

Court of Appeal Clarifies Brown Act Rules for Disrupted Public Meetings

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ATTORNEYS

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If a legislative body has a public meeting disrupted by audience members, the meeting must continue in that same room following the disruption rather than being recessed and continued in another location.

At a series of Berkeley City Council meetings, the Mayor determined that the Council was unable to conduct its business because of serious disruption from attendees. Relying on a Brown Act provision, Government Code Section 54957.9, the Mayor recessed the meetings and reconvened them in a different room. In *Berkeley People's Alliance v. City of Berkeley*, plaintiffs challenged those actions as violating the statute.

The California Court of Appeal strictly interpreted the text of Section 54957.9, which says that when willful disorder makes it unfeasible to continue an orderly meeting, the legislative body "may order the meeting room cleared and continue in session." The court rejected the City's argument that using another room with press access and remote participation was a reasonable substitute because the plain meaning of the statute requires that the meeting room be emptied of its occupants or obstructions and that the legislative body continue in session.

The key takeaway for public agencies and their legislative bodies is preparation. Agencies need to plan for disruptive situations and be prepared to remove disorderly attendees, if necessary and continue the session in place.

For further guidance on Brown Act issues, please contact **Chelsea Downes** or any attorney in RWG's **Public Law Department**.