

Preamble

In 1953, the California legislature passed the Brown Act, a law designed to protect the public's right of access to the decision-making processes of local agencies (referred to in the Act as "legislative bodies"). In 1983, the state Attorney General's Office issued an opinion that community college academic senates are legislative bodies. Based on the Attorney General's opinion, both County counsel and District counsel issued opinions in 2003 that the MiraCosta College Academic Senate, the Academic Senate Council (discontinued in 2014), and their standing committees, are legislative bodies. Although these opinions have never been tested in court, the following guidelines were originally established by the Academic Senate Council in 2004 in accordance with the [Brown Act](#) and its emphasis on open meetings. These guidelines were revised in 2018.

These guidelines apply to the Academic Senate and subcommittees of the Academic Senate. In these guidelines, the term "body" refers interchangeably to the Academic Senate and any of its subcommittees.

Ad hoc groups (i.e., taskforce) of the Academic Senate and ad hoc groups of subcommittees are not subject to these guidelines as long as (1) they are composed solely of members of their parent body, (2) they do not constitute a quorum of the parent body, and (3) they are time-bound (i.e., the group completes its charge within a specific timeline).

Responsibility for ensuring that these guidelines are followed by the Senate is the responsibility of the Academic Senate President. Responsibility for ensuring that these guidelines are followed by a subcommittee is the responsibility of the subcommittee chair. Any person who feels that action was taken at a meeting in violation of these guidelines may ask the committee chair or the Academic Senate President to correct the action.

Definition of a Meeting

The Brown Act defines a meeting as, "any congregation of a majority of the members of a legislatg ~~T~~0-7 (t)27.9 ()3(bod. r formal action by the body and are subject to 72-

not to exchange opinions or discuss items which are either on their agendas or likely to be placed on their agendas during the current academic year.

- Because of the broad jurisdiction of the Academic Senate, Senatee-x ¶6.2-8.1 (em)44(b)24.1e (r)18.4 (s)42.2 ((r

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Closed sessions

The Brown Act permits closed sessions of bodies only in a limited number of circumstances. Upon the guidance of District counsel, none of the exceptions that would allow a closed session apply to the Academic Senate or its subcommittees. The Academic Senate and its subcommittees are advisory in nature and do not have the authority to act on pending litigation, personnel matters, labor negotiations, real property transactions, or student discipline.

Essential Elements of the Agenda

Agendas for Academic Senate and its subcommittees must conform to the following guidelines:

- A. Description of each item of business to be transacted or discussed.
- B. Date, time and location of the meeting, including all locations where committee members will be joining the meeting physically within the district, even if videoconferencing is used.
- C. Disability access information.
- D. Opportunity for members of the public to address the committee.
- E. Information on where the public can inspect open session documents provided to the committee less than 72 hours prior to a regular committee meeting.

The “look” of the agenda can vary from committee to committee; however, the essential elements must be present. For instance, whether you title a section “Presentation” or “Information” does not matter, as long as the title and following descriptions sufficiently describe each item of business (see essential item A).

The following page has a suggested agenda template and a mapping of the essential elements using superscript (e.g., text followed by a superscript letter^A). Also see

**MIRACOSTA COLLEGE
NAME OF COMMITTEE**

VIII. PRESENTATIONS

A. 20XX-20YY Proposed Budget – NAME

Description: The office of the VP of Business Services has prepared a budget proposal for 20XX20YY. This presentation will clarify the college's assumptions and projections for the budget for the next fiscal year and ~~year~~ outlook. All major governance committees are being presented this tentative budget for information and feedback.

IX. FIRST READING