



March 24, 2023

The Honorable Ryan B. McCarroll
 Deputy Attorney General
 California Department of Justice
 330 South Spring Street, Suite 1702
 Los Angeles, CA 90013

Deputy Attorney General McCarroll,

On behalf of the undersigned organizations, we're writing to provide comments to inform the development of Opinion No. 23-102. Responding to a request from the Ventura County District Attorney's office, the Department of Justice is reviewing the applicability of the Brown Act to

community events, and specifically “State of the City” style addresses. Issues under review include whether the Brown Act applies to a private event where attendees are charged a fee if a majority of the legislative body is in attendance; as well as if the conference and community meeting exemptions apply.

Local organizations throughout California organize events and forums to hear from their elected officials on topics of local and statewide importance. These events serve to better educate communities, explain policies and projects, and hopefully lead to a better informed and engaged citizenry. Many local chambers of commerce host “State of the City” and “State of the County” events, forums specifically designed to allow local governments to update their communities about past accomplishments, upcoming priorities and important projects. Ordinarily, a local chamber of commerce would organize the event logistics, collect registration and sponsor payments, and pay all vendors associated with producing the event.

Customarily a city’s mayor, or the chair of the county board of supervisors, gives a speech or address. Regularly, a majority – if not the entirety – of the applicable legislative body (a city council or board of supervisors) is in attendance. No issues are debated by the elected officials in attendance, no policies are voted on, their role is strictly ceremonial. It is our belief that these events fall within the conference and community meeting exemptions to the Brown Act as detailed in Govt. Code 54952.2 (c)(2)-(3).

Existing guidance appears to support this contention. The pamphlet currently provided to local governments by the Office of the Attorney General, *The Brown Act: Open Meetings for Local Legislative Bodies*, provides information about the applicability of the conference and community meeting exceptions.

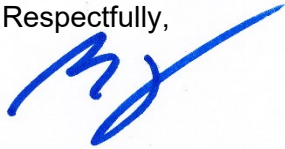
Related to the conference exception, the publication states the Brown Act “exempts conferences and similar gatherings, which are open to the public, that involve issues of interest to the public or to public agencies of the type represented by the legislative body in question, so long as the majority of the members of the legislative body do not discuss among themselves, other than as part of the scheduled program, any issues of a specific nature which are within the subject matter jurisdiction of the legislative body.” The guidance also speaks to events that are hosted by private entities, stating “the conference need not necessarily be a conference of public agencies to fall within the exemption.” Finally, the guidance also contemplates the need for registration fees, detailing that “a member of the public need not be provided with free admission where others are charged a fee.”

Regarding the community meetings exception, the guidance allows for an exception for “attendance at a meeting conducted by a private individual, or private organization, so long as the meeting concerns issues of local interest and is open to the public and well publicized in advance.” Furthermore, this exception also allows for a majority of the legislative body to be in attendance at a private event. “When a majority of a legislative body attends an open and publicized meeting held by a person or organization, other than the local agency on a matter of local interest, the legislative body is not deemed to be conducting a meeting, so long as the members in attendance do not discuss among themselves, other than as part of the scheduled program.”

It is clear that the Brown Act is not intended to curtail the participation of elected officials at events designed to inform their constituents about important topics and accomplishments in local communities. In fact, the existing guidance from the Office of the Attorney General appears to support applying an exemption for “State of the City” style events. Should this guidance be revisited or revised to apply the Brown Act to these types of events, the result will likely be that

citizens have less accessible elected officials. The Brown Act is intended to ensure that the people's business is conducted in the open, not to stifle community engagement. For these reasons, we ask that the Office of the Attorney General reaffirm its existing guidance, that these types of forums and events are clearly exempt from the Brown Act.

Respectfully,



Nick Ortiz
Vice President, Local Chamber Relations
California Chamber of Commerce

California Hispanic Chambers of Commerce
Alhambra Chamber of Commerce
Greater Bakersfield Chamber
Carlsbad Chamber of Commerce
Catalina Island Tourism Authority
Chino Valley Chamber of Commerce
Greater Coachella Valley Chamber
Greater Conejo Valley Chamber of Commerce
Corona Chamber of Commerce
Dublin Chamber of Commerce
Fontana Chamber of Commerce
Fresno Chamber of Commerce
Greater Stockton Chamber of Commerce
Greater High Desert Chamber of Commerce
Half Moon Bay Coastside Chamber of Commerce
Imperial Valley Regional Chamber of Commerce
Los Angeles Area Chamber of Commerce
Mammoth Lakes Chamber of Commerce
Manteca Chamber of Commerce
Murrieta/Wildomar Chamber
Napa Chamber of Commerce
Norwalk Chamber of Commerce
Paradise Ridge Chamber of Commerce
Rancho Cordova Area Chamber of Commerce
Ridgecrest Chamber of Commerce
Roseville Area Chamber of Commerce
Greater San Fernando Chamber of Commerce
San Marcos Chamber of Commerce
Santa Clarita Valley Chamber of Commerce
Santa Maria Valley Chamber
Santa Paula Chamber of Commerce
Santa Rosa Metro Chamber
Simi Valley Chamber of Commerce
South County Chambers of Commerce

Southwest CA Legislative Council
Torrance Area Chamber of Commerce
Tri County Chamber Alliance
Tulare Chamber of Commerce
Vacaville Chamber of Commerce
Visalia Chamber of Commerce
Vista Chamber of Commerce
Walnut Creek Chamber of Commerce
West Hollywood Chamber of Commerce
West Ventura County Business Alliance
Whittier Chamber of Commerce
Yorba Linda Chamber of Commerce