



Burwood Cemetery

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Escalon Cemetery District

(dba Burwood Cemetery)

Brown Act Compliance Policy

Policy No. 2121

1. Purpose

This policy establishes the Escalon Cemetery District's (dba Burwood Cemetery) procedures for preparing agendas, conducting meetings, and ensuring compliance with the Ralph M. Brown Act (California Government Code §54950 et seq.).

2. Agendas

2.1 Trustee Requests

Any Trustee may request an item be placed on the agenda by contacting the District Manager at least fourteen (14) business days prior to the meeting. The District Manager shall place Trustee-requested items on the next available agenda.

Trustees shall avoid serial communications—including email, text, or social-media discussions—that could constitute a violation of Government Code §54952.2(b)(1). A Trustee may use social media to answer questions, provide information, or solicit input from the public, but shall not respond directly to (including by "liking," emoji, or sharing) another Trustee's post or comment on District business (§54952.2(b)(3)).

Staff may communicate individually with Trustees for administrative purposes, provided such communication does not facilitate deliberation among Board Members or constitute serial communication, and staff shall not communicate to any Trustee the comments or position of any other Trustee (§54952.2(b)(2)).

2.2 Public Requests

Members of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled Board meeting. Requirements:

- Requests must be submitted in writing to the District Manager at least fourteen (14) business days prior to the meeting.
- The District Manager shall determine whether the request is directly related to District business.
- A requester may appeal the determination to any Trustee, who may place the item on a future agenda under Section 2.1.
- Items appropriate only for Closed Session will not be accepted.
- The Board may limit total discussion time and individual speaker time.
- Public agenda requests are a courtesy and not required by the Brown Act.

2.3 Public Comment

The Board shall allow public comment on matters within its jurisdiction that are not listed on the agenda and shall allow public comment on each agenda item before or during its consideration, consistent with Government Code §54954.3. At Special Meetings, public comment may be limited to items described in the meeting notice (§54954.3(a)).

The Board may not prohibit public criticism of District policies, procedures, programs, services, or staff, or of the acts or omissions of the Board (§54954.3(c)).

Under Government Code §54954.2(a)(3), Trustees may briefly respond, ask clarifying questions, refer the matter to staff, request staff to report back, or direct that the item be placed on a future agenda. The Board shall not discuss or take action on off-agenda items.

2.4 Posting Requirements

Regular Meetings: Agendas must be posted at least 72 hours prior to the meeting in a location freely accessible to the public 24 hours a day and on the District website, through a prominent, direct link on the homepage of the District website (§54954.2(a)). The agenda shall state the time and location of the meeting. Staff shall verify each posting to confirm these requirements are met.

Special Meetings: Agendas must be posted at least 24 hours prior to the meeting in a location freely accessible to the public and on the District website (§54956) and must include the time, place, and business to be transacted.

Agendas must include a brief description of each item, the disability-accommodation statement, and the address where late-distributed writings may be inspected.

All disclosable public records distributed to a majority of the Board less than 72 hours before a meeting that relate to an open-session agenda item shall be made available for public review at the time of distribution and posted on the District website, consistent with Government Code §54957.5(b), as amended by AB 2647. Writings distributed to the Board during a meeting shall be made available to the public at the meeting (§54957.5(c)).

2.5 Order of Agenda

The District Manager shall determine the order of agenda items, subject to reordering by the Board during the meeting.

3. Meetings

3.1 Regular Meetings

Regular Meetings of the Board of Trustees shall be held on the second Wednesday of each month at 11:00 a.m. at the Burwood Cemetery Office, 28320 E. River Road, Escalon, CA 95320

3.2 Special Meetings

Special Meetings may be called by the Board President or by a majority of the Board. Written notice must specify the time, place, and business to be transacted, be delivered to each Trustee, and be provided to any media outlet that has requested notice in writing, at least 24 hours prior to the meeting. Notice must also be posted at least 24 hours prior to the meeting in a location freely accessible to the public and on the District website (§54956).

Only business listed on the notice may be considered. A Special Meeting shall not be called regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of the Board or of a local agency executive (§54956).

3.3 Emergency Meetings

Emergency Meetings may be held without 24-hour notice when prompt action is required due to an "emergency situation" (a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both) or a "dire emergency" (a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that one hour's notice may endanger public health, safety, or both), consistent with Government Code §54956.5.

A majority of the Board must determine that an emergency exists.

Media outlets requesting notice shall be notified at least one hour prior to the meeting (or, in a dire emergency, at or near the time the Trustees are notified), unless telephone service is unavailable, in which case notice is waived but the media shall be informed of the meeting, its purpose, and any action taken as soon as possible afterward.

Emergency Meeting materials—including minutes, roll-call votes, actions taken, and a list of persons the District attempted to notify—shall be posted for a minimum of ten (10) days in a public place (the District office) as soon after the meeting as possible, as required by Government Code §54956.5, and, as a matter of District practice, on the District website.

Emergency Meeting minutes shall be formally approved at the next Regular Meeting.

3.4 Adjourned Meetings

The Board may adjourn any Regular, Adjourned Regular, Special, or Adjourned Special Meeting to a time and place specified in the order of adjournment, and less than a quorum may so adjourn (§54955). If all Trustees are absent from a Regular or Adjourned Regular Meeting, the Clerk or Board Secretary may declare the meeting adjourned. If any Trustees appear but a quorum is not present, those Trustees may adjourn the meeting.

A written notice of adjournment shall be posted within 24 hours on or near the door of the meeting location and provided in the same manner as Special Meeting notice.

3.5 Committees of the Board

The Board of Trustees does not maintain any Standing Committees. If the Board creates a Standing Committee in the future, that committee will be subject to all Brown Act notice and open-meeting requirements under Government Code §54952(b).

Ad hoc committees formed for a limited purpose and duration, composed solely of Trustees who are less than a quorum of the Board, are not subject to the Brown Act. Because a quorum of this three-member Board is two Trustees, an exempt ad hoc committee may consist of only one Trustee; any gathering of two Trustees to discuss District business is a meeting of the Board, even if described as a committee. Any committee or advisory body created by formal action of the Board that includes non-trustees is subject to the Brown Act (§54952(b)).

3.6 Teleconferencing and Remote Participation

The Escalon Cemetery District Board of Trustees consists of three members. The Brown Act permits teleconferencing only under specific conditions. Under traditional teleconferencing (Government Code §54953), each remote location must be identified on the agenda, posted, and accessible to the public, and at least a quorum must participate from locations within District boundaries. Under the "just cause" and "emergency circumstances" options, a quorum (two Trustees) must participate in person from a single public location within District boundaries, and a Trustee of a body that meets monthly may participate remotely for just cause no more than two meetings per year. Given the Board's size and these requirements, the Board has chosen, as a matter of policy, not to use teleconferencing for Board meetings.

The District may adopt teleconferencing procedures in the future if operational needs change or statutory requirements mandate their use. Nothing in this Section prevents the District from considering a request for remote participation as a reasonable accommodation for a Trustee with a disability, as permitted by the Brown Act.

4. Closed Session Procedures

4.1 Agenda Descriptions

Closed Session items shall be listed on the agenda using the standardized descriptions set forth in Government Code §54954.5. Before convening in Closed Session, the Board shall give the public an opportunity to comment on Closed Session items and shall orally announce in open session the items to be discussed (§54954.3, §54957.7).

4.2 Permissible Closed Session Topics

Closed Sessions may be held only for purposes authorized by the Brown Act, including:

- Personnel matters (§54957(b))
- Litigation (§54956.9)
- Real property negotiations (§54956.8)

- Labor negotiations (§54957.6)
- Public security (§54957(a))

4.3 Report-Out Requirements

Following Closed Session, the Board shall publicly report actions taken and votes cast as required by Government Code §54957.1. Trustees and staff shall not disclose confidential information acquired in Closed Session unless the Board authorizes disclosure (§54963).

5. Board Clerk Responsibilities

The Board Secretary is the statutory officer responsible for Board records. The District Manager may assign administrative Clerk duties to staff (Office Assistant) for meeting preparation, minute-taking, agenda reading, and procedural support.

The Clerk shall ensure:

- All required materials are available for public review.
- Meeting facilities are functional and accessible.
- Closed Session reporting requirements are followed.
- Minutes are prepared and maintained as public records.

6. Administration of the Policy

The District Manager (or designee) is responsible for implementing this Policy and ensuring compliance with the Brown Act and all applicable legal requirements. The District shall provide a copy of the Brown Act to each person elected or appointed to the Board of Trustees (§54952.7).

This Policy shall be reviewed annually and updated as needed. Any amendment requires approval by Board Resolution.