



# Memorandum

**Date:** July 17, 2006  
**To:** The Honorable Mayor and Members of the City Council  
**From:** Dennis A. Barlow, City Attorney  
**Subject:** Oral Communications at Study Sessions

At a recent Council Study Session Council Member Gordon raised concerns about the Council giving direction to staff in the context of the Study Session and asked that the matter be placed on a regular agenda instead. Then at a recent Council Meeting Council Member Ramos expressed the desire that all Study Sessions be prefaced with a period of Oral Communications. As a result of these comments it seems appropriate to review the law and the options relating to this subject.

Government Code §54954.3, as part of the Ralph M. Brown Act, provides in pertinent part as follows:

“(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item, that is within the subject matter jurisdiction of the legislative body . . .”

Many public agencies in California have for a long time held study sessions to review various matters of interest to the public agency with an opportunity for a little more extended discussion, and in a little more informal atmosphere than in a formal public meeting. But, still, the law, as it has progressed, has allowed the public to provide input to their local representatives on the subjects being considered. In Burbank such study sessions are normally held before the beginning of the regular Council meeting with a longer opportunity to consider the background of a subject which is anticipated to soon come before the Council. Due to the early hour, as a practical matter very few members of the public are normally able to attend and speak to the Council. Therefore in order to provide a realistic opportunity for the public to speak to the issues to be considered in a study session and to comply with both the spirit and intent of the Brown Act, whenever a study session is to be held, it is clearly carried on the previous meeting’s

agenda, so that members of the public can both see that it is coming up a week in advance, and can speak to it at that previous meeting. The meeting is then formally continued to the subsequent week for the study session. Almost without exception the discussion at a study session is limited to background, with occasional limited direction to staff to prepare a document or to proceed down a particular path. The issue is then brought back on an agenda during the formal portion of a Council meeting for further Council deliberation and action with a clear opportunity for additional public input and comment.

However, if the Council would like to adopt a formal procedure to provide for an additional period of Oral Communications at the commencement of study sessions it may certainly do so. Issues that must be considered in providing direction to staff on this issue include the following:

1. Length of Oral Communications for individual speakers (as the Council is aware, we now have several different periods of Oral Communications of varying length, including those that are included as part of public hearings).
2. Should the total length of Oral Communications at study sessions be limited? (Study sessions are often held to give the Council some background on issues that are of some controversy in the community. As such, large numbers of people might be expected to turn out to speak on such topics. It is conceivable that the entire allotted time for the study session could be filled up with Oral Communications leaving no time for the actual study session itself.)
3. Should there be any restrictions on speaking at Study Session Oral Communications, such as the Council has adopted for the two “general” periods of Oral Communications at the regular meetings?
4. Oral Communications could be limited to only those study sessions where additional public input would be thought by the Council to be especially helpful.

In any event, should any Council member wish to have a change to the current procedure considered, the matter need only be brought up during the item on the agenda designated as “Introduction of Additional Agenda Items,” and the matter will then be brought back for the first step of the two step process for adding matters to the agenda.

In addition, if there are any questions on this matter I will be happy to discuss them with any of you.

cc: Ms. Mary Alvord, City Manager  
Mr. Mike Flad, Assistant City Manager  
Ms. Margarita Campos, City Clerk