

Library Advisory Committee Minutes

A Subcommittee of the CSM Academic Senate Governing Council

September 9, 2015

2:30pm - 3:30pm

Members Present

Co-Chair	Roberta Reynolds
Co-Chair	Stephanie Roach
Creative Arts/Social Sciences	Janet Black
Counseling	Ruth Turner

Others Attending

Not applicable.

I. ORDER OF BUSINESS

The meeting was called to order by Stephanie Roach and began at 2:39 PM.

- 1) Janet Black agreed to take minutes for today's meeting.
- 2) Approval of agenda and minutes: The April 2014 minutes were approved except the title had to be corrected: "Agenda" was replaced by "Minutes." Today's agenda was approved.
- 3) Public Comment: The library orientations for Janet Black's art history classes were a success.

II. INFORMATION ITEMS

- 1) Introductions: The members of the committee introduced themselves:
 - a) Stephanie Roach, LAC co-chair, is in her second year at CSM and was previously at JFK University
 - b) Roberta Reynolds, LAC co-chair, was a student at CSM. She was the chair of library committee and is now co-chair. She joined because she is interested in the vision of what a library should be. The number of students going to library declined when the Learning Center in building 10 opened.

A discussion of trying to get them to return ensued. It was noted that they seem to be returning because of the noise on the second floor in building 10.

- c) Ruth Turner, has been at CSM for 25 years, comes to the committee as the student services representative. Her mission is to bring back information to the counseling group.
- d) Janet Black has always used and loved libraries. She joined to stay current with library innovations to pass on to students. She wants to preserve libraries as tremendous resource.

2) Co-chairs report by Stephanie Roach

- a) Overview of LAC: Its purpose is to give library feedback on faculty needs, goals, and learning objectives. It is a sub committee of the Academic Senate. (Handouts appended: Library Advisory Committee section of the Academic Senate Bylaws excerpted from the 2015-16 Faculty Handbook; LAC Mission and tasks as posted on the committee website; Brown Act requirements sheet; Draft goals of Academic Senate)
- b) Academic Senate and Institutional Planning Committee (IPC) updates:
 - 1. One of the Academic Senate goals is to redefine and refocus subcommittees including the LAC. We need to be present for the redefinition of the LAC.
 - 2. Distance Education with the OEI is being looked at closely, we should consider how the library is providing online services, and be a part of that conversation.
 - 3. The IPC is creating a form for all committees to set goals and evaluate progress on them annually. Each committee at the beginning of the year will write their goals and assess whether they are efficient and effective. LAC needs to do this.
 - 4. The District strategic plan has come out and they are asking for feedback on it. There is a lot of talk about aligning goals to the goals within the strategic plan.
 - 5. Program review is being revised to simplify it. They are also looking at an earlier due date. Program review will be every other year.

III. Action Items: We'll stick with 2nd Wednesday.

Meeting time: 2:30 – 3:30

Meeting dates: October 14, 2015 and November 11, 2015

IV. Discussion Items:

- 1) LAC mission does not seem to be current. Stephanie Roach will look for a more recent version. Lorrита Ford might have one.
- 2) Goals discussion:

Roberta Reynolds: encourage students to come to library and make them aware of the library's resources. They have improved since state mandated literacy requirements.

Stephanie Roach: Engl 100 & 105 now will meet the information competency graduation requirement. Most students moving forward will meet the requirement this way.

Come next time with goals, even if they are general.

3) Membership drive discussion:

Suggestions include reaching out to PLS and specifically the deans. Academic Senate representatives have been asked to let their colleagues know there are vacancies.

There will be a student representative from Associated Students.

4) Ideas for programming discussion:

a) Makerspace activities were discussed. There is no longer a student run Makerspace Club, but the library Makerspace still exists, and puts on programming.

b) An important goal is to establish stronger tie with faculty. Come up with ideas to reach out to faculty.

c) Roberta mentioned that Lorrита had events at the library. Faculty portraits with a favorite book were popular.

Meeting adjourned at: 3:30 pm

Date and time of next meeting: 2:30pm – 3:30pm, October 14, 2015

Minutes prepared by Janet Black, with assistance from Stephanie Roach

Documents shared at meeting are appended below.

Appendix

Academic Senate Goals

Goals: 2015-2016 (From Academic Senate Website)

Governing Council has identified the following areas as priorities for faculty in the 2015-2016 academic year:

Goals

- Establish second Academic Senate student scholarship (community service).
- Further revise and improve program review.
- Redefine and refocus LSC3, CAC and LAC committees.
- Move toward establishing CTE Certificate completion event.
- Stay abreast of the OEI initiative as it develops, with the aim of producing, by the end of the year, a statement of our findings and concerns.

Themes

- Support and coordinate collaboration between instructional disciplines, student services and learning communities, so as to increase student equity and student success.
- Work toward increasing more broad and diverse faculty participation, while addressing fair compensation, in divisional and college-wide committees and initiatives.

At future Governing Council meetings, we will refine each as we develop specific objectives, action steps, and measurable outcomes to guide and track our progress in support of student learning, the revised college mission and diversity statements, and Institutional Priorities (as well as current college initiatives).

LAC Mission and Tasks from Website

Mission

The Mission of the Library Advisory Committee is to advise the Library Director and the Vice President of Instruction on technology, facility, and resource issues that impact the College Library.

Tasks

The Library Advisory Committee accomplishes its mission by:

Facilitating communication between the Library, the College (students, faculty/counseling/other support services), and the surrounding community by periodically assessing needs of these groups through surveys.

Raising library visibility by disseminating information about resources that support academic and lifelong learning, and promote information competency.

Ensuring that the Library is empowered to satisfy accreditation standards and expectations as well as best practices for library and learning resources through regular review and consultation.

Appendix B

BY-LAWS OF ACADEMIC SENATE OF THE COLLEGE OF SAN MATEO

Revised April 2015

Article I

NAME

The name of this body shall be the Academic Senate of College of San Mateo, hereinafter referred to as the Senate. The Senate shall elect Governing Council from its membership, hereinafter referred to as the Council.

SENATE MEMBERSHIP AND DUES

Consistent with Title 5 of the California Administrative Code, Section 53200, and in accordance with Section 53202.d, all full-time and part-time faculty in the College are members of the Senate with all rights and responsibilities thereunto. Administrators, classified staff, and students are not members of the Senate. Consistent with Title 5, Section 13532, the Senate may call upon its members for payment of professional dues; however, professional dues are not to be expended on items for which taxpayers' dollars cannot be spent; dues may be used to support approved Senate projects and functions.

Article II

PURPOSE

The Academic Senate has been established in accordance with Education Code Section 70902(b)(7), which call on the Board of Governors to enact regulations to ensure the right of faculty, as well as staff and students, to participate effectively in district and college governance. It further ensures the right of Academic Senates to assume the primary responsibility for "making recommendations in the areas of curriculum and academic standards."

The Council, as the representative of the Academic Senate, shall make recommendations regarding academic and professional matters to Cabinet, District Academic Senate, the College and District administration, the Board of Trustees, and to other appropriate individuals and bodies. The Board of Trustees shall ensure the right of the Senate to assume primary responsibility with respect to academic and professional matters, including exercise of the authority to appoint faculty to committees or groups dealing with academic and professional matters as specified in Title 5, Section 53203(f), and to participate in all other aspects of shared governance. The Council shall inform the Senate and the District Academic Senate of current issues and hold meetings for discussion and shall uphold all designated responsibilities pertaining to Senate rules and regulations as determined by State laws.

Academic and professional matters, as summarized from Title 5, Section 53200, include the following policy development matters:

1. Curriculum, including establishing prerequisites.
2. Degree and certificate requirements.
3. Grading policies.
4. Educational program development.
5. Standards or policies regarding student preparation and success.
6. College governance structures, as related to faculty roles.
7. Faculty roles and involvements in accreditation processes.
8. Policies for faculty professional development activities.
9. Processes for program review.
10. Processes for instructional planning and budget development.
11. Other academic and professional matters as mutually agreed upon.

The Senate has the **primary responsibility** for making recommendations in academic and professional matters, while Government Code Section 3540 (et seq. Rodda Act) establishes the right of exclusive bargaining agents to negotiate hours, wages, and working conditions. Title 5, Section 53204 states, "Nothing in this subchapter shall be construed to impinge upon the dues process rights of faculty, nor to detract from any negotiated agreements between collective bargaining representatives and district governing boards. It is the intent of the Board of Governors to respect agreements between academic senates and collective bargaining representatives as to how they will consult, collaborate, share or delegate among themselves the responsibilities that are or may be delegated to academic senates pursuant to these regulation." The Senate recognizes the interests of both groups on issues with both academic and working conditions implications.

Article III

MEMBERSHIP & QUORUM FOR MEETINGS

Governing Council shall consist of Senate members, who may be either full- or part-time faculty members, elected from instructional, library, and Student Services faculty.

Instructional divisions with 16 or more members shall elect and be represented by two Council members. Instructional divisions with 15 or fewer members shall elect and be represented by one Council member. Library faculty shall elect and be represented by one Council member. Student Services faculty shall elect and be represented by two Council members.

One representative to the Council may be chosen by the Student Senate to represent students, according to the Student Senate's own criteria for selection. This member shall not be considered a member of the faculty, as defined in Article I, but shall have an advisory vote on Council. It is the responsibility of the Senate to assure that students, staff, and administrators participate effectively in the development of recommendations on matters that affect them, as specified in Title 5, Section 51023.7 and Section 52023.5.

A quorum for a meeting of the Senate shall be 10% of all member of the Senate. A quorum for a meeting of the Council and all Senate committees shall consist of 6 of the Council's or committee's faculty members.

Article IV

ELECTION AND TERMS OF COUNCIL MEMBERS

The election of Council members shall be conducted each year within their divisions. The Election shall be completed at least four weeks before the end of the spring semester.

In each division, it is the responsibility of the senior Council member to see that elections are completed to replace outgoing Council members.

Council and Committee members shall serve for a two-year term beginning on the day of the last Council meeting of the semester in which the election was held. In cases of multiple representation from one Division, an attempt shall be made to stagger terms.

Vacancies on the Council shall be filled at the time of the regular election. To be elected to fill an unexpired term, a candidate must satisfy the provisions of Article I.

Article V

ELECTION, TERMS, & DUTIES OF OFFICERS

The officers of the Council shall be the following: President, Vice President, Secretary, Treasurer, and Immediate Past President. Officers, with the exception of the Immediate Past President, shall be elected by secret ballot from within and by the membership of the Senate. The election must be completed at least four weeks before the end of the semester. The term of the office shall be two years. These officers of the Council shall be officers of the Senate.

The President shall call all meetings of the Senate, the Council, and Executive Committee; prepare agendas for meetings of the Senate and Council; preside at all meetings of the Senate, Council, and Executive Committee; become familiar with the By-laws of the Senate and with parliamentary procedure as set forth in Robert's Rules of Order, Revised; be an ex-officio member of all faculty committees herein specified; suggest policies and plans for faculty and special committees; appoint the Senate delegate to the Academic Senate for California Community Colleges if the Vice President is unable to attend, which delegate shall serve subject to the approval of Council; establish and maintain liaison with the Presidents of the Academic and Faculty Senates of the other colleges in the San Mateo County Community College District and with the collective bargaining agent; be held responsible for the work of the Senate; attend all regular and special meeting of college and district shared governance councils, college budget and planning committees, and the San Mateo County Community College District Board of Trustees.

The Vice President shall serve as assistant to the President in all duties of the President, and shall serve as President in the absence of the President. The Vice President (or the appointed designee) shall serve as the Senate delegate to the Academic Senate for California Community Colleges plenary sessions and shall attend all regular and special meetings of the college shared governance council and of college budget and planning committees. The Vice President shall serve as a member of the Executive Committee.

The Secretary shall keep a record of the proceedings of each Senate, Council, and Executive Committee meeting; maintain the files of the Senate; be responsible for carrying on the correspondence pertaining to the affairs of the Senate as directed by the President; prepare for distribution minutes of all actions taken by Council; publish at the beginning of the academic year a roster of all committees herein specified, including Council, indicating divisions represented and expiration of terms. The Secretary shall serve as a member of the Executive Committee.

The Treasurer shall receive all monies belonging to the Senate; sign orders and pay out the monies of the Senate; keep an itemized list of receipts and expenditures; arrange for an audit of the books; make a written report at the last regular meeting of the Council in the academic year; and be responsible for preparing all documents required by the U.S. Internal Revenue Service. The Treasurer shall serve as a member of the Executive Committee and, if possessing the requisite expertise in institutional finances, shall serve on college and district budget and planning committees.

The Immediate Past President, who will assume office automatically after leaving the office of President unless there is an impediment to service, shall carry out such duties as are assigned by the President. In the case of impediment to service (such as no longer being a faculty member at the college) or resignation from the position, the Council may either name someone else to the position or leave it vacant. If the President is re-elected, the Immediate Past President will remain in office unless there is an impediment to service or resignation from the position.

The Nominating Committee shall consist of the past Academic Senate Presidents of terms immediately preceding the current one. Vacancies on the Nominating Committee may be filled by appointment of the President, subject to approval of Council. The report of the Nominating Committee shall be submitted to the Council at a regular meeting of the Council. This meeting shall be held at least two weeks prior to the spring election. Additional nominations may be made from the floor. The President shall be responsible for giving notice of the election to the members of the Academic Senate within ten instructional days of the meeting.

Elections shall be held by secret ballot. If paper ballots are used, these ballots will be returned to and tabulated by a three-person ad hoc Tellers Committee appointed by the President, subject to the approval of Council. Interested faculty are invited to witness the counting of the ballots. The ballots will be available for inspection for two weeks following the election. If electronic ballots are used, the three-person ad hoc Tellers Committee will review and tabulate election results from an election report furnished by SMCCD District Information Technology Services. This report will be available for inspection for two weeks following the election.

Article VI

MEETINGS

All meetings of the Council and of Senate Committees shall be open meetings consistent with the Brown Act, California Government Code, Sections 54950-54962.

Regular meetings of the Council shall be held at least once a month during the academic year. The time, date, and place of such meetings shall be published prior to each meeting; Brown Act regulations require 72 hour notice of regular meetings. Members of the Senate may attend any meeting of the Council.

Meetings shall be conducted in accordance with Robert's Rules of Order, Revised.

The President must place an item on the agenda of the Council meeting **(a)** at the request of any Council member or **(b)** on receipt of a signed, written request to the President by at least 10 members of the Senate.

The agenda for each Council meeting shall be delivered for posting at each Division at least 2 instructional days prior to such a meeting, and mailed at the same time to all Council members and Senate committee chairpersons.

The Council may not take action on any matter not on the agenda unless by a two-thirds vote of members present it declares that matter to be an emergency matter. The minutes of the Council meetings shall be distributed to all members of the Senate, administrators, and classified staff as soon as possible after each meeting.

Special meetings of the Senate or Council may be called in the following ways: **(a)** by the President, **(b)** on petition of a majority of the Council, **(c)** on petition of 50 members of the Senate. No business other than that for which special meetings are called shall be transacted at such meetings.

Article VII

RECOMMENDATIONS

The Council is authorized to make recommendations on behalf of the Senate subject to the following provisions:

- a. The Council may, on its own judgment and in its own initiative, refer to the Senate any matter affecting the welfare of the college community.
- b. The Council may, on its own judgment and in its own initiative, forward recommendations to the Administration or the Board of Trustees, with respect to academic and professional matters.
- c. If 50 member of the Senate so request in a petition delivered to the President of the Senate within three weeks of distribution of the official minutes in which any resolution has been passed by Council, that resolution shall be submitted to a referendum by secret ballot or to formal consideration at a meeting of the whole Senate.
- d. On matters on which the Board of Trustees or the administration intend to act when the college is not in regular session, the Council, after a special meeting, may make recommendations to the Board of Trustees or the administration. The President of the Senate shall inform the Senate of all such recommendations. If the President of the Senate receives within three weeks of those recommendations a petition signed by 50 members of the Senate objecting to any recommendation made to the Board of Trustees, the Council shall be required to submit the disputed recommendation(s) to the Senate for ratification.
- e. Nothing herein shall prohibit the President of the Senate from addressing the Board of Trustees as a representative of the Senate on any matter within the purview of the Senate so long as the President does not make unauthorized recommendations on behalf of the Senate.
- f. Outside of the regular school calendar, the President may act on behalf of the Council, provided the President is following established Senate policies and reporting regularly to the Executive Committee.

Article VIII

AMENDMENTS

Amendments to the By-laws may be made by a simple majority affirmative vote of those Senate members voting, provided copies have been sent to members of the Senate at least two weeks preceding the balloting.

Article IX

COMMITTEES

Committees may be created at the discretion of the Council. The Council shall appoint the faculty members to any committee requiring Senate membership or representation as granted in Title 5 Section 53203(f).

Committees shall operate, consistent with established procedures, within the strictures indicated below:

The Executive Committee shall consist of the officers of the Council: the President, Vice President, Secretary, Treasurer, and Immediate Past President. It shall serve as a steering organization performing routine tasks for the Senate and shall give, in the absence of specific instructions from the Council, its advice and consent to proposed actions of the President of the Senate.

Elected Permanent Faculty Committees shall be elected from the same constituent bodies as representatives to Council and according to the same formula, as described in Article IV of these By-laws. Representatives shall serve two years. Each committee shall include appropriate members of the college administration, classified staff, and students as members; the charter of each committee shall specify whether non-faculty members have voting privileges. Each committee shall elect a chair from among its voting members at its last regular meeting of the academic year, such chair to serve for the following year. The chair of each committee, or the chair's designee, shall keep the Council informed of the committee's actions. There shall be the following elected, permanent committees:

Committee on Instruction (COI)

Committee on Instruction shall report and recommend to Council and advise the Vice President, Instruction, concerning curriculum, instructional courses and programs, and instructional procedures, including program review. Committee on Instruction provides for two student representatives with voting privileges. In addition, the Committee on Instruction may establish committees as needed on other instructional matters, as it deems necessary. All responsibilities of the Committee on Instruction shall be carried out in accordance with applicable State laws.

Duties and Responsibilities

- a. Carry on a regular review of the college curriculum.
- b. Inform faculty of and oversees adherence to curricular aspects of the Education Code.
- c. Consider for recommendation proposals for new courses and programs.
- d. Consider for recommendation all deletions, classifications, and changes in courses and programs.

Committee Structure

Committee on Instruction shall consist of representatives from the faculty and a committee chair. Each instructional division, including counseling, shall elect two representatives to the committee; library faculty shall elect one representative. The committee elects a chair from among its current or recent members. The chair will serve a 2-year term and will report monthly to Governing Council.

Learning Support Centers Coordination Committee (LSC³)

The Learning Support Centers Coordination Committee shall report and recommend to Council and advise the Vice President of Instruction and Deans on matters related to the campus Learning Support Centers. The committee coordinates hours of operation, computer and technology resources, staffing, and scheduling of services to create a highly coordinated decentralized network of learning support services for all students. The committee fosters communication among the Library, Academic Senate, Associated Students, and the larger college community.

Duties and Responsibilities

- a. Coordinate LSC services and hold regular meetings to allow faculty to participate in aligning resources and services to ensure that the CSM Learning Center and other centers do not duplicate existing programs.
- b. Work cooperatively with instructional and student services faculty in developing learning strategies for the retention of under-represented, at-risk, ESL, and disabled students and developing intervention strategies for individual students across disciplines.
- c. Assist with planning data collection and analysis to ensure continual program improvement.
- d. Raise student awareness of LSC services and use websites as information portals for students, faculty, staff, and administrators.
- e. Work to ensure that LSCs satisfy accreditation requirements and have the capacity to support student success in developmental education, transfer readiness, workforce development, and information competency.
- f. Manage budget and resource allocations, development of new centers, and discontinuance of current centers.

Committee Structure

LSC³ shall consist of the lead faculty or support staff representative of each campus Learning Support Center. The committee is co-chaired by a faculty representative and the Director of the CSM Learning Center. Every two years, the committee shall elect a faculty chair from among its current or recent members.

Library Advisory Committee (LAC)

Library Advisory Committee shall report and recommend to Council, advise the Vice President, Instruction, Director of Library Services, and the Board concerning library policies. The committee fosters communication among the library, the Senate, and the larger college community.

Duties and Responsibilities

- a. Work to ensure that the library satisfies accreditation requirements and has the capacity to support student success in developmental education, transfer readiness, workforce development, and information competency.
- b. Work to ensure that the library receives adequate institutional funding to implement best practices for academic libraries in the areas of faculty and classified staffing, information resources and related technologies for on-campus and distance education access services, student learning outcomes, design and maintenance of the physical facility.
- c. Raise visibility and facilitate communication about library and information resources to the greater college community.
- d. Review regularly Library technology, facility, and resource issues that impact the campus community.

Committee Structure

Library Advisory Committee shall consist of representatives from the faculty and a committee chair. Each instructional division, including counseling, shall elect two representatives to the committee; library faculty shall elect one additional representative. Faculty members serve two-year terms. Every two years, the committee shall elect a chair from among its current or recent members. The chair will serve a 2-year term and will report monthly to Council.

College Assessment Committee (CAC)

College Assessment Committee shall report and recommend to Council, advise the Vice President, Instruction, and Accreditation Liaison Officer concerning student learning outcomes and assessment of courses, programs, and the institution. CAC will provide the student learning outcome (SLO) assessment cycle, a process fostering dialogue, and a vehicle for continuous education improvement.

Duties and Responsibilities

- a. Develop, promote, and implement student learning outcomes and assessment at the course, program and college level.
- b. Integrate Student Learning Outcomes and Assessment with other college initiatives.
- c. Assist faculty, department heads, and deans to integrate assessment of student learning outcomes activities and data into the program planning and review process.
- d. Document the progress of every year's student learning outcomes assessment activities and accomplishments across the campus, including instructional and non-instructional areas.
- e. Carry on regular review of SLOs and resource issues that impact the college.

Committee Structure

College Assessment Committee shall consist of representatives from the faculty and a committee chair. Each instructional division, including counseling, shall elect two representatives to the committee; library faculty shall elect one representative. Faculty members serve two-year terms. Every two years, the committee shall elect a chair from among its current or recent members. The chair will serve a 2-year term and will report monthly to Governing Council.

Center for Academic Excellence Committee (CAEC)

The Center for Academic Excellence Committee shall report and recommend to Council and advise the Dean of Academic Support and Learning Technologies regarding professional development activities. The primary focus and purview of the committee shall be faculty professional development and pedagogy, but the committee shall also oversee and facilitate professional development for staff, and other college employees. The CAEC may establish committees as needed on other professional development matters, as it deems necessary. All responsibilities of the CAEC shall be carried out in accordance with applicable State laws.

Duties and Responsibilities

- a. Oversee, develop and facilitate professional development activities for faculty and staff.
- b. Inform faculty of pertinent local and statewide opportunities for professional growth.
- c. Collaborate with college administration and staff to insure support and innovation regarding professional development.
- d. Collaborate with the Committee on Instruction, the College Assessment Committee, the division of Academic Support and Learning Technologies, and other relevant college programs and services to achieve high-quality instruction and student success.

Committee Structure

Center for Academic Excellence Committee shall consist of representatives from the faculty, as well as representatives from staff and administration. The faculty member serving as Professional Development Coordinator shall chair the committee. Each instructional division, including counseling, shall elect one representative to the committee; other committee members will include a library faculty representative, a staff representative, the Dean of Academic Support and Learning Technologies, and two student representatives. The chair will report at least monthly to Governing Council.

Article X

REMOVAL OF AN OFFICER

Any officer of the Council may be removed from office by a motion made by an officer of the Council, which is properly seconded and passed by a two-thirds vote of those officers of the Council casting votes in a secret ballot. A proposal to remove an officer must appear on the agenda established prior to the meeting in which it will be considered. Replacement of an officer will be made according to Article VI of this Constitution.

A vote to recall any officer of the Council may be initiated by a petition signed by 50 members of the faculty and presented to the Executive Council.

The recall vote will take place by secret ballot of the Senate within three weeks. A two-thirds vote of the valid ballots cast will be required to recall any officer of the Council. Replacement for a recalled officer of the Council will be made according to Article V, unless more than three vacancies are created, in which case a special election will be initiated within three weeks.

Brown Act

Govt. Code §§ 54950-54960.5

THE BASICS

Meetings of public bodies must be “open and public,” actions may not be secret, and action taken in violation of open meetings laws may be voided. (§§ 54953(a), 54953(c), 54960.1(d))

WHO'S COVERED

- **Local agencies**, including counties, cities, school and special districts. (§ 54951)
- **“Legislative bodies”** of each agency, the agency’s governing body, plus “covered boards,” that is, any board, commission, committee, task force or other advisory body created by the agency, whether permanent or temporary. (§ 54952(b))
- Any **standing committee** of a covered board, regardless of number of members. (§ 54952(b))
- **Governing bodies of non-profit corporations formed by a public agency** or which includes a member of a covered board and receives public money from that board. (§ 54952(c))

WHO'S NOT COVERED

- **Ad hoc advisory committees** consisting of less than a quorum of the covered board (§54952(b))
- Most other **non-profit corporations**
- All **other government agencies**. State governmental agencies are covered by the Bagley-Keene Open Meeting Act. (Govt. Code §§ 11120-11132)

WHAT'S COVERED

A “meeting” is any gathering of a majority of the members of a covered board to hear, discuss, or deliberate on matters within the agency’s or board’s jurisdiction. (§ 54952.2(a))

Note: No vote or action is required for the gathering to be a meeting, nor must the members meet face to face. (§ 54952.2)

WHAT MUST HAPPEN

Under the Brown Act an agency must:

- **post notice and an agenda** for any regular meeting, (§§ 54954(a), 54954.2(a)); mail notice at least three days before regular meetings to those who request it, (§ 54954.1); post notice of continued meetings, (§54955.1); deliver notice of special meetings at least one day in advance to those who request it, (§ 54956); and deliver notice of emergency meetings at least one hour in advance to those who request it. (§§54956, 54956.5)
- **notify the media** of special or emergency meetings if requested, (§§ 54956, 54956.5); allow media to remain in meetings cleared due to public disturbance. (§54957.9)
- **hold meetings in the jurisdiction** of the agency except in limited circumstances, (§§ 54954(b)-(e)), and in places accessible to all, with no fee. (§ 54961(a))
- **not require a “sign in”** for anyone. (§54953.3)
- **allow non-disruptive recording** and broadcast of meetings, (§54953.5(a)), and let the public inspect any recording made by the agency of its open meetings. (§54953.5(b)) The agency may destroy recordings it made after 30 days. (§54954.3(b))
- **allow the public to address** the covered board at regular or committee meetings on any item in the agency’s jurisdiction not addressed by the agency at an open earlier meeting. (§54954.3(a))
- **conduct only public votes**, with no secret ballots. (§54953(c))
- **treat documents as public** “without delay,” if distributed to all or a majority of members of a board before or at the meeting, unless they are also exempt under the Public Records Act. (§54957.5)

Local Rules

Many local jurisdictions, including San Francisco, Contra Costa County, and Oakland, have adopted local “Sunshine” ordinances that grant greater access and openness. Check for local rules. Other jurisdictions often have rules that *violate* the Brown Act. Challenge such rules or contact the agencies listed on this brochure.

WHAT IF . . .

- a council member is on a board of a non-profit corporation—is the board covered?
 - YES, if the council both appointed him or her to the board, and funds the corporation. (§54952(b),(c)(1))
- an agency delegates authority to another entity—is the entity covered?
 - YES, if it was created by the agency’s elected body. (§§ 54952(b),(c)(1))
- a council committee meeting has less than a quorum—is it required to meet openly?
 - YES, if it is a standing committee and has either a set meeting schedule or a continuing subject matter jurisdiction. (§ 54952(b))
- members use individual contacts to collectively decide an issue—is that a violation?
 - YES, information communicated to a quorum through a series of contacts, individual phone calls (“daisy chain”), or a third person (“spoke and wheel”) to evade the public is a “meeting” (§ 54952.2(b); 63 Ops.Atty.Gen. 820 (1980); Stockton Newspapers v. Stockton Redevelopment Agy., 171 Cal.App.3d 95 (1985); Common Cause v. Stirling, 147 Cal.App.3d 518 (1983).
- agency members attend a conference called by someone else—is this covered?
 - NO, so long as they do not discuss specific business matters within their jurisdiction (§ 54952.2(c))
- a meeting is held by video/teleconference.
 - YES, if the public’s rights are protected. (§54953(b))
 - Every video/teleconference location must be accessible to the public, and at least a quorum of the members must participate from locations within the body’s jurisdiction. (§ 54953(b))

CLOSED MEETINGS

Closed meetings are the exception and permitted only if they meet defined purposes and follow special requirements (§§ 54953(a), 54954.5, 54962).

EVEN AT CLOSED MEETINGS...

Special public notice and agenda requirements apply (§§ 54954, 54954.2, 54954.5, 54957.7).

All actions taken and all votes in closed session must be publicly reported orally or in writing (§ 54957.1(b)), and copies of any contracts or settlements approved must be made available promptly (§ 54957.1(b),(c)).

CLOSED MEETINGS MAY BE HELD FOR: Personnel

Only to discuss the appointment, employment, performance evaluation, discipline, complaints about or dismissal of a specific employee or potential employee (§ 54957). The employee may request a public meeting on any charges or complaints.

But closed sessions are **NOT ALLOWED** for discussing:

- general employment
- independent contractors not functioning as employees
- salaries
- the performance of any elected official, or member of the board
- the local agency's available funds
- funding priorities or budget

Pending Litigation

Only if open discussion "would prejudice the position of the agency in the litigation." The litigation must be named on the posted agenda or announced in open session unless doing so would jeopardize the board's ability to service process on an unserved party or conclude existing settlement negotiations to its advantage. (§4956.9)

To qualify, the agency must:

- be a party to pending litigation (§ 54956.9(a))
- or expect, based on certain specified facts, to be sued (§§ 54956.9(b)(1),(b)(2))
- or expect to file suit itself (§ 54956.9(c))

Labor Negotiations

Only to instruct the agency's identified negotiator on compensation issues (§ 54957.6). (Note: school districts are covered by the Rodda Act, Govt. Code §§ 3540-3549.3.)

Property Negotiations

Only to discuss, with an agency's identified bargaining agent, price or payment terms. The parcel, negotiators and the prospective seller or purchaser must be identified on the agenda. (§ 54956.8) Final price and payment terms must be disclosed when the actual lease or contract is discussed for approval. (§ 54957.1(a))

Others

License applications for people with criminal records (§54956.7); threats to public services or facilities; (§54957) insurance pooling (§54956.95).

WHAT TO DO IF:

A MEETING IS CLOSED THAT SHOULD BE OPEN

- Refuse to leave, and use this Guide to check the law, to protest, and to enforce all notice requirements.
- Leave only if ordered by law enforcement.
- Call your editor or lawyer at once.

AN ILLEGAL CLOSED MEETING HAS BEEN HELD

- Ask participants what happened, and get reports of actions taken and copies of contracts approved.
- Call FAP, SPJ or CFAC (phone numbers are on the cover of this Pocket Guide).
- Write a story or letter to the editor about it.
- Contact the District Attorney under § 4959, or take legal action under § 54960(a) against violations or a "gag rule" imposed on a body's members.
- A court may: (1) force the agency to make and preserve tapes of closed sessions (§ 54960(b)); (2) declare actions taken null and void (§ 54960.1(d)); (3) award costs and attorneys fees (§ 54960.5).

A POCKET GUIDE TO OPEN MEETING LAWS IN CALIFORNIA: THE BROWN ACT

A SERVICE OF:
THE FIRST AMENDMENT PROJECT
SOCIETY OF PROFESSIONAL
JOURNALISTS (Nor. Cal.)

HOW TO USE THIS GUIDE

This pocket guide is intended to be a quick reference and provide general information to journalists and citizens. It addresses some common public meetings problems, but does not substitute for research or consultation with a lawyer on detailed questions. This guide current as of December 3, 2003.

FOR MORE INFORMATION OR HELP:

FIRST AMENDMENT PROJECT.....510/208-7744
www.thefirstamendment.org

Society of Professional Journalists,
NORTHERN CALIFORNIA CHAPTER.....415/338-7434
www.spj.org/norcal

California First Amendment Coalition.....916/974-8888
www.cfac.org

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