



**TOWN OF LOOMIS**  
ACTION MINUTES  
SPECIAL MEETING OF  
LOOMIS TOWN COUNCIL  
LOOMIS DEPOT

5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650

MONDAY

JULY 13, 2009

6:00 P.M.

**CALL TO ORDER** Call to order at 6:04 p.m. by Councilmember Ucovich.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:**

Mayor Scherer arrived at 6:08 p.m.  
Councilmember Kelley  
Councilmember Liss arrived at 6:10 p.m.  
Councilmember Morillas  
Councilmember Ucovich

**Absent:** None

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

**Written Material Introduced Into the Record:** Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.

**BUSINESS**

1. **Brown Act presentation**

Presentation by Tom Newton, Attorney for Newspaper Association, on the Brown Act concerning open meetings

**Recommended action:** Hear presentation, discuss and give direction as needed

**Public comment:**

Tom Newton and Jim Ewert, Attorneys with California Newspaper Association, and Kourtney Burdick, Attorney with the League of California Cities, gave a presentation on the Brown Act and following were some of the highlights from the questions/answers:

1. Request for written notice - qualifies for any type of meeting (special, emergency, regular, etc) that the body conducts. They get noticed when the body is noticed and no later than 24 hours prior to a meeting, except for emergency meetings (depending on the circumstances).
2. Notice requirements – do not require an advertisement in the newspaper.
3. Agendize item - needs ample notice and no surprise action.
4. One Councilmember can have several citizens keep him/her abreast of issues and this will not be a Brown Act issue, but if the Council (as a whole) appoints several citizens to deal with an issue and keep Council informed, than it becomes a Brown Act issue.

5. The Brown Act is required when:

- standing /advisory committees created by the Council or meeting on a regular schedule to discuss continuous issues
- If there is a sub-committee that is less than a quorum and a staff member is invited to serve on it, then it becomes an advisory committee

6. The Brown Act is not required when:

- a sub-committee, less than a quorum, that meets at irregular intervals to exchange information on an issue and reports back to the body (and then dissolves) is a temporary committee
- an ad-hoc committee that is created for a specific task and then they are done
- a member of a legislative body, acting independently, can acquire as much information about an issue from as many diverse points of views as possible before a meeting, before they make a judgment on it and then go to a meeting and have a fair discussion before the public on the issue

7. The following is prohibited: Daisy chain meeting is where one board member goes to one member and asks a question than goes to another member and later talks to another member asking the same question, than a majority has been asked. Hub and spoke meeting is where a board member may tell a staff member something than that staff member tells another board member the same information, than another board member, until a majority is told.

8. You cannot have a series of communications and deliberations, of a quorum, in order to develop a collective concurrence outside a public hearing.

9. A board member can have an individual staff briefing but collective briefings (of a majority or more) becomes a meeting and is required to follow the Brown Act. (Note: the individual cannot share any information they received at the briefing)

10. The act of a majority of members of a body using a series of communications (outside a meeting) of any kind (hear, discuss, deliberate, take action) to develop a collective concurrence is a violation. (facebook, emails, a community bulletin board, etc.)

11. A board member can receive communication, a verbal or written from a constituent, asking him a question and he can respond to that verbally or in writing. He can also talk to one other board member about that issue but it cannot go beyond two members. Approach it openly and neutrally and caution not to exercise powers that resemble those of a quasi-judicial.

12. A staff member can email the Board information and individual members communicate back to the staff member with their own individual questions, but if the staff member compiles all of the questions/answers on a memo and replies to all, than it becomes a meeting. Suggested Bcc on emails to the board when sending information so that they cannot reply.

13. Joint field trips with the Board - don't talk on the path when others can't here

14. A majority can attend the following:

- go to a conference all together, don't talk shop.
- a community meeting, as long as open and publicized, don't talk shop
- social occasions, don't talk shop
- you can go to a standing meeting, suggested not sitting together, don't talk or participate

15. One of the first amendment rights is to petition government. A developer or anyone has a right to petition a board member. The Brown Act governs behavior of the Body, it doesn't regulate the ethics of individuals – elected or appointed, nor does it regulate the ethics of staff. Generally, individuals have the right to meet with anybody, anytime, anywhere; it is not a Brown Act violation. It is the ability of an individual to be able to meet with the people that they are suppose to be serving and helping.

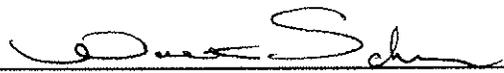
Recommended websites with more information

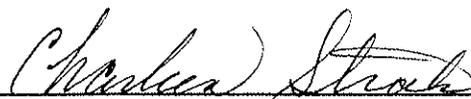
Right to Know, CNP.com [www.ag.ca.gov](http://www.ag.ca.gov) openand public [ca.cities.org/openand public](http://ca.cities.org/openand public) peoples business [ca.cities.org/pr](http://ca.cities.org/pr)  
Conflicts of interest

California first amendment coalition [www.cfac.org](http://www.cfac.org) great expertise on open meeting laws [www.calaware.org](http://www.calaware.org) brown act/public records act  
[www.cnpa.com](http://www.cnpa.com) [Jim@cnpa.com](mailto:Jim@cnpa.com) or [tom@cnpa.com](mailto:tom@cnpa.com)

ADJOURNMENT

Mayor Scherer stated there was no further business and adjourned at 8:20 p.m.

  
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Mayor

  
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Town Clerk