

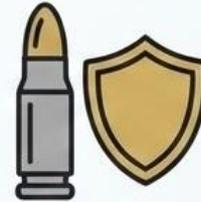
The Conflict vs. The Procedure

While the Brown Act ensures open meetings, these laws define the actual 'conflict'.



The Political Reform Act (PRA)

Prohibits officials from making or influencing decisions affecting their financial interests (e.g., property, investments, income over thresholds).



Government Code Section 1090

A stricter "silver bullet" law. Prohibits officials from being "financially interested" in any contract made by their board or agency.

Brown Act Requirements for Conflicted Officials (GC §87105)

The "Public Identification" Ritual



Public Announcement

Officially identify the financial interest in detail for the public.



Recusal

Recuse from discussing or voting on the matter.



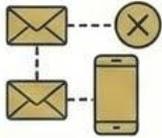
Leave the Room

Must leave the room after announcement.
(Exceptions: Consent Calendar, Public Comment as private citizen).

Key Conflict Areas

	Conflict Type	Law Governing It	Brown Act Implication
	Financial/Economic	Political Reform Act	Must disclose, recuse, and leave the room.
	Contractual	Gov. Code §1090	Often prevents the agency from even voting on the contract; recusal might not be enough to save the contract.
	Personal Bias	Common Law	Requires "Fair Hearing" standards; official should recuse to avoid "appearance of impropriety".

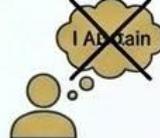
Common Pitfalls



The “Serial Meeting” Conflict

The Brown Act prohibits a majority of a board from discussing an item outside a meeting.

Influencing colleagues behind the scenes violates both the PRA and the Brown Act.



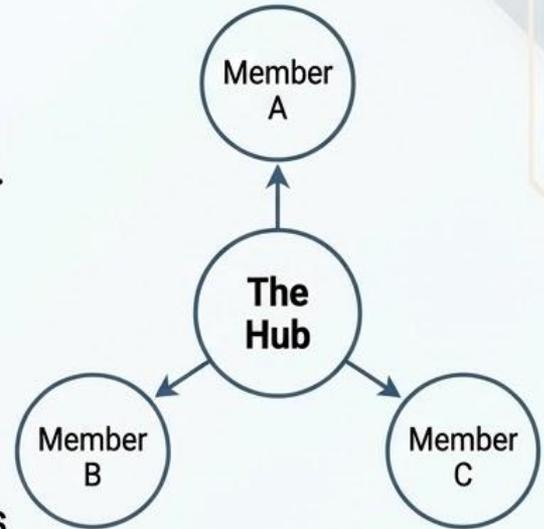
The “Abstention” Myth

Simply saying “I abstain” is often legally insufficient if a true financial conflict exists.

The official must follow the formal disclosure and physical exit requirements.

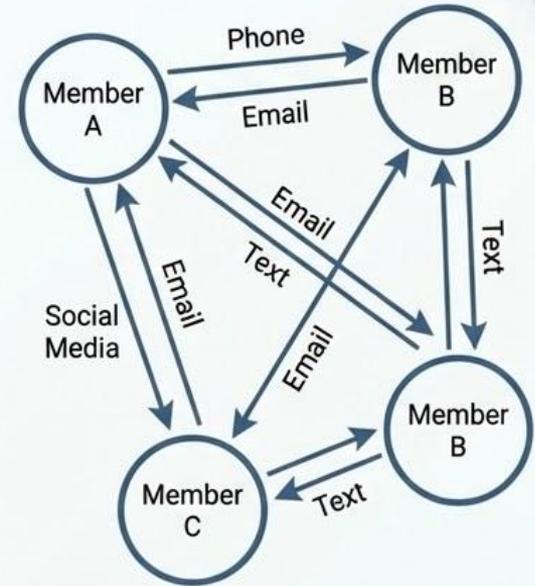
The Anatomy of the ‘Hub’

- The “Hub” is the central point of communication. It doesn’t have to be a board member; it can be:
 - **The Staff Member:** A City Manager or CEO who talks to Member A, then tells Member B what Member A said, and then asks Member C for their ‘thoughts’ based on that info.
 - **The Lobbyist:** An outside developer or interested party who walks from office to office saying, “Well, the Mayor is on board with this project, are you?”
 - **⚠ The Conflicted Official:** This is the most legally toxic version. If you have a financial conflict of interest, you are prohibited from “influencing” the decision. If you act as the “Hub” to lobby your colleagues privately, you’ve violated both the **Brown Act (secret meeting)** and the **Political Reform Act (illegal influence)**.



The “Spokes”

- The “Spokes” are the individual communications. These don’t have to happen all at once. They can happen over days or weeks via:
 - One-on-one phone calls.
 - Email chains (The “Reply All” is the classic hub-and-spoke disaster).
 - Text messages or Slack channels.
-  Social Media: Since 2021 (and reinforced by SB 707 in 2026), officials can post on social media, but if another member “likes,” “shares,” or comments on that post, they risk creating a “serial meeting” thread.



The "Collective Concurrence" Trap



The law doesn't just forbid voting in secret; it forbids deliberating.



The Test

If, by the time the actual public meeting starts, a majority of the board already knows how their colleagues feel and has reached an informal agreement, a "collective concurrence" has occurred. This effectively robs the public of their right to see the process of how the decision was reached.



Why it's worse for Conflicted Officials

- If you have a **conflict of interest** (e.g., you own property near a proposed development), the law requires you to be **totally invisible** to the process.
 -  **The Standard:** You cannot “in any way attempt to use your official position to influence the decision.”
 -  **The Hub-and-Spoke Risk:** If you call a colleague to “just give them some background” on the project, you are acting as a “Spoke.” If that colleague then talks to a third member, you have initiated a hub-and-spoke communication that is now evidence of a criminal conflict of interest violation (under GC §1090) or a civil violation (under the PRA).



How to Stay Safe

✔ The “One-Way” Rule ✔



Staff can send information to board members, but board members should never respond to the whole group or ask staff “What does everyone else think?”

The “No-Lobbying” Rule for Conflicts



If you are recused, you shouldn't even talk to the City Manager about the **item in private**, as they could inadvertently become the 'Hub' that carries your influence to the rest of the board.

Navigating Conflict: The Brown Act & Beyond

1. The Conflict vs. The Procedure



Brown Act: Ensures the meeting is open.



Political Reform Act (PRA): Prohibits officials from decisions affecting financial interests (e.g., property, investments, income).



Gov. Code §1090: "Silver bullet" law; prohibits being "financially interested" in any agency contract.

2. Brown Act Requirements for Conflicted Officials (GC §87105)



Public Announcement: Publicly identify financial interest in detail.



Recusal: No discussing or voting on the matter.



Leave the Room: Must leave after announcement (Exceptions: consent calendar, personal citizen comment).

3. Key Conflict Areas

Conflict Type	Law Governing It	Brown Act Implication
 Financial/Economic	Political Reform Act	Must disclose, recuse, and leave the room.
 Contractual	Gov. Code §1090	Often prevents agency from voting; recusal might not save the contract.
 Personal Bias	Common Law ("Fair Hearing")	Recuse to avoid "appearance of impropriety".

4. Common Pitfalls



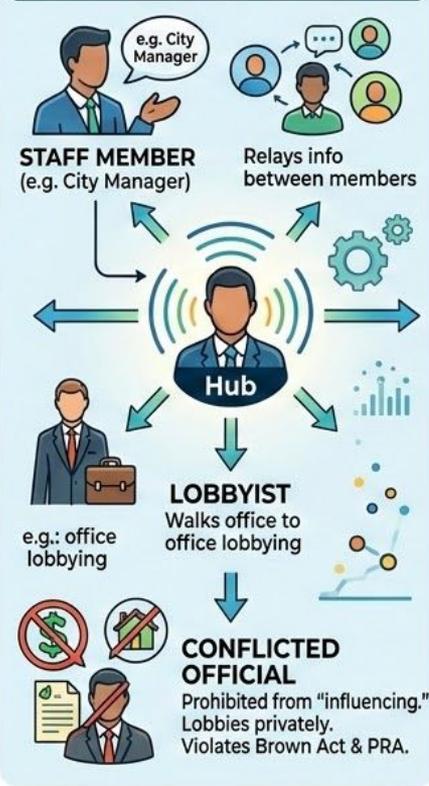
The "Serial Meeting" Conflict
 Discussing items outside a meeting (emails, calls) with a majority. Violates PRA (influence) & Brown Act (secret meeting).



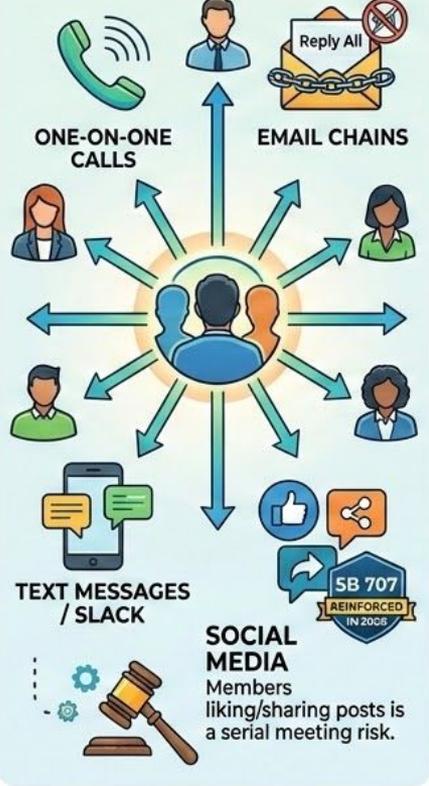
The "Abstention" Myth
 Simply saying "I abstain" is often legally insufficient for financial conflicts. Must follow disclosure & exit requirements.

⚙️ BROWN ACT "HUB & SPOKE" CONFLICT OF INTEREST SUMMARY ⚙️

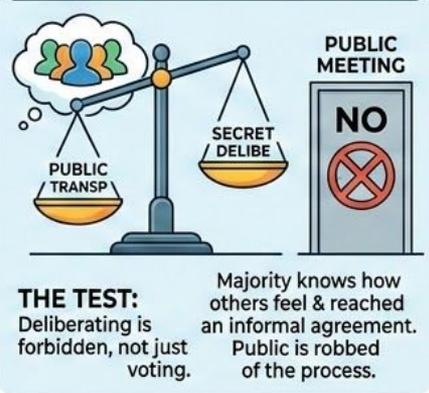
1. THE ANATOMY OF THE "HUB"



2. THE "SPOKES"



3. THE "COLLECTIVE CONCURRENCE" TRAP



4. WHY IT'S WORSE FOR CONFLICTED OFFICIALS



HOW TO STAY SAFE & COMPLIANT

