The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board’s office.

Minute Order of the Board of Supervisors
March 30, 2010 Regular Meeting
County of Glenn, State of California

12. Town Hall Meetings/Board of Supervisors Regular Meetings
Matter: Pursuant to Minute Order 18 (h) and (j), hold continued discussion for possible action on the possibility of holding Town Hall Meetings regarding Glenn County’s current activities, holding Board of Supervisors Meetings at different times and locations, and the differences between a Board of Supervisors meeting and a Town Hall meeting.

Proceedings:
   a. County Counsel Huxton Carlyle reviewed the risks of holding Town Hall Meetings, and recommended having Town Hall Meetings agenized as a Special Meeting of the Board;
   b. Upon discussion it was the general consensus to support the idea of a Town Hall meeting;
   c. Orland City Manager Paul Poczobut, Jr. recommended, as an Orland citizen, that evening meetings be held with the entire Board present;
   d. Supervisor Sooth spoke regarding the cost of holding night meetings; the cost of holding said meetings at different locations, and recommended holding the first meeting in the Board’s Chamber to determine the public’s interest in attending evening meetings;
   e. Byron Denton spoke in support of Town Hall Meetings, and recommended listing items of great interest to the public;
   f. Clerk of the Board of Supervisors Sandy Sooth spoke regarding transporting meeting equipment to different locations, recommended first determining if there is an interest in evening meetings, and advised that recording of meetings is not mandatory other than for Public Hearings, although the public has begun to rely on the live streaming of the meetings;
   g. Supervisor Viegas advised that he visualized Town Hall Meetings as a forum for public questions and answers;
   h. Supervisor McDaniel suggested that individual Supervisors present a list of Town Hall Meeting topics for consideration at the next Board of Supervisors meeting, that the list be reviewed and prioritized, that a program be prepared for the topics, to be held in Willows, and that individual Supervisors could arrange meetings with the topic package within their District, and suggested topics could be water, budget, infrastructure, etc.;
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**Minute Order of the Board of Supervisors**  
**March 30, 2010 Regular Meeting**  
**County of Glenn, State of California**

i. Supervisor Quarine suggested items be placed on the April 15th Joint Meeting agenda and that the aforesaid matter be continued to the April 20, 2010 Board Meeting;

j. Mr. Poczobut recommended that the Town Hall meetings have an open forum rather than an agenda;

k. It was the consensus of the Board to continue the aforesaid matter to after the April 15th Joint Meeting, and that Supervisors be encouraged to place agenda items on the Joint Meeting agenda.
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board’s office.

Minute Order of the Board of Supervisors
March 16, 2010 Regular Meeting
County of Glenn, State of California

18. **Town Hall Meetings**
Matter: Recommendation of Supervisor McDaniel to hold discussion for possible action of the possibility of holding Town Hall Meetings regarding Glenn County’s current activities, including the following issues: budget, water, green energy philosophy, status of the landfill, and any other pertinent issues facing the future of Glenn County.

Proceedings:

a. Supervisor McDaniel advised that he visualized Town Hall Meetings serving as a medium to engage the general population prior to decisions being made regarding the budget, proposed ordinances, policies and other issues affecting the public, advised that the meetings would involve the Supervisors and appropriate Department Heads, would last approximately two hours and be held at different locations in the county;

b. Supervisor Quarne spoke regarding proposing evening Board Meetings at different locations four years ago, and advised that the proposal met with disfavor due to the availability of staff after regular work hours;

c. Supervisor Murray spoke of Board Meetings and Joint City/County meetings being poorly attended, and advised that if it is a way to generate more public interest he supports the idea;

d. The Structure of the Town Hall Meetings and restrictions of the Brown Act were discussed, and County Counsel advised that only one or two Supervisors could host the meeting, with subject matter to be approved by the Board of Supervisors as a whole, that the remaining Supervisors could be in the audience as observers only, that the first half could be interaction and second half open to the audience to talk with staff and hosting Supervisors, and cautioned the Supervisors about interacting with the crowd after the meeting;

e. Supervisor Quarne discussed the technical difficulties of holding evening Regular Board Meetings off sight due to the live-streaming of the meetings through the internet, and County Counsel advised that County Code sets the meetings on the first, third and fifth Tuesdays, although he did not know if the time was set, and if the Board Meeting is held any other day, it could be called as a Special Meeting of the Board;
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board’s office.

**Minute Order of the Board of Supervisors**
March 16, 2010 Regular Meeting
County of Glenn, State of California

f. Orland resident Byron Denton advised that Orland decided to hold a Town Hall Meeting with all present and the City Attorney ruled that an agenda and minutes were required, also questioned the potential public’s attendance of the meeting, how the meeting would be managed, and spoke in support of Joint County/City Meetings and attempting to hold Town Hall Meetings;

g. Supervisor Quarne suggested that a regular Board Meeting be held at 3:30 or 4:00 p.m., that the meeting have a small agenda and include an open town hall discussion session that is listed on the agenda very broadly;

h. It was the general consensus that County Counsel research the holding of meetings at different times and places, and delineate the differences between a Board of Supervisors and a Town Hall meeting;

i. Mr. Denton warned against campaigning at the Town Hall meetings, due to it being an election year;

j. On motion of Supervisor Quarne, seconded by Supervisor Viegas, it was unanimously ordered to hold the March 30, 2010 Board of Supervisors meeting, beginning at 1:00 p.m., and continue the Town Hall Meeting discussion.
March 30, 2010

TO: Board of Supervisors

FROM: Sandy Soeth, Clerk of the Board

SUJECT: Board of Supervisors Meeting Alternatives

At the March 16th Board meeting, pursuant to Minute Order 18, discussion was held regarding alternative Board meeting dates/times/locations and Town Hall meetings. Following are potential costs/impacts, each addressed individually:

Board Meetings Held at Alternate Locations

Meeting will not be streamed live.
The public, as well as departments, have come to rely on their ability to listen to Board meetings while they are being held. Should the Board decide to hold a Board meeting in a location other than the Board Chambers, the meeting could be recorded by using our portable PA system and laptop computer, with the program "mobile encoder" through our vendor Granicus. However, it may require assistance in transporting the equipment and IT personnel to assist the Clerk in setting up for the meeting.

Cost of County employee being paid travel time/mileage.
Depending on where the meeting is being held, it could possibly pose additional costs in mileage and overtime for employees who may be required to attend.

Possible cost for rental fees and Facilities staff.
As long as the meetings were held on County-owned property there would be no associated cost for rental, however, it would cause the facilities staff time for set up and clean up. If held at a location not owned by the County, it could have an impact on staff of the host entity.

County Code Modification.
The County Code as currently written requires the Board hold regular Board meetings in Willows, CA on the 1st, 3rd and 5th Tuesday of each month. However, Special meetings can be called at anytime without modifying the Code.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status. (Not all prohibited bases apply to all programs). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).
Board Meetings Held in Evenings

Possible overtime costs for employee(s) attendance.
Board meetings that are held outside regular business hours, could cause potential overtime costs for employees that may be required to attend an evening meeting.

Clerking of Meeting.
This would not pose any difficulties with the Clerk of the Board office as long as the meetings were held in the Chambers. Moving equipment to various locations would be a burden on staff as mentioned above (relating to “meetings held in alternate locations”).

Periodic Town Hall Meetings

Costs for County employees
There would be no additional costs, (i.e. travel time/mileage/overtime) for County employees unless that employee is asked to be present.

Use of County-owned facilities
Using County-owned facilities such as the Orland or Willows Memorial Hall would result in no rental costs and has the ability to hold large crowds if necessary.

If hosted by individual Supervisors in their designated District.
Supervisors could arrange for a location with local residents and hold a “district” meeting on subject matters that pertain to that particular community.

Quarterly Special Meetings

As another alternative to the above mentioned types of meetings, the Board could hold a quarterly Special Meeting in the evening targeted around the most recent topics, such as economic development projects, water issues, landfill operations, and any other subject that the public may want to discuss and weigh in on.

Quarterly meetings could also be held in conjunction with the Cities as in the past, Joint Concurrent meetings, that now are potentially only held twice a year in April and October.

Respectfully submitted,

Sandy Soeth, Clerk of the Board
MEMORANDUM
Office of the County Counsel

TO: Board of Supervisors
FROM: Huston T. Carlyle, Jr.
       County Counsel
DATE: Board Meeting of March 30, 2010
SUBJECT: Town Hall Meetings/Board of Supervisors Regular Meetings
          (Agenda Item #7)

Regular Meetings

Glenn County Code Section 2.04.010 states as follows:

"2.04.010 Regular Meetings.
   Regular meetings of the board shall be held on the first, third and fifth
   Tuesday of each month in Willows, California."

Special Meetings

Glenn County Code Section 2.04.020 states as follows:

"2.04.020 Special Meetings.
   All special meetings of the board shall be called and held in the
   manner provided by law."

California Government Code Section 54956 (part of the “Ralph M. Brown Act,” commonly
referred to as the “Open Meeting Law” or the “Brown Act”) states as follows:

"54956. A special meeting may be called at any time by the presiding
   officer of the legislative body of a local agency, or by a majority of the members
   of the legislative body, by delivering written notice to each member of the
   legislative body and to each local newspaper of general circulation and radio or
   television station requesting notice in writing. The notice shall be delivered
   personally or by any other means and shall be received at least 24 hours before the
   time of the meeting as specified in the notice. The call and notice shall specify the
   time and place of the special meeting and the business to be transacted or
discussed. No other business shall be considered at these meetings by the
   legislative body. The written notice may be dispensed with as to any member who
at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.”

**Exceptions to the Requirements of Meetings Involving a Quorum of the Legislative Body**

California Government Code Section 54952.2(e) sets forth six exceptions to the meeting requirements imposed under the Brown Act when a quorum of the legislative body is assembled:

“(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

1. Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

2. The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of the issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance. (emphasis added)

3. The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency. (emphasis added)

4. The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency. (emphasis added)

5. The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency. (emphasis added)

6. The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.” (emphasis added)
Town Hall Meetings

Based upon the prior governing sections, and section 2.04.01 of the Administrative Manual which sets forth the format of the agenda for regular meetings of the Board of Supervisors, a “town hall meeting” conducted by members of the Board of Supervisors and attended by three or more Supervisors would be deemed to be a special meeting under the Brown Act unless it was covered by one of the afore-mentioned six exceptions set forth in Section 54952.2(e).

The only exception for a quorum of the legislative body not being subject to the Brown Act in a town hall meeting format would be under Section 54954.2(c)(2). The classic example of an exception under (c)(2) would be three or more Supervisors attending a CSAC conference. However, the circumstances surrounding the conducting of the proposed town hall meeting would tend to undercut the basis for the application of the (c)(2) exception to the town hall meeting scenario. First, the town hall meeting is being conducted by the same members of the legislative body that would be claiming the meeting exception from the Brown Act. In other words, this would be a “conference” in the form of a town hall meeting called and conducted by the legislative body claiming the exception. Second, the issues discussed in the town hall meeting would clearly be relevant and within the jurisdiction of the governing body since that is the purpose of the town hall meeting. In other words, it would be difficult to legally defend this event as an exception under the Brown Act when the issues discussed will be Glenn County issues and a quorum of the legislative body is present. Third, the exception under (c)(2) does permit discussion by the quorum of the legislative body, but only if “part of the scheduled program.” While this component may protect members who respond to questions from the audience from being accused of discussing the issues among themselves (in front of others), it does imply some sort of organized program, more often than not in writing for the benefit of the public and the protection of the quorum; in other words a document strikingly similar to an agenda, albeit a shorter one than normally associated with a regular meeting of the legislative body. Therefore the only step missing for this programmed meeting to be a special meeting of the legislative body is notice to the members of the legislative body and the posting of the meeting notice and agenda to the public; not an undue burden to accomplish in order to protect the members from a potential violation of the Brown Act.

The courts are consistently uniform in their application of liberally construing the open and noticed meeting provisions of the Brown Act and in narrowly construing the exceptions to legislative openness. The Court of Appeal in the case of Trancas Property Owners Association v. City of Malibu, 138 Cal. App. 4th 172 (2006), cited in a footnote the entire Section 54950 of the Brown Act which sets forth the declaration of public policy concerning openness of legislative decisions. In Coalition of Labor, Agriculture & Business v. County of Santa Barbara Board of Supervisors, 129 Cal. App. 4th 205 (2005), the Court of Appeal, relying upon Bell v. Vista Unified School District, restated the proposition that the “Brown Act is designed to encourage public participation in government decisionmaking by requiring that public agencies take action and conduct deliberations openly.” The Court of Appeal went on to emphasize the requirement that a local legislative body post its agenda to ensure proper notice to the public of its upcoming deliberations and decision-making process.
Conclusion

This memorandum is premised upon the town hall meetings being called and conducted by the members of the Board of Supervisors and with three or more Supervisors present. Obviously if only two Supervisors are in attendance then there is no quorum and the issues discussed herein concerning application of the Brown Act are moot. It other people not employed by the County, or other organizations, host a town hall meeting and a quorum of the Board of Supervisors is in attendance, then there is a possible exception under (c)(3) to this event being deemed a meeting under the Brown Act.

However, based upon the above, if the town hall meetings are called and conducted by the members of the Board of Supervisors, and three or more Supervisors are present, the prudent and appropriate legal path to follow is to notice and agendize the town hall meetings as special meetings. Regardless of the good intentions associated with attempting to ensure compliance with the Brown Act, if a quorum is present, the town hall meeting setting presents too many pitfalls to adequately legally protect the Board from a possible Brown Act violation absent compliance with the special meeting requirements set forth herein.