
Santa Barbara LAFCO
*Report: Brown Act (AB 922) &
Rosenberg's Rules of order*

LAFCO REGULAR MEETING

MARCH 4, 2021

Focus of Report

- **Brown Act amendments re use of Social Media**
- **Rosenberg's Rules of Order, adopted by LAFCO November 7, 2013.**

Brown Act

AB 922

- **AB 922.** In 2020, the Legislature adopted and the Governor signed into law AB 922, amending the Brown Act to clarify how local board and commission members may use social media.
- **No Serial Meetings.** A basic provision of the Brown Act is the prohibition of “serial meetings,” which are meetings that occur thro serial communications of any kind, directly or through intermediaries, to discuss, deliberate or take action on any matter within the subject matter jurisdiction of the local agency. (Gov. Code sec. 54952.2(b)(1).)
- **Social Media.** Prior to AB 922, the Brown Act did not address how legislative members may use social media and avoid violations of the Act.

Use of social media is allowed

- AB 922 states Brown Act does not prevent a local legislator from using social media to engage in separate conversations or communications outside of a publicly-noticed meeting.
- AB 922 provides local legislators may use social media to answer questions, *provide information* to the public, or to *solicit information from the public* regarding a matter that is within the jurisdiction of the legislative body.

AB 922 PROHIBITS THE FOLLOWING

- Use of social media communications is ok, *provided*
 - Majority of the members shall not use social media to discuss among themselves business of a specific nature that is within the agency's jurisdiction.
 - ***Members shall not respond directly*** to any communication that is made, posted, or shared by any other member of the legislative body.
- Use of ***"digital icons"*** is a communication!



CAUTION: Administrative Record Issues

- Any significant information -- i.e., “relevant evidence” -- relied on by a Commissioner should be in the administrative record.
- This would include information received via social media.
- Agency quasi-legislative decisions must be based on evidence in the record. (Gov. Code 56107(c).)
- Similar to including email received by board and commission members on a project. These should be disclosed by providing to staff for inclusion in the record, usually attached to the Staff Report.

Questions on AB 922?

Rosenberg's (and LAFCCO's) rules of order

- A copy of Rosenberg's Rules is attached to the Staff Report.
- Adopted by the Commission in 2013.
- Intended to be a simplified Parliamentary Procedure.
- Published by California League of Cities.
- In many ways, it parallels Robert's Rules of Order (which is 716 plus pages).

Rosenberg's Rules

Three basic motions

- **Basic Motion.** Move “the question” or “staff recommendation” or denial of recommendation.
- **Motion to Amend.** This amends the basic motion already on the floor, i.e., one that has been made and seconded. The motion to amend requires a second and a majority vote to succeed.
 - **Friendly Amendment.** Often used to win support for motion on the floor. Must be accepted by maker and second of Basic Motion. No vote required.
- **Substitute motion.** This completely displaces the motion on the floor.
 - Question: Motion subject to second & vote before it's substitution? Or proceed directly to vote on merits?

Rosenberg's Rules

Other types of motions

- Adjourn (No debate)
- Recess (No debate)
- Suspend consideration/Table. (No debate)
- End debate. (No debate – but 2/3rds vote needed.)
- Postpone/continue
- Refer to committee
- Point of order – Chair decides.
- Appeal ruling of the Chair.

ROSENBERG'S RULES OF ORDER CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn" (Only needed prior to the end of the agenda)	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question" or "Call the question"	No	Yes	No	No	2/3
Postpone consideration of	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Introduce a motion	"I move that..." or "I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..." (You can also ask for a friendly amendment, which is less formal; if mover and second concur, no vote needed)	No	Yes	Yes	Yes	Majority
Refer to a Committee	"I move that the question be referred to a committee for more study"	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Object to considering some undiplomatic or improper matter	"I object to consideration of this question" (This would generally just be used if something is not on the agenda)	Yes	No	No	No	2/3
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..." (Only a member of the prevailing side can make a motion to reconsider)	Yes	Yes	Only if original motion	No	Majority
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

ROSENBERG'S RULES – QUESTIONS?