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LEGAL UPDATE


Susanne K. Reed
(1947 - 2010)

January 17, 2012

To: Superintendents, Member School Districts (K-12)
From: Patrick C. Wilson, Senior Associate General Counsel ^{PCW}
Subject: Brown Act Amendments
Memo No. 03-2012

Effective January 1, 2012, the Brown Act has been amended as follows:

1. The District is now required to post the Board's regular and special meeting agendas on its web site, if any, in a timely manner (at least 72 hours prior to a regular meeting and 24 hours prior to a special meeting).

The District must also timely post on its web site, if any, the agendas for any meetings for committees created by the Board (except ad hoc committees) if: (1) the members of the committee are compensated for their appearance at the meeting and (b) one or more of the members of the committee is also a member of the Governing Board of the District. See Government Code §§ 54954.2(a)(1), (d)(1-2).

Note that Education Code § 15280 requires that meetings of a District bond oversight committee shall be noticed "in the same manner as the proceedings of the Governing Board." Thus, in light of the above amendment, the BOC agendas should now be posted on the District's website, if any. Section 15280 requires that BOC minutes, documents received, and reports issued shall also be made available on the District web site.

2. A District may not consider at a special meeting the salary or compensation, including fringe benefits, for a "local agency executive," which includes the superintendent of the District and the head of any department of the District. See Government Code § 54956 and Government Code § 3511.1(d). These matters must be considered at a regular meeting.