Questions and Answers from Brown Act and Public Records Act Webinar  
March 13, 2012

1. **When can an item not on the posted agenda be added at the time the agenda is adopted at the start of the meeting of the legislative body?**  
   You’d have to use the procedure approved in Government Code Section 54954.2(b) (2), namely make a preliminary finding by a two thirds voted that there is a need for immediate action on a matter unknown at the time the agenda was posted.

2. **When does a legislative body have to have legal counsel present in a "Closed Session"?**  
   Only for consideration of pending litigation.

3. **Can an evaluation of performance closed session be allowed for an elected Superintendent of Schools by a County Board of Education?**  
   No. Elected officials are not “public employees” whose performance can be evaluated in closed session.

4. **Can a receive and file report be placed on the consent agenda and approved by Council?**  
   Yes, although it should not be a controversial matter. The consent agenda is intended to be used for routine matters that require a board vote of some kind.

5. **For an insurance JPA, other than liability and Workers’ Compensation open claims, what other documents are except from the CPRA?**  
   There are quite a few that would apply as much to JPAs as to other agencies. [Our new book listing them all is sold on Amazon.](#)

6. **If I understand correctly, you can no longer discuss a person’s employment contract (or extension of) as part of their evaluation process? What if it does not include salary?**  
   If there’s no discussion of salary of any kind, then “evaluation of performance” could be used, but it should also disclose that the renewal or extension of the contract will be part of the discussion.

7. **Mr. Francke discussed salaries could be discussed in another section in closed session, what is that section?**  
   Government Code Section 54957.6 (a)

8. **Does the 2 year record retention (email retention) requirement for cities also apply to community colleges?**  
   Yes.  
   **Section 59026.** Retention Period (a) Generally, a Class 3-Disposable record, unless otherwise specified in this Subchapter, should be destroyed during the third college year after the college year in which it originated (e.g., 1993-94 plus 3 = 1996-97). Federal programs, including various student aid programs, may require longer retention periods and such program requirements shall take precedence over the requirements contained herein.
9. **RE: Brown Act and Meeting Agendas - is it true that subcommittees of a Board of Trustees (school district) do not need to agendize a meeting as long as only a minority of the Board attend, no other attendees?**
   No. Standing committees must abide by the Brown Act. Temporary committees of less than a quorum of the main body (and no one else) need not observe the Brown Act.

10. **Under the Brown Act, If an incident report is submitted by a school to a district office, is a district required to turn that over to that childrens parent?**
    Yes, if they request it. And although I'm not certain if the law requires it, they should certainly be informed of its availability. But other pupils’ names can be redacted from the copy provided to parents.

11. **Should closed session have minutes recorded at a community college?**
    It’s not mandated, but it’s a good idea, because memories can get fuzzy about what was discussed, agreed on (or not) without a written record. Those minutes cannot be demanded as public records, however.

12. **At a community college what meeting groups (committees, councils) need to follow brown act?**
    The governing board and any standing and advisory committees created by the board; the student government body, and the academic senate.