

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

3880 LEMON STREET, SUITE 350
RIVERSIDE, CALIFORNIA 92501-3667
(951) 683-1122

FAX (951) 683-1144
WWW.AALRR.COM

CERRITOS
(562) 653-3200

FRESNO
(559) 225-6700

IRVINE
(949) 453-4260

MARIN
(628) 234-6200

PASADENA
(626) 583-8600

PLEASANTON
(925) 227-9200

SACRAMENTO
(916) 923-1200

SAN DIEGO
(858) 485-9526

OUR FILE NUMBER::

WDiedrich@aalr.com

September 12, 2019

VIA EMAIL (JTORRES@SBCCD.CC.CA.US)

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CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Jose F. Torres
Executive Vice Chancellor
San Bernardino Community College District
114 S. Del Rosa Dr.
San Bernardino, CA 92408

Re: Overview of Brown Act Responsibilities

Dear Vice Chancellor Torres:

The San Bernardino Community College District ("District") has asked if the obligations under the Ralph M. Brown Act ("Brown Act") (Government Code 54950 *et seq.*), attach to its various collegial consultation committees. For the reasons provided below, it appears that the District's collegial consultation committees will need to comply with the Brown Act.

I. BACKGROUND

Based on the information provided by the District, we understand that the District maintains numerous "collegial consultation committees." Some of these committees operate at a local site level while others operate at a District-wide level. The District created these committees to comply with Assembly Bill No. ("AB") 1725, which is further discussed below.

District Board Policy ("BP") and Administrative Procedure ("AP") 2510 dictate that these committees consist of faculty, management, classified staff, and student members. These committees were created by the District Board of Trustees ("Board") to assist the District's Academic Senate by making advisory recommendations on a number of different matters including the District's budget, academic calendar, and programs. It is our office's understanding that none of these committees draw a quorum number of Board members as its attending members.¹

¹ BP 2330 dictates that number to maintain minimum quorum for the Board is four members.

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administration and governance [at the state's community colleges]....[AB 1725] required the statewide board of governors to establish: 'Minimum standards governing procedures established by governing boards of community college districts to ensure **faculty, staff, and students the right to participate** effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.'" (*Diablo Valley Coll. Faculty Senate v. Contra Costa Cmty. Coll. Dist.* (2007) 148 Cal. App. 4th 1023, 1032 [**emphasis added**].) Just because these committees are advisory in nature will not change their need to comply with the Brown Act. (See *Frazer v. Dixon Unified Sch. Dist.* (1993) 18 Cal. App. 4th 781, 792.)

ii. **Brown Act Obligations also Depend on the Size of the Meeting**

Government Code Section 54952.2, subdivision (a) defines a meeting to mean "any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body." Simply put, if a majority of a particular collegial consultation committee, meaning more than half of that committee, meets for the purposes of discussing taking formal action on a subject within their purview, then that meeting will be subject to the Brown Act requirements.

III. **CONCLUSION**

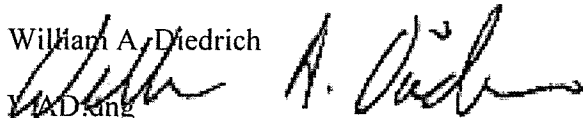
Collegial consultation committees are legislative bodies, as they were formally created by statute, regulation and District board policies and regulations. (See BP and AP 2510.) This means that if the majority of a particular committee meets, then it will be incumbent on the District to properly observe the Brown Act for this group.

If you have any questions or need any clarification, please feel free to contact me.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

William A. Diedrich



W.A. Diedrich