Dear Silver Lake Neighborhood Council Board,

I hope you are all well. Recently, I have been reviewing some of your board agendas and am concerned that your agendas raise potential notice issues. Specifically, there are concerns with the practice of using a supplemental document to augment necessary information that should be in the body of the agenda.

The Brown Act requires an agenda to contain a “brief general description of each item of business to be transacted or discussed at the meeting" and the "general description need not exceed 20 words." (Gov. Code § 54954.2(a)(1)). Moreover, an agenda item should be described in an informative way so that board members and the public understand the general nature of the agenda item and can make an informed decision on whether to attend the meeting.

For example, on February 6, 2019, at the Governing Board Meeting, agenda item 11a read:

"recommend SLNC draft and submit a letter of support to the LADOT to investigate the intersection of Hoover and Bellevue"

This description alone does not appear to provide the public with adequate information about the action item. Although the supplement is more descriptive than the agenda in that it describes public safety improvements such as a painted crosswalk and a pedestrian activated signal to address pedestrian accidents, it is often overly burdensome and confusing for stakeholders and other individuals to read through several pages (in some cases 19 pages) to ascertain the discussion/action items for a meeting. There are also Brown Act concerns because the supplement is usually not physically posted with your Agendas.

Moving forward, it is recommended that you include a brief description of every item under discussion and any possible board action in the body of the agenda. Using the above example, the agenda item could read as follows:

“Discussion and possible action to submit a letter to the LADOT to recommend public safety improvements, including a crosswalk and a pedestrian activated signal to address accidents involving pedestrians at the intersection of Hoover and Bellevue.”

Agenda items like the above description will help prevent an argument that the public was not placed on sufficient notice because they failed to see or find an attachment to the agenda.
If your board chooses to attach a copy of the proposed letter to the agenda it would be acceptable or alternatively, you may provide a copy of the letter at the meeting. However, a supplement to your agenda should be the exception rather than the rule and should not supplant information required to be in the body of the agenda.

If you have any further questions or require clarification, please submit your questions to your co-chairs or DONE representative and I will provide responses to the board.

Best,

Elise

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