



**JEFF GORELL**  
Supervisor, 2<sup>nd</sup> District

**ISRAEL RODRIGUEZ**  
Field Representative  
Supervisor Jeff Gorell

# Special MEETING

## AGENDA

### MEMBERS OF THE BOARD

- SCOTT HORN, CHAIR
- ED VILLA, VICE CHAIR
- CATHERINE HOGUE
- RENEE McBRIDE
- DEBBIE HANNA
- SUSAN TURGEON -ALT.

**May 11, 2023**

**5:00 PM**

Municipal Advisory Council  
Casa Conejo, California

Walnut Elementary School  
Multipurpose Room  
581 Dena Drive  
Casa Conejo, CA 91320

### WEB ACCESS

At: [ventura.org/casaconejomac](https://ventura.org/casaconejomac)

MAC Calendar, Agenda, and Minutes

Welcome to the meeting of the Casa Conejo Municipal Advisory Council (MAC) an advisory council for the unincorporated area of Casa Conejo to Ventura County Supervisor Jeff Gorell.

## LEGAL NOTICES

Persons who require accommodation for any audio, visual, language, or other disability to review an agenda or to participate in a meeting of the Casa Conejo Municipal Advisory Council per the American Disabilities Act (ADA), may obtain assistance by requesting such accommodation by calling (805) 214-2510 or e-mailing [israel.rodriquez@ventura.org](mailto:israel.rodriquez@ventura.org). Any such request for accommodation should be made at least 48 hours prior to the scheduled meeting for which assistance is requested.

All agenda reports and supporting data, including those filed in accordance with Government Code Section 54957.5 (b) (1) and (2) are available from Ventura County Supervisor Jeff Gorell's office at 2100 E Thousand Oaks Blvd, Suite E, Thousand Oaks, CA 91362. The same materials will be available and attached with each associated agenda item, when received, at the following website: [ventura.org/casaconejomac](http://ventura.org/casaconejomac)

Documents including staff materials, comment emails and letters, photos, etc., distributed to the Casa Conejo Municipal Advisory Council regarding any agenda item during an open session or after the meeting concluded, are posted online and made available for public inspection at [ventura.org/casaconejomac](http://ventura.org/casaconejomac)

## PUBLIC COMMENT

Public comment is the opportunity for members of the public to participate in meetings by addressing the Casa Conejo Municipal Advisory Council in connection with one or more agenda or non-agenda items. Public comments by a member of the public at a single meeting are limited to a cumulative total of five minutes at such meeting unless the time allotment is increased or decreased by the Chair depending on the number of speakers. The public comment period during the opening part of the meeting to address non-agenda items is limited to 30 minutes total for all speakers; this 30-minute limit does not apply to items on the agenda.

To maintain a public meeting environment conducive and welcoming to receiving public comments from all members of the public, the audience is discouraged from engaging in displays of support or opposition to staff reports or public comments, including clapping, yelling, booing, hissing or cheering, that may create a disruptive environment for members of the public wishing to participate. Any person who disrupts or impedes the orderly conduct of a meeting will be instructed to cease the disruptive conduct. Failure to do so may result in that person being removed from the meeting.

Members of the public who would like to augment their comments with visual or audio presentations must submit their materials to the [israel.rodriquez@ventura.org](mailto:israel.rodriquez@ventura.org) for review at least 48 hours before the meeting. The review will be conducted to determine only whether the materials are on matters within the jurisdiction of the Municipal Advisory Council, would be disruptive of the meeting, or would foster illegality, such as identity

theft. If it is determined that materials are about matters not within the Municipal Advisory Council's jurisdiction, or would be disruptive of the meeting, or would foster illegality, use of County-provided equipment will not be allowed.

### **Email or Mail Public Comment in Advance of the Meeting**

If you wish to make a comment on a specific agenda item by email or mail, please submit your comment by 12:00 p.m. on the day prior to the meeting. Indicate in the Subject Line the Agenda item number (e.g., Item No. 9) on which you are commenting. Your email or written comment will be distributed to the Municipal Advisory Council and placed into the item's record for the minutes of the meeting. Public Comments submitted in writing are public records and subject to disclosure. An unredacted version is made available when records are requested by a Public Records Act request. Please do not submit personal contact information you do not want to be made public. Please submit your comment to [israel.rodriquez@ventura.org](mailto:israel.rodriquez@ventura.org) or mail to:

Casa Conejo Municipal Advisory Council  
Ventura County Supervisor Jeff Gorell  
2100 E Thousand Oaks Blvd Suite E  
Thousand Oaks, CA 91362

### **In-Person Public Comment**

If you would like to provide a verbal comment **in person** during the meeting, upon arrival at the meeting location, check in with staff and complete a comment card. When your name is called for public comment, please proceed to the podium. If you do not wish to pre-register but would like to provide in-person comments at the meeting, you must check in with the staff prior to the agenda item being called.

## **Agenda**

1. Call to Order.
2. Roll Call. **Members Present:** Scott Horn, Ed Villa, Catherine Hogue, Renee McBride, Debbie Hanna, Susan Turgeon – Alt.
3. Pledge of Allegiance to the Flag of the United States of America.

### **County of Ventura County Counsel**

4. Receive Training & Presentation on the Brown Act
5. Adjournment of the Casa Conejo Municipal Advisory Council Special Meeting to the General Meeting, May 11, 2023, at Walnut Elementary School, 581 Dena Drive, Newbury Park, CA 91320



**COUNTY *of* VENTURA**

**Open Government Laws  
for  
Municipal Advisory Councils  
Casa Conejo MAC**

*Tiffany N. North, County Counsel*

*May 2023*

# Formation of Municipal Advisory Councils (“MAC”)

- Government Code section 31010 covers the formation of MACs and requirements
- Board of Supervisors may by resolution establish and provide funds for the operation of a MAC for any unincorporated area to advise the Board on matters which relate to the area
  - “Concerning services which are or may be provided to the area by the county or local governmental agencies”
    - Public health, safety, welfare, public works, and planning

# Casa Conejo MAC Duties

- “The purpose and duties of the Advisory Council are to, as a body, take public input at properly noticed meetings on significant County land use, planning, and public works permits and projects located in the Advisory Council area which have been noticed on the Advisory Council Agenda, and then to provide advisory recommendations on these matters to appropriate County agencies and the representative County Supervisor.”
- “Items to be considered by the Advisory Council shall be determined by County Planning Director or the representative District Supervisor”
- MAC may recommend to the Supervisor items falling within the MAC’s main purpose that the MAC proposes for consideration at a future meeting
- Recently enacted, authority to issue and revoke oversized vehicle parking permits in Casa Conejo under Ordinance No. 4524

# Who's Eligible to Serve on MAC?

- The resolution, under Government Code section 31010, creating the MAC must provide for the qualifications of the MAC members – including whether they are elected or appointed
- Casa Conejo MAC
  - Five appointed members; one alternate
  - All members must be registered voters residing in the Casa Conejo Area of Interest.
  - 4-year terms; staggered membership (three on one cycle, two on the other)
  - May be removed by majority vote of Board of Supervisors prior to end of term

# What if there is a vacancy?

- Vacancies are triggered by any of the events in Government Code section 1770 (typically due to death, resignation, or a member moving out of the territory)
- Nominations made to fill vacancies are submitted to District 2 Supervisor and then an appointment made by the Board of Supervisors
- Representatives appointed to fill the vacancy serve the remainder of the unexpired term



# MAC Officers

- Chairperson (selected by MAC)
- Vice Chairperson (selected by MAC)
- Secretary/Executive Officer (appointed by District 2 Supervisor)
- Selection of Chair/Vice Chair typically occurs at the first meeting each year.

# MAC Meetings



- MAC must meet at least once every other month
- MAC must adopt a resolution establishing the time and place of regular meetings
- In-person meetings should normally take place in the territory of the MAC
- Meetings must be in accordance with Brown Act

# Quorum

- Quorum is a majority of the members of the MAC (3 out of 5), not including alternates or vacant positions
- Any action of the MAC requires affirmative votes of at least a quorum – need 3 “yes” votes for any item to be approved

# Running a Meeting - Parliamentary Procedure

- MAC members should use parliamentary procedures as guidelines when conducting a public meeting
- Set of rules for conduct at meeting
- Allows everyone to be heard
- Allows decisions to be made without confusion
- Orderly meeting = clear record!



# Order of Business

- Meetings conducted in accordance with agenda prepared for the meeting and, typically, in order listed on agenda



# Motions

- In order for the MAC to approve/deny or take action on an item on the agenda, a motion must be made by a MAC member
  - Example: “I move to recommend for approval the land use application of \_\_\_\_\_.”
- The motion must be seconded by another MAC member
  - Example: “I second the motion.”
- If a motion is not made and seconded, it cannot be voted on by the MAC

# Voting on a Motion

- Once a motion is made and seconded, the Chair:
  - Announces the motion
    - Example: “The motion is to recommend approval of the land use application of \_\_\_\_.”
  - Asks for any discussion on the motion by the MAC members
  - Calls for a vote
  - States the result of the vote
    - Example: motion passes with (names) voting in favor, and (names) voting against
    - Reminder, any action of the MAC requires affirmative votes of at least a quorum in order to pass. Example, 5 members on MAC -> need 3 “yes” votes for an item to pass.

# Orderly Meeting Practices

- During discussion of agenda items, MAC members should avoid interrupting each other and allow each other to have turns to speak
- Any questions or requests to speak by MAC members should be made to the Chair
- Chair will say when MAC members may speak (“have the floor”)
- Chair enforces order and decorum among the MAC members, public and others in attendance



# Conflicts of Interest

- Normally, MAC members are not subject to Political Reform Act and do not need to file Form 700 (Statement of Economic Interest) financial disclosure forms.
- **BUT** Casa Conejo MAC members are subject to the Political Reform Act and required to file a Form 700 each year due to the new oversized parking ordinance duties.
  - Conflict of Interest Code sets disclosure and disqualification requirements based on specific financial interests implicated by MAC's oversized vehicle permitting program:
    - Interests in real property
    - Interests in those subject to permitting program
- Training previously provided by Chief Assistant County Counsel Jeff Barnes in March 2023.

# Open Meetings – The Brown Act

To ensure that almost all aspects of the decision-making process of legislative bodies of local agencies are conducted in public and open to public scrutiny.

*“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.” (Gov’t Code §54953)*

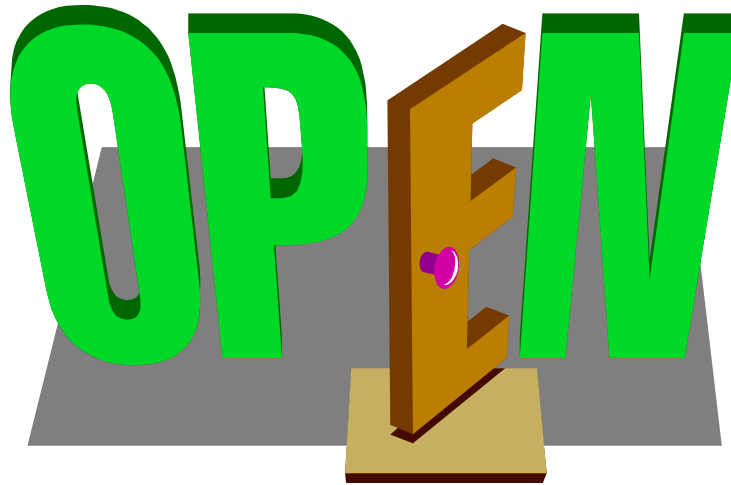
# Key Principles of Brown Act

- It's the public's business.
- The people only trust a process they can see.
- Conduct the people's business in open and publicized meetings.
- Allow the people (the public) to participate in the meetings.



## **The Brown Act applies to “Legislative Bodies”**

- Governing body of the agency (Board of Supervisors)
- Subordinate boards or commissions created by formal action of the governing body (MACs)
- Standing committees with regular meeting schedule and continuing subject matter jurisdiction.



All meetings of the Legislative Body of a Local Agency shall be open and public and all persons shall be permitted to attend

- Government Code §54953

# What is a meeting?



- Any congregation of a majority of the members at the same time and location to hear, discuss, deliberate, or take action upon any matter under their jurisdiction.
- No action needs to be taken for a meeting to occur; conversations or deliberations about issues confronting their agency is sufficient.
- Includes “workshops,” “study sessions,” and retreats.

# Brown Act – Meeting Exceptions

When is a meeting not a meeting? Not a violation

- Individual contacts
- Conferences and seminars- Attendance at conferences open to the public on issues of general interest to the public or public agencies
- Community Meetings- Town meetings or similar gatherings which are open, noticed and originated by a person or organization other than the local agency
- Purely social or ceremonial occasions

# Brown Act – Meeting Exceptions

When is a meeting not a meeting? Not a violation

- Attendance at a standing committee meeting (observation only)
- Attendance at meetings with other legislative bodies
  - A majority of the body may attend an open and noticed meeting of another legislative body as long as they do not discuss among themselves, other than part of the scheduled meeting, issues under their jurisdiction.
- Example: majority of the MAC attends a Board of Supervisors meeting—isn't a MAC meeting.



# Serial Meetings Are Illegal

## Serial Meetings:

- Expressly prohibited
- A series of communications, direct or indirect, each of which involves less than a quorum of the legislative body, but when taken as a whole, involves a majority of the members.
- The members discuss, deliberate, or take action on an issue through personal intermediaries, emails, phone calls, letters, written proposals, or other method.

*Reasoning: Deliberations and actions of public bodies should be done openly*

# Serial Meetings Are Illegal

## Types of Serial Meetings

Hub and spoke



Telephone or email chain



\* Individual briefings are permitted but members should avoid making inquiries about what other members thought or said.

# Brown Act and Emails

## Tips for Avoiding Problems as MAC Members:

- Refrain from replying to an e-mail directed to a majority of the members concerning a public discussions or deliberations
- Do not take a position or make a commitment on public matters yet to be decided.
  - E-mails can be forwarded without your knowledge
- Only e-mail the entire MAC to provide information
  - Do not request a response
  - Do not state your position

# Brown Act, Public Records Act and Emails/Text Messages

## Tips for Avoiding Problems as MAC Members:

- Remember when replying to an e-mail, you have no idea where your reply will end up... including the desk of the local newspaper editor
- E-mails/text messages addressing MAC issues are public records and, if requested, probably would need to be publicly disclosed
  - Rule even applies to messages sent or received on personal e-mail accounts and personal devices

# Rules Governing Meetings

## Agenda Requirements for Regular Meetings

- Must post 72 hours prior to the meeting
  - Physically post in a location “freely accessible to the public” 24 hours per day and on website, if agency has website
- Must include the time and location of the meeting
- Must contain a brief general description of each item to be discussed or addressed – including closed session items
- Must be publicly accessible and distributed in advance to those that request copies
- If requested, the agenda must be made available in appropriate alternative formats to persons with a disability

# Public Participation

## The Public's Right to Comment

- At every **regular** meeting, members of the public have the right to directly address the body on **any item of public interest if that item is under the jurisdiction of the body**
- For agenda items, the public must be given an opportunity to comment **before or during** the body's consideration of the item

# Public Participation at Meetings

- Can speak on any item in subject matter jurisdiction
- Can criticize policies, procedures, programs, services, or omissions
- Accepting grandstanding, negative feedback and criticism as part of public service
- Not required to register
- Speaker cards are not a prerequisite
- Time limits and prohibiting disruptive conduct okay
- Rules of decorum and reasonable restrictions upon public comment are permitted, if not too broad and do not constitute “prior restraints”
- Recording permitted
- If the body reviews documents, copies of those documents must be publicly available and/or provided without delay when requested

# No Action Allowed/Member Participation

- In general, MAC members can only discuss and take action on items that are on the publicly noticed agenda
  - Brief response to statement or question from public.
  - Questions to staff for clarification of a matter based upon public comment.
  - Brief announcement or report on member's or staff's own activities.
  - Provide reference or information to staff.
  - Ask staff to report back at a future meeting on any matter
  - Ask that item be added to future agenda for substantive discussion



# Brown Act – Meeting Location

General rule: Must be held within the jurisdiction of the body

Exceptions: §54954

- Inspection of real property
- Pursuant to federal law or court order
- Participation in meetings with multi-agencies after proper notice is given

# Brown Act – Meeting Location

- No meeting can be held in a facility that prohibits attendance based on race, religion color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled.
- No meeting can be held where the public must make a payment or purchase in order to be present. This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.

# Virtual Meetings

- Virtual Meetings (Teleconferencing) is an area that continues to evolve under the Brown Act.
- Traditional Teleconferencing Rules:
  - At least a quorum of the MAC must participate from locations within the MAC's jurisdiction.
  - All votes taken during a teleconferenced meeting shall be by roll call (i.e., each member would have to state his or her name and vote on the item, one by one.)
  - Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable. A board, committee, or commission member cannot participate in a meeting by calling in if the address of the teleconference location is not on the agenda.
  - Agendas must be posted at each teleconference location per Brown Act timelines, even if it is a hotel room, office, private residence, or some other location. Meaning, that if a MAC member wants to participate from somewhere other than the main meeting location, he or she would need to post the agenda at that location 72 hours prior to the meeting in a spot that is available for viewing (such as a window or glass case outside the building) 24 hours a day, free of charge.
  - Each teleconference location must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate.
  - The agenda must provide an opportunity for members of the public to address the legislative body directly at each teleconference location.

# Virtual Meetings

- Now Assembly Bill 2449, effective 1/1/23, allows MAC members to participate remotely not following the old traditional rules for “just cause” or “emergencies”
- AB 2449 Requirements:
  - At least a quorum of the MAC must participate in person from a singular physical location identified on the agenda (only two members can participate remotely during any given meeting)
  - Members participating remotely must comply with one of the following:
- **“Just Cause Exception”** A member has “just cause” for remote participation only under the following four circumstances:
  1. There is a childcare or caregiving need (for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner) that requires the member to participate remotely;
  2. A contagious illness prevents the member from attending the meeting in person;
  3. There is a need related to a defined physical or mental disability that is not otherwise accommodated for; or
  4. Traveling while on official business of the Brown Act body or another state or local agency
- A member can only use “just cause” for two meetings per calendar year
- No action is needed by the rest of the MAC for a “just cause” reason.
- Must notify MAC at earliest opportunity of need to participate remotely. This can even be at the start of the meeting.

# Virtual Meetings

- “Emergency” exception
  - “a physical or family medical emergency that prevents a member from attending the meeting in person.” A member is not required to disclose any medical diagnosis or disability, or any personal medical information that is already exempt from existing law. No other reasons satisfy an “emergency circumstance.”
  - Must notify the MAC of the emergency and the MAC must take action to approve or deny the request.
  - Request must be remade at each meeting.
  - Remote participation for an “emergency circumstance” cannot be for more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year. If the MAC regularly meets fewer than 10 times per calendar year, a member’s participation from a remote location cannot be for more than two meetings.

# Virtual Meetings

**Additional Requirements for a Member Participating Remotely:** In addition to making a request either for “just cause” or due to an “emergency circumstance”, AB 2449 imposes the following additional requirements on members seeking to appear remotely:

- Before any action is taken during the meeting, the member must publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.
- The Brown Act body member participating from a remote location ***must*** participate through ***both*** audio and visual technology.
- Public must be allowed to participate remotely and agenda must describe how to participate remotely
- Votes by roll call only

# Brown Act – Violation and Consequences

## Civil violation and consequences:

- A civil suit to have the action declared “null and void”
- Need to be given chance to cure and correct the problem
- Repeated violations: injunction prohibiting future violations
- A civil violation does not require that the MAC actually vote or take action on an item.
- Court fees and attorney’s fees and costs are recoverable.

## Criminal violation and consequences:

- A member takes action, intending to deprive the public of information to which the public is entitled.
- Guilty of a misdemeanor
- Criminal sanctions (up to 6 months in jail; \$1,000 fine)

# Public Records Act

**Public Records Act:** The California Public Records Act (CPRA) governs the public's access to government records. (Cal. Gov. C. § 7920.000 *et seq.*)

**Proposition 59:** made access to public records a constitutional right (Cal. Const. art. I § 3.)



# The Golden Rule



- All local agency records must be disclosed to the public, upon request, unless those records are specifically made exempt. (Cal. Gov. C. § 7922.525.)
- **Practice point: Assume most of your internal emails and messages and all of your external emails and messages are public records that will be released upon inquiry – very few exemptions will apply**

# Public Record Defined

**“Public Record”** means:

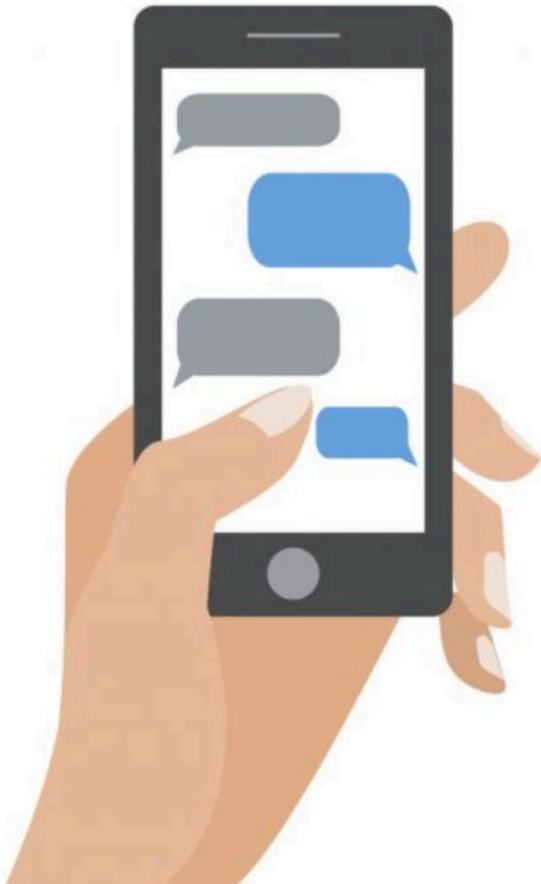
- Any writing
- Containing information relating to the conduct of the public’s business
- Prepared, owned, used, or retained by any state or local agency
- Regardless of physical form or characteristic

*Cal. Gov. C. § 7920.530*

# Writing Defined

A “**writing**” means “any handwriting, typewriting, printing, photostating, photography, photocopying, transmitting by electronic mail or facsimile, and any other means of recording upon any tangible thing any form of communication or representation . . . and any record thereby created . . . .” (Cal. Gov. C. § 7920.545.)

# Writings Include



- Handwritten notes, computer printouts, photographs
- Compact discs, flash drives, files on computer hard drives
- Audio and video recordings
- Emails and text messages – including on personal accounts and devices

# Deadline to Respond

Within **10 calendar days** of receipt of the request:

- Determine whether the request seeks copies of disclosable public records.
- Provide written response to the person or entity making the request.
- State the estimated date when responsive, non-exempt records may be available.
- If a request comes in for MAC records, staff will ask you to compile the records from your personal devices and we will then review them for possible exemptions that may apply.



# Questions

