



Executive Committee Agenda Item

SUBJECT: Request From Relations from Local Senates (RwLS) for ASCCC to Seek Legal Opinion		Month: December	Year: 2019
		Item No: IV. N.	
		Attachment: No	
DESIRED OUTCOME:	The Executive Committee will consider for approval the request from RwLS for the ASCCC to seek legal opinion/advice regarding the Brown Act implications of using current technology.	Urgent: Yes	
		Time Requested: 30 mins.	
CATEGORY:	Action Items	TYPE OF BOARD CONSIDERATION:	
REQUESTED BY:	Anna Bruzzese	Consent/Routine	
		First Reading	
STAFF REVIEW ¹ :	April Lonero	Action	X
		Discussion	

Please note: Staff will complete the grey areas.

BACKGROUND:

As the RwLS is reviewing the Local Senate Handbook and working on a Rostrum article related to the current technology and the Brown Act, we were hoping to get an official legal opinion/advice from the lawyer who works with ASCCC regarding what constitutes a public meeting space in the age of Zoom, what's the proper way of noticing and conducting Zoom meetings so as not to violate the Brown Act, and also what online behaviors by Senate/committee members may constitute a violation of the Brown Act. Here's additional background and more specific questions:

The Brown Act was enacted in 1953, long before the Internet, social media, and the concept of the virtual meeting space became an integral part of our culture. At that time, definitions of what constituted an open meeting and what constituted an inappropriate interaction between voting members of the body were straightforward and easily understood. In the digital age, how we define a publicly available meeting space and how voting members of a body are to conduct themselves on social media are open questions that have yet to be addressed by the legislature. Does publishing a Zoom link satisfy the requirement of the law in terms of giving the public full access to the meeting, regardless of the location from which any given voting member might be accessing the meeting? Can a series of “likes” by

¹ Staff will review your item and provide additional resources to inform the Executive Committee discussion.

the voting members of a body for a particular blog post be construed as a serial meeting?