Chapter 171, Statutes of 2022)**, authored by Senator Cortese. Effective January 1, 2023, SB 1100 authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual if they continue disrupting the meeting after being warned about their behavior, and defines "disrupting" for these purposes. It assists local agencies in dealing with the rising hostility and intimidation occurring during public meetings and ensures the efficient and effective conduct of the public's business. At the same time, the new law safeguards the public's right to address its elected leaders in public meetings under reasonable conduct requirements.

This Brown Act toolkit includes best practices developed by counties to address disruptions during public meetings, including rules of civility, codes of conduct, scripts used to respond to meeting disruptions, and governance policies in conducting effective meetings during conflict.

CSAC will continue to share resources to aid counties in conducting meetings in a way that is inclusive, respectful, and productive.



# Rules of Civility / Codes of Conduct

Many local agencies have adopted codes of conduct and other rules for both public officials and members of the public during public meetings. The links below include examples of adopted codes of conduct and display the variety across the state of these policies to suit each jurisdiction.

COUNTY / ORGANIZATION	LINK TO EXAMPLE RULE
Lassen County	<a href="#">Code of Conduct</a>
Monterey County	<a href="#">Control of Disturbances County Code</a>
Nevada County	<a href="#">Order and Decorum of Board Business</a>
San Luis Obispo County	<a href="#">Code of Civility</a>
San Diego County	<a href="#">Rule for Public Participation at Board Meetings</a>
City and County of San Francisco	<a href="#">Policy on Discriminatory or Harassing Remarks Made at Public Meetings of City Boards and Commissions</a>
City of Fresno	<a href="#">Code of Conduct for Council Members</a>
City of Manhattan Beach	<a href="#">Rules for Decorum at Public Meetings</a> <b>AND</b> <a href="#">Civility Policy</a>
Institute for Local Government	<a href="#">Promoting Civility at Public Meetings: Concepts and Practice</a>



# Governance Manual / Procedural Policies

Some jurisdictions choose to include codes of conduct and rules of civility as one component of a broader manual of meeting governance and procedures. Such documents clearly denote the roles, responsibilities, and expectations for each participant or attendee of a public meeting and are intended to remove any ambiguity regarding how public meetings will be managed. The links below include examples of governance manuals and procedural policies that have been adopted by local agencies.

COUNTY / ORGANIZATION	LINK TO EXAMPLE RULE
<b>Inyo County</b>	<a href="#"><u>Board Governance and Rules of Procedure</u></a>
<b>Sonoma County</b>	<a href="#"><u>Rules of Procedure for the Board of Supervisors</u></a>
<b>City of Sacramento</b>	<a href="#"><u>Council Rules of Procedure</u></a>
<b>City of Santa Cruz</b>	<a href="#"><u>City Councilmembers Handbook</u></a>
<b>City of Santa Monica</b>	<a href="#"><u>Rules of Order and Procedure</u></a>
<b>Yolo County Superior Court Judge Dave Rosenberg</b>	<a href="#"><u>Rosenberg's Rules of Order</u></a>



# Scripts and Protocols for Handling Disruption

Some jurisdictions choose to adopt a specific written protocol or script to manage meeting disruptions. The resources below provide guidance, including template language, for meeting facilitators to conduct civil meetings and manage disruptive behaviors.

**INSTITUTE FOR LOCAL GOVERNMENT**  
Promoting Good Government at the Local Level

LOCAL GOVERNMENT 101

**Tips for Promoting Civility in Public Meetings**  
[www.ca-ilg.org/Operations/Meetings](http://www.ca-ilg.org/Operations/Meetings)  
December 2011

**What is Civility?**

In the context of democratic debate, civility is about how people treat each other. Civility involves the display of respect for those who have positions with which one disagrees.

Even though disagreement plays a necessary role in governance and politics, the issue is how one expresses that disagreement. The key is to focus on the strengths and weaknesses of proposed solutions to community problems – not to engage in personal attacks against those who favor different solutions. An even more powerful leadership strategy is to listen for the concerns and values that underlie people's diverse perspectives to try to identify points of agreement and common ground.

**Related Resources**

This tip sheet is a distillation and update of the Institute for Local Government's 2003 whitepaper called *Promoting Civility in Public Meetings: Concepts and Practice*, available at [www.ca-ilg.org/civility](http://www.ca-ilg.org/civility).

Additional resources from the Institute include:

- Facilitating with Emotions in Public Hearings, available at [www.ca-ilg.org/operations/consult](http://www.ca-ilg.org/operations/consult) and
- A Leader's Role When Tragedy Strikes, available at [www.ca-ilg.org/insight](http://www.ca-ilg.org/insight).

**Specific Strategies**

- Embrace Diverse Points of View.** Local officials are grappling with difficult policy challenges. Bringing as many perspectives on what might be the best solution to a given problem increases the likelihood that the solution will indeed be successful and enduring. A goal is to create a culture of tolerance for differing points of view that credits everyone with having the best interests of the community in mind.
- Everyone Gets a Chance to Share Their Views.** Voltaire said "I may not agree with what you say, but I will fight to the death for your right to say it." Everyone's right to have their view heard is a central democratic value. Conversely, a strategy that relies on drowning other perspectives out usually results in a turning up of the volume and corresponding decreases in civility in discussions.

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**Tips for Promoting Civility in Public Meetings**

**INSTITUTE FOR LOCAL GOVERNMENT**  
PUBLIC SERVICE ETHICS

**Dealing with Emotional Audiences**  
[www.ca-ilg.org/Operations/Meetings](http://www.ca-ilg.org/Operations/Meetings)  
October 2009

**Question:** We have a controversial development proposal coming up for decision and we are expecting a difficult public hearing. In particular, we are expecting many of those who are opposed to the development to be quite emotional about what they perceive as negative effects of the development. There are of course countervailing positive effects.

**As decision-makers, what can we do to keep the tone of the hearing civil and focused on the merits and demerits of the proposal?**

**ANSWER:** There are a number of strategies that leaders can employ to maximize the likelihood that public meetings will involve constructive exchanges that contribute to the best decision being made. These strategies are most successful, however, as sustained, long-term efforts to meaningfully engage a wide spectrum of the community in the decision-making process. As such, they involve setting on certain values as leaders and decision-makers. This relationship to values is the connection between ethics and leadership.

**Understanding the Sources of Public Emotion**

You indicate that the people at the hearing are likely to be "emotional" about the proposal. In your own desired to be calm and civil in your own responses to what might occur at the hearing, it can be helpful to understand why people get emotional in situations like you describe.

In their book, *Dealing with an Angry Public*, Lawrence Smolik and Patrick Field note that people can get emotional – angry – in three situations:

- When people have been hurt.
- When people feel threatened by risks not of their making; and
- When they believe their fundamental beliefs are being challenged.

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**Dealing with Emotional Audiences**

**LS Lozano Smith**  
ATTORNEYS AT LAW

2021

Prepared by Lozano Smith's Governance Practice Group  
January 2021

**The Brown Act Handbook**

As updated through the 2020 Legislative Session\*  
\*Includes Appendices on Open Government & Fairness Rules

Sacramento | Walnut Creek | Fresno | Monterey | Ukiah/Redding | San Luis Obispo | San Jose | San Diego

**Guidelines for Conducting Orderly Legislative Body Meetings**

**INSTITUTE FOR LOCAL GOVERNMENT**

MARCH 2022

**Managing Angry Mobs Disrupting Governing Board Meetings**  
By Dr. Frank Bennett, Rudy Kennedy and Erica L. Menzel

As a meeting of your governing board (or a nearby governing board) been disrupted and plunged into chaos by any of the following:

- A group of citizens believes starting that city council members are committing due to equity and inclusion efforts and threatening to run elected officials out of town.
- <https://www.marygrove.com/2021/03/05/for-governors-who-are-being-ousted-from-office>
- Anti-police protesters demanding that the city council defend police and refusing to let anyone else speak.
- <https://www.krcr.com/article/black-lives-matter-protesters-disrupt-city-council-meeting-1066029>
- Angry anti-tax, anti-mask protesters shouting down health officials at a county board meeting.
- <https://www.sandiegocounty.gov/news/publications/2021-11-04/anti-me-bee-disruption>
- Parents raging against teachers and materials expounding the history of racial discrimination and holding evidence against school board members and teachers.
- <https://www.chil.com/article/parents-will-act-governor-ordered-district-office-over-remote-meetings-and-critical-mass-theory-2021-02-24-1471457-10717347347>

Angry outbursts, heated speech and unruly behavior not only disrupt governing board meetings but also increase polarization in the community and make serious discussion and problem-solving, including compromise, nearly impossible.

These kinds of unruly and even threatening occurrences need to be uncommon. But in the past several years, these once extraordinary events have become increasingly ordinary.

**Disruptive Behaviors**

"These once extraordinary disruptive occurrences have become increasingly ordinary."

Our country has a long history and tradition of constitutionally protected free speech. However, certain behaviors may disrupt the governing board meetings of cities, counties, school districts, and special districts and thus prevent the governing board from addressing the business before the board. Some of these typical behaviors include:

- Verbal and even physically threatening elected and appointed public officials, staff or other members of the public.
- Violating someone based on their perceived race, religion, sexual orientation, or gender identity.
- Shouting or booing from the audience so someone cannot address the governing board.
- Refusing to give up the microphone and leave the podium so others can speak.

**Purpose of Governing Board Meetings**

To put the governing problem into context, we must first remind ourselves of the purpose and functions of governing board meetings. Public meetings are conducted by governing boards to accomplish the following:

- Identify the priorities and goals of the local government agency.
- Allocate resources to achieve the priorities and goals.
- Discuss and approve laws (ordinances) and regulations to promote public safety, public health, and the general welfare of the people in the jurisdiction.

\* Includes Appendixes on Open Government & Fairness Rules

**Managing Angry Mobs Disrupting Governing Board Meeting**





## ATTACHMENT 1

### PUBLIC'S RIGHTS WHILE ATTENDING A MEETING FORMAT FOR EXCLUSION OF DISRUPTIVE PERSONS FROM MEETING

#### PROCEDURE REGARDING DISTURBANCE OF MEETINGS

*(Announcement by Chairperson or Moderator)*

As the person who is chairing and is in charge of this meeting, I am advising you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor.

Your act of \_\_\_\_\_ is causing a serious disruption of this meeting and I must ask you to immediately cease this disturbance. If you disturb this meeting any further, I will ask for your arrest under Penal Code section 403.

#### [SECOND WARNING: IF DISRUPTION CONTINUES, READ THE FOLLOWING]

At this time I am going to recess this meeting for 15 minutes, at that time we will reconvene our meeting.

*(Recess and call for police to be present when meeting reconvenes.)*

#### [FINAL WARNING: IF DISRUPTION CONTINUES , READ THE FOLLOWING]

As the person chairing and in charge of this meeting, I am again advising you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up any meeting, not unlawful in its character, is guilty of a misdemeanor. Your act of \_\_\_\_\_ is causing a serious disruption of this meeting. If you do not immediately cease this disturbance, I will request the police to arrest you under Penal Code section 403.

#### [REQUEST FOR POLICE INTERVENTION TO REMOVE DISRUPTIVE PARTIES]



## ATTACHMENT 2

### DEALING WITH DISRUPTIONS TO PUBLIC MEETINGS

The County should use extreme discretion and caution before directing someone to leave the board meeting. It must be clear that the person has been warned adequately (almost always more than once) before ultimately directing them to leave the meeting or clearing the room.

The chair has an obligation to maintain order and prevent disruption of the meeting.

1. If a member of the public becomes disruptive, warn the person as follows:

***“Your behavior in [shouting, interrupting, making undue noise, etc.] is having the effect of disrupting this meeting. You must stop this behavior, so that we may continue the business before us.”***

2. If the behavior continues warn the person again as follows:

***“Your behavior is having the effect of disrupting the meeting. You have been asked to stop [shouting, interrupting, making undue noise, etc.] If you do not stop this behavior you will be asked to leave the meeting so that we may continue the business before us.”***

3. If the behavior still continues, make the following statement:

***“Your behavior in [shouting, interrupting, making undue noise, etc.] is having the effect of disrupting the meeting. You have been asked to stop this behavior twice. Your actions are in direct violation of California Penal Code section 403, and your intentional activity has substantially impaired the conduct of the meeting and that you are required to leave the meeting, pursuant to Government Code section 54957.9. The meeting will continue only after you have left the meeting room.”***

4. If the person does not leave, then briefly recess the meeting and state the following:

***“Since the person(s) disrupting this meeting have not left the room, we will briefly recess this meeting to clear the chambers. When we reconvene, the Board will consider readmitting persons not responsible for willfully disturbing the orderly conduct of the meeting. Members of the media shall be allowed to remain.”***

