

# MEMORANDUM

TO: ERAC Members  
FROM: Greg Lusitana, Assistant City Attorney  
RE: Brown Act Outline

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- I. **BROWN ACT—Basic Purpose:**
  - A. **To ensure that (almost) all aspects of the decision-making process of legislative bodies of local agencies are conducted in public and are open to public scrutiny.**

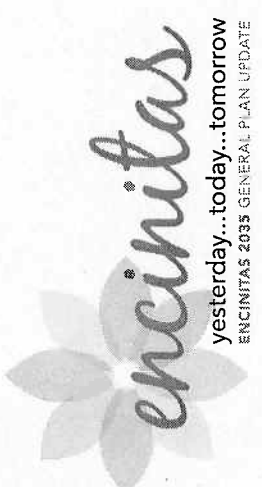
**All meetings are to be held in public; No secret votes.**
  - B. **Exceptions to an open meeting:**
    1. **Closed Sessions:**
      - a. **Threat of/Existing Litigation**
      - b. **Real Estate Negotiations**
      - c. **Personnel Issues**
- II. **What is a “Meeting”?**
  - A. **Can be formal or informal including retreats, conferences, workshops, etc.—Key: Whether a quorum of the body is discussing or taking action upon business within its purview**
  - B. **No “Serial” Meetings Allowed—i.e., series of communications resulting in a consensus for taking an action. Examples:**

A---->B---->C---->D  
A---->B; A---->C;-A---->D
- III. **Notice Requirements (Rely on Staff):**
  - A. **Regular—72 hours’ notice; Special—24 hours’ notice.**
  - B. **Non-Agenda Items—Can do a brief discussion/clarification but no action to be taken.**
- IV. **Penalties—Misdemeanor for “knowingly” violating the Act**

# ERAC MEETING

## February 13, 2012

### PUBLIC SIGN-IN



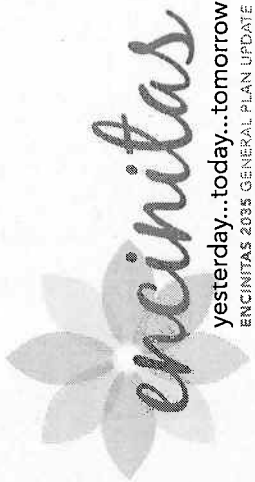
yesterday...today...tomorrow  
ENCINITAS 2035 GENERAL PLAN UPDATE

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