

Keeping the Public in the Loop: The Russian River Fire Protection District and the Brown Act

Summary

The Ralph M. Brown Act (Brown Act) is California's open meeting law. The law's intent is that the actions of public commissions, boards and councils in California be taken openly and that their deliberations be conducted openly. It is based on the principle that "the people of this State do not yield their sovereignty to the agencies which serve them" (Government Code Section 54950).



The Sonoma County Civil Grand Jury (Grand Jury) received multiple complaints alleging Brown Act violations by the Board of Directors (Board) of the Russian River Fire Protection District (District). The complaints related to discussions held and decisions made during closed Board sessions. The allegations were found to be true. The violations appeared to result from a combination of lack of awareness of and training in the Brown Act, along with the Board's tradition of handling these matters 'the way it had always been done.'

Some members with past professional experience had served on the Board for many years. During the investigation, the Grand Jury found evidence that some Board members consider themselves better versed on relevant issues than the paid staff of the District. This resulted in serious staff morale problems that were further escalated by frequent, secret discussions during closed Board sessions.

Background

The Grand Jury received several complaints from residents of the Russian River area alleging Brown Act violations by the District Board.

Approach

The Grand Jury interviewed District Board and staff members and reviewed the District Policy and Procedures manual, the Brown Act, training materials, the District's website, and other resource material related to the District. Representatives of the District Attorney's Office (DA) were also interviewed regarding Brown Act enforcement in the County.

Discussion

The Brown Act is based on the principle that agencies that serve the people are responsible to the people for their actions. The law's intent is that the actions of public commissions, boards, and councils in California be taken openly and that their deliberations be conducted openly (Government Code Section 54950). In general, a quorum of board members may not legally meet informally and discuss board action, but fewer than a quorum may do so.

Closed meetings of a board are legally permitted only in limited, specific situations to discuss certain topics: personnel matters, pending litigation, labor negotiations, and property negotiations. All actions taken in closed session must be publicly reported according to specified rules. The District Board Policy and Procedures manual specifically states:

Board members are expected to be familiar with the rules of the Brown Act regarding open meetings, required notices thereof and the requirements for entering into closed session.

Russian River Fire Protection District Administrative Manual, Section 4.2; Job Description

The Grand Jury investigation revealed that the Board failed to adhere to the Brown Act on a recurring basis by failing to make agendas publicly available on its website and, during general meetings, holding closed sessions to discuss items such as administrative matters that the Brown Act requires be discussed in open session.

Most violators of the Brown Act in the County receive a letter from the DA concerning the specifics of the violation. The board in question usually responds by agreeing to conduct the necessary training, thus allowing its members to continue serving and conducting board business. According to the DA, this has proven to be an effective method of dealing with Brown Act violations.

Findings

- F1. The Board of Directors of the Russian River Fire Protection District knowingly violated the Brown Act.

Recommendations

The Grand Jury recommends that:

- R1. All members of the Board of Directors of the Russian River Fire Protection District be required to obtain appropriate training in the Brown Act.
- R2. The Board of Directors of the Russian River Fire Protection District adopt meeting policies and procedures to ensure compliance with the Brown Act.

Required Responses

Pursuant to Penal Code Section 933.05, the Sonoma County Civil Grand Jury requires responses as follows:

- R1, R2 – Board of Directors of the Russian River Fire Protection District

The governing body indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.