

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF THE PLANNING COMMISSION**

**CITY OF CERES, CALIFORNIA
City Council Chambers, 2701 Fourth Street**

Tuesday, January 16, 2018 – 6:00 p.m.

Mailing Address: Planning Division, 2220 Magnolia Street, Ceres, CA 95307

Phone: (209) 538-5774

Fax: (209) 538-5675

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Works Director, (209) 538-5732. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the City Council Chambers.

CALL TO ORDER by Chairperson Del Nero.

PLEDGE OF ALLEGIANCE to the flag led by Chairperson Del Nero

OATH OF OFFICE of new Planning Commissioner, David Johnson

ROLL CALL Commissioners Condit, Johnson, Kachel, Smith, Chairperson Del Nero

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

CONFLICT OF INTEREST DECLARATION

CITIZEN COMMUNICATIONS to the Commission on matters not included on the agenda (5 minutes).

While the Planning Commission welcomes and encourages participation in Planning Commission meetings, adopted rules allow no more than 5 minutes (Resolution No. 2012-132) for expression of non-agenda items. Matters under the jurisdiction of the Planning Commission, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the Planning Commission from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Planning Commission. Citizens are entitled to address the Planning Commission on any agenda item subject to the 5 minute provision.

CONSENT CALENDAR

All matters listed on the consent calendar are considered routine in nature and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

1. Clerk's Report of Posting. The Agenda for the regular meeting of the Planning Commission of January 16, 2018 was posted on January 11, 2018.
2. Approval of Minutes
 - a. December 18, 2017 (Commissioner Smith absent)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARING(S)

Public Hearings are generally required by regulation, where public comments go into the public record and the hearing is governed by rules concerning who speaks when and for how long and is overseen by a hearing official.

None

NEW BUSINESS

3. Brown Act Presentation (City Attorney LaGrassa)
4. Project Update (Westbrook)

PUBLIC MEETING(S)

Public Meetings are generally not required by regulation, involve an open, informal discussion between interested parties run by a moderator where comments may or may not be placed in the public record.

None

UNFINISHED BUSINESS

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS

- Commission
- Chairperson
- City Attorney
- City Staff

ADJOURNMENT

The next regularly scheduled Planning Commission meeting will be held on Monday, February 5, 2018.

**ANY DECISION OF THE PLANNING COMMISSION CAN BE
APPEALED TO THE CITY COUNCIL**

Such an appeal of a Planning Commission action from this meeting must be filed by 5:00 p.m., January 26, 2018. Any person who challenges any of the following actions in court, may be limited to raising only those issues that they or someone else raised at the Public Hearing, or in written correspondence delivered to the City of Ceres at, or prior to, the Public Hearing. The appeal must be filed in writing with a \$630.00 filing fee.

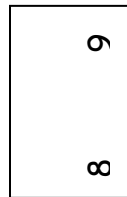
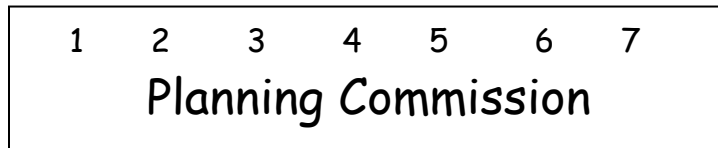
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PLANNING COMMISSION
CITY OF CERES, CALIFORNIA

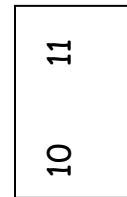
Welcome to this meeting of the Ceres Planning Commission. Your interest in the affairs of Ceres is gratifying. The City of Ceres was incorporated February 25, 1918, and is a General Law City in the County of Stanislaus of the State of California. The purposes of the Planning Commission meeting are to make decisions on various permit applications and to make recommendations to the City Council on matters concerning land use and future development.

The Planning Commission follows a regular order of business during its meeting. The agenda is prepared in advance by the Planning Division of the City Manager's Office. Copies of the agenda are available at the counter of the Planning Division from Friday morning through 5:00 p.m., Monday. After 5:00 p.m., copies may be obtained in the Council Chambers at the Planning Commission Meeting.

If you have a matter to bring before the Planning Commission which is not listed on the agenda, you may be heard under *CITIZEN COMMUNICATION*. Please step forward to the podium and give your name and address before speaking to the Commission.



- PLANNING COMMISSION**
1. Commissioner David Johnson
 2. Commissioner Laurie Smith
 3. Commissioner Robert Kachel
 4. Chairperson Gary Del Nero
 5. Commissioner Couper Condit
 6. City Attorney



- STAFF**
8. Director of Engineering Services/City Engineer
Daryl Jordan
 9. Director of Community Development Tom Westbrook
 10. Senior Planner James Michaels
 11. Administrative Secretary/Deputy City Clerk
Ann Montgomery

Regular public meetings of other city government bodies are scheduled as follows:

CITY COUNCIL

Second and Fourth Mondays at 6:00 p.m.

PLANNING COMMISSION

First and Third Mondays at 6:00 p.m.

**CITY OF CERES
PLANNING COMMISSION
MINUTES**

December 18, 2017

MEETING CALLED TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Del Nero.

ROLL CALL:

PRESENT: Commissioners: Condit, Kachel, Molina, Chairperson Del Nero

ABSENT: Commissioner Smith

ALSO PRESENT: Director of Community Development Tom Westbrook, City Manager Toby Wells, Director of Engineering Services/City Engineer Daryl Jordan, City Attorney Christopher LaGrassa, Administrative Secretary/Deputy City Clerk Ann Montgomery

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATIONS:

None

CONSENT CALENDAR:

1. Clerk's Report of Posting. The Agenda for the regular meeting of the Planning Commission of December 18, 2017 was posted on December 14, 2017.
2. Approval of Minutes
 - a. November 6, 2017 (All present)
 - b. November 20, 2017 (All present)

ACTION: It was moved by Commissioner Kachel; seconded by Commissioner Condit to approve the Consent Calendar. Motion passed by the following vote:

AYES: Commissioners Condit, Kachel, Molina, Chairperson Del Nero

NOES: None

ABSENT: Commissioner Smith

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

PUBLIC HEARINGS:

3. Site Plan Approval (SPA) 17-16; Proposal to remodel the exterior elevations of an existing Kentucky Fried Chicken restaurant at 2040 E. Whitmore Avenue. Lendlease Development, Inc., applicant.

Senior Planner, James Michaels presented the staff report.

Brief Commission discussion ensued.

The Public Hearing was opened at 6:05 p.m.

- Andria Lazzini, Lendlease Development, Inc.

Ms. Lazzini stated that she is representing the applicant.

The Public Hearing was closed at 6:06 p.m.

ACTION: It was moved by Commissioner Molina; seconded by Commissioner Condit to approve PC Resolution 17-19. Motion passed by the following vote:

AYES: Commissioners Condit, Kachel, Molina, Chairperson Del Nero

NOES: None

ABSENT: Commissioner Smith

4. Planned Community Development Plan (PCDP) 17-10; Proposal for the construction of a 7,680 square foot tire shop building at 1800 E. Hatch Road. *The Planning Commission considered this item on November 6, 2017, and continued the item indefinitely by a 5-0 vote and directed the applicant to submit a revised site plan to reorient the building so that the service bays face Hatch Road.*

Senior Planner, James Michaels presented the staff report.

Commission Discussion:

Commissioner Molina clarified with Mr. Michaels that staff is recommending Option 1, which is shown on page 33 of the staff report.

Chairperson Del Nero, referred to page 33 and inquired, to the west, would that part of the building be open, or the service bays would be going towards the east.

Mr. Michaels explained that the service bays are facing to the east. In the original proposal, the openings were facing west.

Chairperson Del Nero asked, as far as noise, we don't have any studies and don't know what effect that will have on the noise.

Mr. Michaels stated that is correct; we don't have any specific noise studies.

The Public Hearing was opened at 6:13 p.m.

- Chris Bratty, Western Regional Manager, R.A. Smith

Commissioner Condit asked how hectic deliveries would be for any materials that the tire shop may need, for the second proposal with the service bays facing north. Would that create a lot of hectic activity in the parking lot?

Mr. Bratty responded that it does and asked for the diagram that shows the ingress/egress for the rotated building. He explained that deliveries come to the front of the building. So, a combination of the 50 services that they do per day, and the truck having to back into the location for off-loading the tires, the truck is really at askew in order to unload those tires. The person who unloads the tires, rolls them right into that receiving door. There's time associated with them unloading it, which the truck again is skewed with the ingress/egress road. Then the 50 services a day that they do, with the technicians, and the customers coming across that road; the concern with the operator of Discount Tire is the safety of the employees and the customers, and then the off-loading of the truck.

Commissioner Kachel noted that he had originally raised the issue when we heard testimony from the neighbor and then he sent a message to staff this morning, stating he was having a little trouble grasping exactly the changes. He wasn't following the truck movements in the graphics which were provided, but he has been studying it further. It's really hard to see these tiny drawings with overlays. The truck movements are in a brownish-grey color and it's sort of hard to pick up what's underneath, but he thinks he has a better feel for it now. He doesn't necessarily subscribe to the cut that the employees are backing the cars out was a problem because that's not exactly going to be a thoroughfare through there between an oil change and another tire store. But, nevertheless, it seems a valid concern. He does see what the Commission asked for, is a good faith effort to see what can be done to address the concern that had been expressed to see if there was an opportunity to maneuver this around and make it work better for everyone. He does appreciate all the hard work that went into it. This morning he had some questions that he asked of staff, and he thinks he is now satisfied that what's been done is about the most realistic we can get. He does appreciate the applicant's patience with us, and staff's patience with him in asking the questions and being concerned. He thinks now he has a better handle on it, subject to any other input we have.

- Scott Johnson – 1741 Joel Way, Ceres, CA

Mr. Johnson stated that his property is located at the south end of proposed project and noted that he was the one at the first meeting who stirred up all the hornets' nest. He apologizes for everything that had to be done, but has to say that he really does appreciate the Commission acting the way they did, wanting to hear, not our complaints, but our issues that we might have with this project. In looking at the new plans and recommendations by staff and the work that has been done by R.A. Smith Company, he agrees that Proposal Number One is probably the best for this, even though we asked for the building to be rotated to the north for ingress and egress of the actual work for the cars. He has done some measurements on here, and having done this from both a building and a design end of this, he can see the point of reorienting the ingress and egress and the fact that these shop openings now go to the east, towards Les Schwab, he thinks it's going to mitigate any issues that we were concerned with for noise. Also,

he'd like to say thank you for the interest given so far, as the trees near the south property line and the staff recommendation that they will work with the architect when it comes time for landscaping to make sure that something is adequate, but is not so egregious to the neighbors that live to the south. He really appreciates that. And the condition of the existing block wall has been addressed. He's happy to hear that. And the fact that future maintenance for the wall will be by America's Tire. Anything that adjoins their property, they'll make sure that the upkeep is done on that. He really does appreciate that. He doesn't have anything else to offer. He has several neighbors here from Joel Way. They may have something they'd like to add. So far, everyone has been very supportive and he thanked the Commission once again for listening to their issues.

Commissioner Molina gave Mr. Johnson his congratulations for standing up to his convictions and concerns because this is the kind of scenario that helps the Commission make sure that we give our best. It looks like this project specifically was addressed in a way where everybody seems happy. Thank you, and we from a Planning Commission standpoint wish that almost every project that we had, we had citizens who are concerned and want to address their issues. It helps us, in the future; to make sure they come to the meetings and address their concerns just like you did. So, congratulations for taking the initiative, and for all of you who came together and helped the Commission make a better decision on this.

Mr. Johnson stated that the only other thing he might add, and he knows we talked about it before, is the car wash property and the initial design and putting the trees up for noise control and all that. There's only one tree left out of the five that were put in there and 70% of that tree is hanging over the wall onto one of his neighbor's properties. There's a pile of pine needles there, big enough to fill this podium after the wind blows. You can't use that whole side of the wall; you can't use any of that property for anything because of the debris that falls out of that tree. He'd like to find out about getting permission to cut that one tree down. Seventy percent of the tree is dead now anyway. It's not doing any good and really is; it's a mess there. It really just takes up a large piece of property. He went to the car wash, addressed it with them, and he also re-addressed the issue of the noise, on the direction for bringing people in and out of the car wash, that we listen to all day long. The only response that he got from them was, that's company policy and they're not going to change it. He's kind of disappointed in that. He really doesn't know what to do next, but he is going to pursue it though.

- John Schaefer – 1749 Joel Way, Ceres, CA

Mr. Schaefer noted that his property is also adjacent to the tire shop. He remarked that he sees the reorientation of the bays, and he's assuming, although he can't tell from the design, (he did not pick up his homework before he got here), is that the office is still at the front of the building at Hatch, and that's where the central air unit will be positioned above the office.

Mr. Westbrook responded that he is correct.

Mr. Schaefer remarked, not outside my bedroom; that's his concern. He clarified that the revised plan flipped the bays, but kept the office to the front; it didn't turn the whole building.

Mr. Michaels stated that is correct.

Mr. Schaefer noted that his worst dread was a tire store; now there are two.

The Public Hearing was closed at 6:22 p.m.

Commission Discussion:

Commissioner Condit expressed his appreciation for the public's involvement and the applicant's willingness to hear the Commission out.

Commissioner Kachel remarked that he agrees, noting it was an excellent example of public hearings; we do listen and we're here for that. The applicant has been more than willing to be patient with us and address the concerns which were expressed. They've come back, and have put a lot of effort and engineering into doing the design work for this. And he again, appreciates them doing that.

Commissioner Molina expressed his thanks to the applicant and to City Staff for very nice coordination in making sure the Commission got a final draft of what we're looking at. It really helps that staff puts this together, and for the applicant to concede. Thank you everybody.

ACTION: It was moved by Commissioner Condit; seconded by Commissioner Molina to approve PC Resolution 17-16; Option 1. Motion passed by the following vote:

AYES: Commissioners Condit, Kachel, Molina, Chairperson Del Nero
NOES: None
ABSENT: Commissioner Smith

NEW BUSINESS:

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Commissioner Condit announced that since this is Commissioner Molina's last Planning Commission meeting, his boss, Assemblyman Heath Flora wanted to present Commissioner Molina with a Certificate of Recognition, acknowledging all his hard work and service on the Planning Commission.

Chairperson Del Nero advised Commissioner Molina that he has enjoyed working with him and noted that Mr. Kachel said it best in the Ceres Courier. Commissioner Molina

represented small business and did a great job.

Commissioner Molina remarked that all this time has been a very interesting experience for him, noting that, as many may know, he's originally from Guatemala. When he initially approached the Council and began attending their meetings, it was a learning experience for him. But, he has to confess, and stated perhaps you noticed this; he tried not to speak a lot because he was always afraid his accent or his English wouldn't be good enough, so he could explain himself. Now that he reflects and goes back in time, he was able to pull it off. It was and it still will be an amazing experience serving with all individuals in the room. The people that he came to know in the process; you develop a nice friendship, relationship, even though we only see each other twice a month. He thanked staff for bringing the Commission up here every Monday, prepared, because what we get in the binder is pretty much all the hard work that staff put in place for us to kind of represent the City, but in reality all the behind the scenes was already done for us. So, thank you very much. He thanked Mr. Wells for the opportunities that he gave him to serve in different capacities, for believing in him, trusting in him. It's been a great experience. He also welcomed the new Commissioner, David Johnson on board.

City Attorney, Chris LeGrassa stated that it was great working with Commissioner Molina, noting that after an hour and half drive down here for the meetings, when we walk into the room and see him, it's hard not to smile. He remarked that Mr. Molina will be greatly missed and informed Mr. Johnson that he had big shoes to fill.

Deputy City Clerk, Ann Montgomery read an email she received from Commissioner Smith, expressing her appreciation for Mr. Molina's service on the Planning Commission, stating what an honor it has been working with him, and that he will be greatly missed. Mrs. Montgomery concurred with Commissioner Smith as well.

Director of Community Development, Tom Westbrook reported:

- He appreciated working with Mr. Molina the past eight years, serving on the Planning Commission and coming prepared. He liked Mr. Molina's reasoning and logic, noting that he seemed to have a good approach when addressing residents who were happy about a project and maybe even some that weren't. That's kind of hard to do, and Mr. Molina always seemed to do it very well. He thanked Mr. Molina for being a part of the Commission.
- David Johnson was appointed to the Planning Commission by the City Council at their last meeting. His first meeting will be on January 16th.
- Blaker Brewing, the brewery that the Planning Commission approved back in March, is now open. They have an Instagram and Facebook page set up. He went there last week and checked it out; they're pretty proud of what they've built and he's proud as well.
- Mr. Westbrook wished everyone a Merry Christmas!

Director of Engineering Services, Daryl Jordan reported that the next section of the bike path is under construction and he expects to see Mr. Molina and his family on that once it's completed. He appreciates Mr. Molina's service on the Commission as well.

City Manager, Toby Wells reported:

- He thanked Mr. Molina for his service and serving our community as well. He advised him not to be a stranger, and encouraged him to make sure that he comes and sees us.
- Announced that the Pacafi Medical Cannabis Dispensary opened today at 10 a.m. He was there at noon, delivering copies of the recorded Development Agreement

and another copy of their Cannabis Business Permit. Regardless of your thoughts or feelings on cannabis, it's here, and they are now operating a business in the community. We look forward to their success, since it does provide a significant source of revenue for us.

Chairperson Del Nero welcomed Mr. Johnson to the Planning Commission.

ADJOURNMENT:

The Commission adjourned at 6:32 p.m. to the next regularly scheduled meeting of Tuesday, January 16, 2018.

APPROVED:

Gary Del Nero, Chairperson

ATTEST:

Tom Westbrook, Secretary

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Planning and Building Division
2220 Magnolia Street
Ceres, CA 95307
209-538-5774
Fax 209-538-5675

January 16, 2018

CITY COUNCIL

Chris Vierra, Mayor

Ken Lane
Linda Ryno

Bret Durossette
Mike Kline

MEMORANDUM

TO: City of Ceres Planning Commission
FROM: Tom Westbrook, Director of Community Development
RE: Brown Act Presentation

A PowerPoint presentation on the Brown Act will be given by the City Attorney. The PowerPoint has been included here for your reference.

Churchwell White^{LLP}

The Ralph M. Brown Act
(Government Code section 54950 *et seq.*)

The People's Business

- Purpose: Access to government agencies and prohibit secret governmental decisions
- The Legislature intended that public agency action and deliberations be taken openly:
 - “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.” (CA. Gov't Code § 54953(a).)
- Serious consequences may apply if the Brown Act is violated:
 - Misdemeanor criminal charges (knowledge of violation and intent to deprive public of info)
 - Civil action and liability
 - Invalidation of agency action
 - Damage to Reputation and Public Perception

Churchwell White ^{LLP}

Brown Act Requirements

- All meetings of a legislative body of a local agency must be open and public unless a specific exemption applies
- The Brown Act applies to Local Agencies including:
 - Governing bodies – City Council, Board of Supervisors
 - Appointed bodies – Planning Commission
 - Standing Committees

Churchwell White ^{LLP}

Meetings

- Any activity involving a majority of the legislative body in which issues under its subject matter jurisdiction are discussed, decided, or voted on (CA. Gov't Code § 54952.2(a).)
- This includes:
 - Face-to-face gatherings
 - Telephone calls
 - E-mails
 - Collective briefings
 - Informal gatherings
- Note: a “meeting” for purposes of the Brown Act includes communications of any kind, directly or through intermediaries

Churchwell White ^{LLP}

Scenario #1 - Meetings

- If 3 of 5 Board of Supervisors members attend a monthly meeting at the community center and hear public comments related to transportation concerns, is this a meeting?
- Answer: YES. A majority of the governing body is discussing issues under their jurisdiction.

Churchwell White ^{LLP}

Serial Meetings

- A series of communications that each involve less than a quorum of the legislative body, but taken as whole involve a majority of the members for the purpose of developing concurrence regarding an action to be taken
- Strictly prohibited
- Circumvents the requirement that there be an open and public deliberation of issues

Churchwell White ^{LLP}

Scenario # 2 - Serial Meetings

- Scenario: An agenda is posted and the meeting announcement email is sent out. One Member responds that he/she thought that an item had been decided. Others reply back, that issues are still pending and the Board wants to do X,Y, and Z, a chain of communications between a majority of members is started unintentionally.
- Has a serial meeting been created?
- Answer: YES, A serial discussion over pending business – VIOLATION!

Churchwell White ^{LLP}

Agendas for Regular Meetings

- Must be publically posted at least 72 hours in advance
- Must contain a general description of all matters to be discussed
- Items not listed on the agenda may not be acted on unless an exception applies
 - An emergency (determination by majority vote)
 - Immediate action needed (2/3rd vote or unanimous vote)
 - Posted on a previous agenda (within 5 days of last meeting)

Churchwell White^{LLP}

Agenda Descriptions

- Adequately alerts the public about the item to be discussed, so they can attend if interested
- Only a brief description is required, generally 20 words or less
- Note: the Brown Act **does not require** that the agenda describe “all possible permutations” of possible actions which might result after discussion of the general item. *Coalition to Save Cambria and San Simeon v. Cambria Community Services Dist.* (Cal. Ct. App., Oct. 11, 2005 B178100) 2005 WL 2496857

Churchwell White^{LLP}

Scenario # 3 - Agenda Descriptions

- The Agenda states:
 - New Business Item 4.2 Fair Agreement
 - At the meeting – the Council decides to transfer operation of a fair to the County Board of Supervisors
- Was the agenda description adequate?
- Answer: NO. The description was too vague and would not notify the public about the topic actually to be discussed.

Churchwell White ^{LLP}

Additional Types of Meetings

- Special Meetings
- Adjourned Meetings
- Emergency Meetings
- Closed Session

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Closed Session

- Must be held for one of the statutorily identified reasons:
 - Personnel matters
 - Potential litigation
 - Existing litigation
 - Real estate negotiations
 - Labor negotiations
 - Public safety threats
- Note – not likely an issue for Planning Commission meetings

Churchwell White ^{LLP}

Example of Closed Session “Magic Words”

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code section 54957.6

Agency Representative: General Manager

Employee Organization: Genovia County Employees Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957(b)(1)

Title: General Manager

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Location of meetings

- Must be held in the jurisdiction of the agency unless:
 - Compliance with state or federal law requires meeting outside the jurisdiction
 - Inspection of real property
 - Participation as a body in a multi-agency meeting
 - The agency lacks a facility to meet in its jurisdiction

Churchwell White ^{LLP}

Scenario # 4 - Location of meetings

- The City Council gets access to a large suite at the Ports baseball stadium in Stockton. There is enough space to accommodate all public members that would like to attend. Can the City Council hold the next regular meeting at the stadium?
- Answer: NO. Stockton is not within the City Council jurisdiction.

Churchwell White ^{LLP}

Teleconferencing

- Must comply with the rest of the Brown Act
- A vote taken during a teleconference must be by roll call
- Agendas must be posted at all locations
- Each location must be identified on the agenda
- Each location must be accessible to the public
- A quorum of the legislative body must be within the jurisdiction
- Public comment must be allowed at each location

Churchwell White ^{LLP}

Scenario # 5 - Teleconferencing

- Because of a family emergency, a Board member had to fly out of state and unexpectedly miss a meeting. The Board member is really passionate about a project that is on the agenda and would like to call in to the meeting and vote from the airport. Is this permissible?
- Answer: LIKELY NO. Teleconferencing locations must be posted in advance when the regular meeting agenda goes out, the last minute flight probably did not meet timing requirements for notice.

Churchwell White ^{LLP}

City of San Jose v. Superior Court (2017)

- Communications related to City business stored on the private devices and E-mail accounts of public officials are subject to disclosure under the California Public Records Act.
- Types of private communications subject to disclosure include:
 - Text messages
 - Voice mails
 - E-mails
 - Limited to communications related to City business

Churchwell White^{LLP}

Tips for Discussing City Business

- Use City issued E-mail addresses for all communications related to City business.
- Do not provide personal E-mail addresses or phone numbers to the general public for purposes of discussing City business.
- Consider adopting policies limiting the use of personal devices and E-mail accounts by City officials and employees.

Churchwell White^{LLP}

Tips to Avoid Violating the Brown Act

- Avoid substantive communication with members of the legislative body regarding items that are on the agenda or likely to be placed on a future agenda and are within the legislative body's jurisdiction.
- Discussing procedural issues is NOT prohibited. Providing the time, date, and order of matters on an agenda is not a violation.
- Do not reply all on emails to/from staff or other members of the legislative body.

Churchwell White ^{LLP}

More Tips to Avoid Violating the Brown Act

- Be very clear that you are appearing at public events in your personal capacity, not on behalf of the agency
- Try not to sit with other agency members or talk privately at events
- Review the Brown Act rules and training materials, keep it fresh!
- Do not talk to other members about City business, or a majority of members, at public or social events

Churchwell White ^{LLP}

More Tips to Avoid Violating the Brown Act

- Make agenda descriptions thorough and complete
- Keep meeting discussion to items listed on the agenda
- Provide meeting materials in advance to the public
- Adopt policies for meetings and how to comply with the Brown Act

Churchwell White^{LLP}

When in doubt....

1. Do NOT discuss the business outside of the public meeting
2. If you must discuss, contact the City Attorney first!

Churchwell White^{LLP}

Thank you