

Attachments for reference of Brown Act...



**COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL**

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1817
FACSIMILE
(213) 617-7182
TDD
(213) 633-0901

MARK J. SALADINO
County Counsel

December 8, 2014

Dean Paradise
Castaic Area Town Council
Post Office Box 325
28201 Franklin Way
Santa Clarita, California 91383

Re: Brown Act Training for Town Councils

Dear Mr. Paradise:

Your email dated August 27, 2014, to Supervisor Antonovich's office, requesting the Office of County Counsel provide training to the Castaic Area Town Council regarding the Ralph M. Brown Act (Gov. Code § 54950, et seq.) ("Brown Act"), has been referred to this office for response.

Town councils are private, community organizations with no governmental decision-making power or authority over matters subject to control of the County of Los Angeles ("County"), and are not subject to control of the Board of Supervisors or any County department. As town councils are separate legal entities from the County, the Office of County Counsel is unable to provide legal advice or training to town councils.

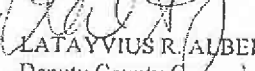
Because town councils are private entities with no governmental decision-making power or authority, the County has always taken the position that the town councils are not subject to the Brown Act open meeting requirements. However, we are aware that a Los Angeles County Superior Court judge found the Agua Dulce Town Council to be subject to the Brown Act in a 2005 case involving a challenge to the town council's prohibition against third parties recording its meetings. Since there are differing views on the issue, we

Dean Paradise
December 8, 2014
Page 2

recommend that your town council seek the advice of your own attorney with regard to whether or not it is legally required to comply with the Brown Act, as this office cannot provide you legal advice on this matter.

Very truly yours,

MARK J. SALADINO
County Counsel

By: 
LATAYVIUS R. ALBERTY
Deputy County Counsel
Government Services Division

LRA:am

★ Rosalind Wayman <RWayman@lacbos.org>

To: Dean Paradise

Cc: sandia424@yahoo.com, Ro Lawrence

RE: Brown Act

August 27, 2014 1:16 PM

Hide Details

CATC 

Dean,

The purpose of the Town Council is to serve as a local forum to discuss community issues. It is an independent body, similar to a homeowner's association, which was formed by the local community and is governed with by-laws adopted by its members. Since the Town Council was not established as a result of an action taken by the Board of Supervisors and is not an official legislative body, the County of Los Angeles has no jurisdiction over them. Because the CATC is not an official legislative body it is not subject to the Brown Act.

The Ralph M. Brown Act was an act of the California State Legislature, authored by Assemblymember Ralph M. Brown and passed in 1953, that guaranteed the public's right to attend and participate in meetings of local legislative bodies. The Brown Act, originally a 686 word statute that has grown substantially over the years, was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act solely applies to California City and county government agencies, boards, and councils.

It does not mean that the CATC cannot follow the Brown Act, it can. It is a determination the town council can make for itself understanding that the town council is not a legislative body or is it "required" to follow the Brown Act.

County Counsel will not make presentations on the Brown Act to other than a legislative body.

I would suggest that that CATC research the matter and determine how they want to handle the matter.

Sincerely,
Rosalind

Rosalind Wayman, Senior Deputy
Supervisor Michael D. Antonovich
27441 Tourney Road, Ste. 180
Santa Clarita, CA 91355

Phone - 661-287-3657
FAX - 661-254-4453
rwayman@lacbos.org



Board of Supervisors County of Los Angeles

MICHAEL D. ANTONOVICH
MAYOR

September 7, 2001

Mr. Steve Boldvich, III, President
Castaic Town Council
30261 Romero Canyon Road
Castaic, CA 91384

Dear Steve,

Recently a question arose in another area regarding the Brown Act and whether it applies to town councils. Enclosed for your files is a copy of County Counsel's ruling on this matter.

Hope all is well with your Town Council.

Sincerely,

A handwritten signature in cursive script, appearing to read "Millie".

Millie J. Jones
Sr. Deputy



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
648 KENNETH MAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

DC WITT M. CLINTON, COUNTY COUNSEL

TELEPHONE
(213) 974-1951
TELECOPIER
(213) 626-2105

August 5, 1997

Richard Morris, President
Acton Town Council
P. O. Box 810
Acton, California 93510

Re: Applicability of Brown Act to Town Councils

Dear Mr. Morris:

Your fax dated July 1, 1997, to Dave Vannatta of Supervisor Antonovich's office, has been referred to this office for response.

You requested our advice as to whether the Brown Act applies to town councils.

In response, town councils do not fall within any of the Brown Act's definitions of a "legislative body." Therefore, they are not subject to the Brown Act.

BACKGROUND

We are informed that town councils are community associations, similar to chambers of commerce and homeowners associations, formed for the purpose of advancing the interests of the communities in which they are located. They are governed in accordance with by-laws adopted by their members.

Town councils are not formed by any action of a local governmental agency, and no officer or employee of a local governmental agency sits on a town council's governing body in his or her official capacity.

ANALYSIS

The Brown Act applies to a "legislative body," as defined in Government Code section 54952. A copy of section 54952 is attached for your convenience.

Richard Morris, President
Acton Town Council
Page 2

Section 54952(a) defines a legislative body to include the governing body of a local agency or any other local body created by state or federal statute. Section 54951 defines a local agency to include a county, city, district, or a local commission or agency thereof. A town council is not listed as a local agency. In addition, town councils do not fall under this section as they are not created by statute.

Section 54952(b) defines a legislative body to include a commission, committee, board, or other body of a local agency created by charter, ordinance, resolution, or formal action of a legislative body. Town councils do not fall within the scope of this section because they are not created by charter, ordinance, resolution or formal action of a legislative body.

Section 54952(c) and (d) define a legislative body to include a committee which governs a private entity that was created by an elected legislative body, or receives funds from a local agency, and the lessee of a hospital which operates under certain conditions. Town councils do not fall within these categories.

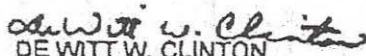
It is therefore our advice that town councils are not subject to the Brown Act.

Very truly yours,

DE WITT W. CLINTON
County Counsel

By 
ELIZABETH M. CORTEZ
Senior Deputy County Counsel

APPROVED AND RELEASED:


DE WITT W. CLINTON
County Counsel

EMC:jb
att.

c: Honorable Michael D. Antonovich
Supervisor, Fifth District

3700.579

-2001 18:47

213 974 1010

97% TOTAL P.03
P.03

End