

# California Court of Appeal Strictly Interprets Brown Act's Meeting Agenda Item Description Requirement

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The County of Merced's failure to identify a mitigated negative declaration (MND) in a planning commission meeting agenda item description for a subdivision application has been deemed to be a Brown Act violation.

In the case of *San Joaquin Raptor Rescue Center v. County of Merced*, the California Court of Appeal considered a Brown Act challenge to the Merced County Planning Commission's approval of an application to subdivide 380.45 acres of agricultural land into nine parcels. The meeting agenda description for the item identified the subdivision application, the project location, and the general plan and zoning designations of the subject property. However, the agenda did not disclose that adoption of an MND would be considered with the subdivision application.

The Court ruled that the planning commission violated the Brown Act by taking action on the MND when that matter was not expressly listed on the meeting agenda. The opinion strictly interprets Government Code Section 54954.2(a)(1), which requires that meeting agendas contain "a brief general description of each item of business to be transacted or discussed at the meeting." In the Court's view, the MND was an item of business distinct from the subdivision application and the agenda's reference to the subdivision approval was inadequate to alert the public that the MND would be considered too.

The *County of Merced* case is a reminder for public agencies of the need to include in their meeting agendas a description of any CEQA document that will be considered as part of a project approval.

**For more information on the *San Joaquin Raptor Rescue Center v. County of Merced* matter or any Brown Act matter, please contact Terence Boga [attboga@rwglaw.com](mailto:attboga@rwglaw.com) or any of the members of the Firm's Public Law Department.**