

BROWN ACT STOCKING STUFFER FROM SCHOOLS LEGAL SERVICE

ADJOURNMENT OF MEETINGS TO ANOTHER TIME AND PLACE



From time to time situations arise where it becomes evident that a quorum of the Board will not be present for a regular or special meeting, or a quorum is lost during the meeting, or for other reasons a scheduled meeting needs to be postponed to another time.

The Brown Act (Government Code section 54955) provides a special procedure for the adjournment of meetings to another time and place. In the case of a regular meeting, if the proper procedure is followed, the resulting continued meeting will be considered a regular meeting for all purposes.



If a quorum of the Board can be present to **declare the meeting adjourned**, a motion to adjourn should be made, stating the date, time and place for the continued meeting, and the minutes should reflect that. However, even if less than a quorum of the Board is present, the remaining trustees can adjourn the meeting. If no Board members are present, the Board Secretary (typically the Superintendent) or Clerk can declare the meeting adjourned to a stated time and place.

A **notice or order of adjournment** must be prepared and posted and delivered in the same manner as for special Board meetings (see Government Code section 54956 – this should include notice to media requesters). A sample notice is provided below. The notice must be conspicuously placed on or near the door of the meeting site within 24 hours after the adjournment, and must be electronically posted on the district’s Internet website if the district maintains one. Action can be taken on items on the agenda of the adjourned meeting (without posting a new agenda) up to five calendar days after the adjourned meeting¹

The same process can be used for the **continuation of any hearing**, provided that if continued to a time less than 24 hours after the time stated in the notice of hearing, a copy of the notice of continuance of hearing must be immediately posted after the meeting at which the hearing was declared continued. (Government Code section 54955.1)

¹ Government Code § 54954.2(b)(3); see also *Chaffee v. San Francisco Library Commission* (2004) 115 Cal.App.4th, 461.

If the Board does not wish to or is unable to use the adjournment process described above and knows in advance that a meeting will be canceled, the best practice is for the Board to declare the meeting canceled at a prior Board meeting, and then post a notice of cancellation as you would a Board agenda (physical posting and electronic posting if applicable). Posting at the earliest opportunity, even more than 72 hours in advance, is recommended whenever possible.

Best wishes for the holiday season.

— *Grant Herndon*, General Counsel

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SAMPLE

NOTICE OF ADJOURNMENT OF [REGULAR/SPECIAL] MEETING OF THE BOARD OF TRUSTEES

[REDACTED] DISTRICT

By order of the [Board/Trustees present [where less than a quorum is present]/Clerk/Secretary [where only the Clerk or Secretary is present]] pursuant to Government Code section 54955, the [regular/special] meeting of the Board of Trustees originally scheduled for [date] at [time] has been adjourned to the following date, time and place:

DATE:

TIME:

PLACE:

A copy of this Notice shall be posted and delivered in the same manner as for special meetings of the Board of Trustees, conspicuously posted on or near the door of the place where the adjourned meeting was held, within 24 hours of the time of adjournment, and posted on the district's Internet website if it maintains one.

Signature of Trustee/Clerk/Secretary