

MINUTES OF THE ADJOURNED JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND REDEVELOPMENT AGENCY BOARD HELD ON MONDAY, APRIL 1, 2002, AT 5:45 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 5:45 p.m.

II. ROLL CALL

Present: Mayor/Chairman Eaton; Council Members/Directors Dutrey and Ruh; City Manager/Executive Director McDougal; Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Acting Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; City Attorney/Agency Counsel Robbins; City Clerk/Agency Secretary Crawford

Absent: Council Member/Director Raft (arrived at 5:54 p.m.); Mayor Pro Tem/Vice Chairman Paulitz (arrived at 6:23 p.m.)

III. PUBLIC COMMENT - None

IV. COUNCIL/AGENCY WORKSHOP

A. Presentation on Ralph M. Brown Act

Mayor/Chairman Eaton introduced City Attorney/Agency Counsel Robbins.

City Attorney/Agency Counsel Robbins gave a presentation on the **Ralph M. Brown Act**, also known as the "sunshine law" and "open-meeting law," which states that all meetings of the legislative body of a local agency and all other bodies appointed by the legislative body, whether decision-making or advisory, permanent or temporary, shall be open and public to all persons. She noted that meetings subject to the **Brown Act** are not limited to formal gatherings but also include any communication or device by which a majority develops a "collective concurrence" as to action to be taken, adding that the **Brown Act** requires all aspects of the decision-making process by legislative bodies—including discussion, debate and acquisition of information—to be conducted in public.

Council Member/Director Raft arrived at 5:54 p.m.

City Attorney/Agency Counsel Robbins stated the **Brown Act** does not apply to *ad hoc* advisory committees as distinguished from standing committees in that they are made up solely of less than a quorum of a legislative body, noting that they generally serve only a limited or single purpose, they are not perpetual, and they are dissolved when their specific task is completed. She clarified the definition of "meeting" pursuant to the **Brown Act** and reviewed the following six specific types of gatherings not subject to the **Brown Act**: (1) individual-contact exception; (2) seminar and conference exception; (3) community meeting exception; (4) other legislative body exception; (5) social or ceremonial occasion exception; and (6) standing committee exception, noting that this exception allows members of a legislative body, who are not members of a standing committee of that body, to attend an open and noticed meeting of the standing committee without making the gathering a meeting of the full legislative body itself.

Mayor Pro Tem/Vice Chairman Paulitz arrived at 6:23 p.m.

City Attorney/Agency Counsel Robbins discussed **Brown Act** requirements for meeting agendas and public notices, public participation, audio- and videotaping of public meetings, Closed Sessions, and enforcement of the law.

City Attorney/Agency Counsel Robbins concluded her presentation with a review of four hypothetical scenarios.

Council Member/Director Dutrey requested that staff add information to the agenda related to action that can be taken by the City Council on nonagendized items.

Mayor Eaton thanked City Attorney/Agency Counsel Robbins for her report.

V. ADJOURNMENT

At 6:30 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency Board of Directors.

Submitted for City Council/Redevelopment Agency Board approval,

Yvonne L. Smith
Transcribing Secretary