

Date: July 11, 2005

**To: Neighborhood Council Leaders
From: Greg Nelson, General Manager
Subject: BROWN ACT & AD HOC COMMITTEES**

Some Neighborhood Councils have expressed concern about how difficult it is to act quickly on items because of (1) the Brown Act, its 72-notice and other requirements that also apply to standing committees, and (2) the limited amount of time that a governing board and its committee often have to respond to important matters.

Many Neighborhood Councils have created a bushel of standing committees. This is understandable because many are simply copying the way the City Council operates.

One of the big differences between the way the City Council and a Neighborhood Council conducts its business is that the City Council has the benefit of staff that do the hard work, gather the facts, talk to experts, analyze the choices, and make recommendations. Neighborhood Councils don't have staff.

In reality, those who serve on the committees also become the staff. Imagine how much more slowly governments would operate if all of the staff work had to be done in public meetings with 72 hours notice.

To solve this problem, Neighborhood Councils should consider the greater use of ad hoc committees that aren't affected by the Brown Act. In order to create an ad hoc committee that is exempt from the Brown Act, it must:

- 1. be comprised solely of members of the governing body (no non-board members),**
- 2. be comprised of less than a quorum of those members, and**
- 3. have a defined purpose and a timeframe to accomplish that purpose so that it does not look like a standing committee.**

One way to accomplish this is for individual members of the public (stakeholders) to independently volunteer to form committees on their own, and then report on the functioning of these committees at a board meeting, as long as the governing body did not ratify or take any role in forming the committees.

Another option is for an individual officer to create an advisory committee that reports separately to him/her. That group would not be subject to the Brown Act as long as it was clear that the committee was not formed in any way that involved action by the entire body.

A board member could create an advisory committee outside of a public meeting, have the members report to him/her, and the board members can then make a recommendation or initiate discussion at a public meeting of the entire Neighborhood Council. This would ensure that the ad hoc committee is not being created by "consent" of the board.

So, if the President, for example, is going to ask for volunteers to do fact-finding on a proposal to build a cell tower at 12th Street and Happy Valley Road, he/she should do this outside of a Neighborhood Council meeting to avoid the appearance that the appointment is really a board action.

An ad hoc committee can be created at a public meeting, and be exempt from the Brown Act, if it is comprised of *less than a quorum of the board*, which allows it to be the "staff." This is the cleanest and simplest way to create the ad hoc committee, since it does not include non-board members.

TO BE REMOVED FROM NEWSLETTER LIST:

If you would like to be removed from our newsletter list, [click here](#). Then enter your e-mail address and click on Leave the List.

TO CONTACT US:

www.LACityNeighborhoods.com done@mailbox.lacity.org Toll-free: 311