

Education Law Practice Group

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AALRR Alert



Brown Act Amendment Requires Reporting of Individual Votes

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On September 6, 2013, Governor Jerry Brown signed Senate Bill 751, amending the Ralph M. Brown Act (Government Code § 54950 et seq.) to require the votes of each member of a legislative body of a local agency to be publicly reported. The Brown Act requires all meetings of the legislative body of a local agency, such as school or college district governing boards, be held in public, unless a closed session is specifically authorized, and prohibits a secret ballot at these meetings. SB 751 requires the “legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.” (SB 751 adds Government Code § 54953(c)(2).)

Purpose of Legislation

The purpose of the legislation is to provide greater public transparency by legislative bodies such as school and college district governing boards, commissions, standing committees, and other legislative bodies of a local agency. Currently, some legislative bodies report only

the number of “ayes” and “noes” rather than reporting how individual members vote on specific actions taken in public. Certain closed session actions have, for a long time, required a report of each member’s vote or abstention immediately upon the board’s return to public session from closed session. (See, e.g., Government Code § 54957.1(a) (5) [requiring a public report of personnel actions taken in closed session and the vote or abstention of every member present].)

Significance for School and College District Board Meetings

Beginning on January 1, 2014, the votes of individual board members must be publicly reported. We recommend individual board members orally report the roll-call vote when it occurs and carefully record this roll-call vote in the formal meeting minutes. For example, meeting minutes may not simply reflect that the board adopted or rejected an agenda item; the individual votes must be contemporaneously reported, and

the minutes should reflect how each member voted. Additionally, merely reporting the tally of votes from a closed session on matters requiring a report of the vote pursuant to Government Code section 54957.1, without disclosing how each member voted, would continue to be a violation of the Brown Act.

By January 1, 2014, districts should review their board policies and bylaws to reflect this amendment. Additionally, board members who chair meetings subject to the Brown Act should be advised that they must orally report the roll-call vote on each item on the public agenda to ensure compliance with this new requirement.

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