

David Nelson

From: Stephen Underwood [sunderwood@collegesoflaw.edu]
Sent: Friday, February 10, 2012 12:35 PM
To: David Nelson
Subject: RE: Question re Brown Act

Dave: I think I found the applicable section which answers your question in a good way. As a general rule, local agencies are required to have their meetings within the boundaries of one of their members. I have highlighted those portions of section 54954 that discuss the locations where meetings may occur. However, if you look at 54954(d), it provides: Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

The issue then is whether Trindel can be considered to have "members throughout the state" and if so, you can meet anywhere in the state. (section 54961 requires that there be no discrimination at the location of the meeting, for things such as race, ancestry or disability) I looked at a county map of California and to me it appears that your membership is clearly spread throughout the state, with San Benito being the furthest south, Colusa sort of sticking out in the mid-north and Del Norte and Modoc being the furthest north. I think any plain reading of the statute would confirm that such a diverse membership location would fall within the meaning of "members throughout the state."

That said, it seems that there is no problem having a meeting in Sacramento, so all your prior meetings and approvals are safe.

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

Dave: Thanks for allowing me to assist you, and please keep me in mind for any future legal work you may need. My rate to the EIA is \$135.00 per hour and I would charge the same for general legal work for Trindel JPA. I do charge the EIA a slightly higher rate for amicus briefs and other more specialized work.

This one's on me.

Steve

From: David Nelson [mailto:dnelson@trindel.org]
Sent: Friday, February 10, 2012 11:39 AM
To: Stephen Underwood
Subject: RE: Question

Hi Steve

You are correct Trindel is a member of EIA and each member as well.

David Nelson
Executive Director

Trindel
ESTABLISHED 1978

(530)623 - 2322

dnelson@trindel.org

www.trindel.org

From: Stephen Underwood [mailto:sunderwood@collegesoflaw.edu]
Sent: Friday, February 10, 2012 11:35 AM
To: David Nelson
Subject: Question

Dave: Trindel is a member of the EIA, right? And each Trindel member county is a member of the EIA, I believe. Can you confirm both of those for me. Thanks.

Steve

Stephen Underwood
Professor of Law/Faculty Chair
The Santa Barbara & Ventura Colleges of Law

Santa Barbara Campus
20 E. Victoria Street, Santa Barbara, CA 93101
T [805] 966-0010 F [805] 966-7181
Direct Line (805) 979-9859
sunderwood@collegesoflaw.edu