



Change to Brown Act Requires Public Reports of Individual Board Member Votes

Beginning January 1, 2014, all legislative bodies of local agencies in California, including school boards, must publicly report any action taken as well as the vote or abstention on that action of each member present. Those new requirements are imposed by Senate Bill 751 (“SB 751”), signed by Governor Brown in September, as an amendment to the Ralph M. Brown Act.

Government Code section 54953 already requires all meetings of the legislative body of a local agency to be open and public and prohibits action by secret ballot, whether preliminary or final. SB 751 added subsection (c)(2) to the statute, which will bar the reporting of only the numbers of ayes, nays or abstentions on any given item up for vote.

The principal sponsor of the new law, the Orange County Business Council, stated that “[it is] important for the public to hold voting members of a legislative body accountable for their votes. SB 751 increases transparency and makes accountability possible.”

As a practical matter, school districts will now need to record how each member votes on each item presented. While consent items may still be voted on as a block item, the names and votes also should be recorded. We also suggest that phrases such as “approved by a unanimous vote” be revised to include the names and votes of board members present. An aye or nay accompanied by a raised hand should assist board secretaries in recording the votes. A roll call vote is not necessary.

If you have any questions regarding SB 751 or its implications, please contact one of our six offices.

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