



**STAFF REPORT**  
**March 4, 2026**

**TO:** Planning Commission  
**FROM:** City Attorney's Office, Best Best & Krieger, LLP  
**SUBJECT:** Brown Act Training

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**RECOMMENDED ACTION:**

It is recommended that the Planning Commission receive and file this information.

**BACKGROUND:**

Historically, the Planning Commission for the City of Coachella has received presentations and trainings regarding conflicts of interest laws and compliance with the Ralph M. Brown Act (Brown Act). City staff in coordination with the City Attorney's office schedule in person trainings throughout the year.

**DISCUSSION/ANALYSIS:**

This training will provide a high-level overview of the Ralph M. Brown Act (Brown Act) and recognizing Conflicts of Interest. Training on the Brown Act will include background on the Brown Act, what the Brown Act requires, and how this works in practice with the Planning Commission.

Training on Conflicts of Interest will include the general rules on personal financial interests, how to recognize when you may have a conflict, and how to recuse yourself at a meeting if you have conflict. The goal of the training is to help Commissioners comply with the law, learn best practices, promote positive public perceptions, and avoid legal problems.

**Brown Act Overview**

The Brown Act is California's "sunshine" law for local government. It is found in the California Government Code beginning at Section 54950. In a nutshell, it requires local government business to be conducted at open and public meetings, except in certain limited situations. The Brown Act is based upon state policy that the people must be informed so they can keep control over their government.

The requirements of the Brown Act apply to "legislative bodies" of local governmental agencies. The term "legislative body" is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Section 54952).

The central provision of the Brown Act requires that all “meetings” of a legislative body be open and public. The Brown Act definition of the term “meeting” (Section 54952.2) is a very broad definition that encompasses almost every gathering of a majority of members and includes:

“Any congregation of a majority of members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

In plain English, this means that a meeting is any gathering of a majority of members to hear or discuss any item of city business or potential city business.

There are six specific types of gatherings that are not subject to the Brown Act. We refer to the exceptions as: (1) the individual contact exception; (2) the seminar and conference exception; (3) the community meeting exception; (4) the other legislative body exception; (5) the social or ceremonial occasion exception; and (6) the standing committee exception.

Unless a gathering of a majority of members falls within one of the exceptions discussed below, if a majority of members are in the same room and merely listen to a discussion of city business, then they will be participating in a Brown Act meeting that requires notice, an agenda, and a period for public comment.

#### Conflict of Interest Overview

The Political Reform Act of 1974 (Gov. Code sections 81000-91015) forms the foundation for California’s financial conflict of interest laws for public officials. The purpose is to cover both actual and apparent conflict of interest situations between a public official’s private interest and his or her public duties.

The basic rule is that no public official shall make, participate in making or in any way attempt to use his or her official position to influence a governmental decision if he or she knows, or has reason to know, that he or she has a financial interest in the decision.

What Should I Do if a Financial Conflict Exists? Do not participate in the discussion or render any opinion or advice, and do not act in any way that might influence the decision. State law requires you to publicly disclose your financial conflict of interest and excuse yourself from the meeting while the matter is being considered in open session. You do not have to excuse yourself on consent calendar items but must publicly disclose your financial interest. Violation of the Political Reform Act can result in administrative fines, civil penalties and criminal sanctions.

#### Other Conflict of Interest Laws

##### Self-Interested Contracts (Government Code Section 1090)

This key law prohibits you, as an elected or appointed official, from voting, discussing or negotiating a proposed contract or sale with your public agency if you will receive some financial gain or personal benefit from the contract or sale. Even if you abstain as a board member, the entire board or council is prohibited from entering into the contract. Any contract signed by a public agency board in violation of section 1090 is void. The rule is different if you are a decision-making employee not on the board or council. A public agency employee may disclose his or her financial

interest in the public agency contract and be disqualified from any involvement, allowing the board or council to legally enter the contract. Violation of this law will void the contract or sale and may result in permanent forfeiture of office for elected officials. There are limited exceptions to this law beyond the scope of this Guide.

#### Campaign Contributions (Government Code Section 84308)

If you are an appointed public official, or if you are an elected public official serving on an appointed board or commission, this law prohibits you from participating in proceedings on licenses, permits or other entitlements that affect a person, business or other entity from which you have received a campaign contribution of \$250 or more within the last 12 months.

#### Final Note

In general, California's Conflict of Interest laws impose strict restrictions on elected or appointed officials in their dealings with their public agencies. It forbids them from voting, discussing, or negotiating any proposed projects, contracts, sales, or other specific actions if they stand to gain financially or personally from such transactions. It is ultimately the commissioner's obligation to identify and disclose any such conflicts as outlined in statute. If a commissioner is unsure if there is a conflict of interest, they are encouraged to contact the City Attorney before the hearing.

#### **ALTERNATIVES:**

None.

#### **FISCAL IMPACTS**

None.