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Responding to Disrupted Meetings: What the Brown Act Requires

By Chelsea Downes, Associate, Richards, Watson & Gershon

Public meetings do not always go as planned. Sometimes members of the public are passionate, loud, or downright disruptive. When disruption makes it impossible to continue a meeting, the Brown Act specifies how a legislative body may respond.

A recent California Court of Appeal decision in Berkeley People's Alliance v. City of Berkeley (2025) underscores the strict requirements of Government Code Section 54957.9 when a public meeting is willfully disrupted.

At a series of Berkeley city council meetings, the mayor determined that business could not continue because of ongoing disruption from audience members. In response, the city council recessed and reconvened the meetings in a smaller room. Press representatives were permitted to attend the reconvened sessions in person, but the public was allowed to attend only by video. The Berkeley People's Alliance alleged that the city violated the Brown Act by relocating the meetings rather than clearing the room and continuing in the original space, and by failing to attempt to remove the individuals causing the disruption before taking broader action.

The Statutory Framework

The Brown Act guarantees public access to meetings of local legislative bodies, including city councils and special district boards. The statute's open meeting provisions ensure transparency in government decision-making and facilitate public participation.

However, the promise of open and accessible meetings is not absolute. Government Code Section 54957.9 recognizes that public meetings can sometimes be disrupted. Section 54957.9 provides that if a meeting "is willfully interrupted by... group(s) of persons" so that orderly conduct is rendered "unfeasible" and if order cannot be restored by removing the disruptive individuals, a legislative body may "order the meeting room cleared and continue in session." The statute further declares that press representatives may remain in the room unless they were part of the disturbance. Finally, the statute allows a legislative body to adopt a procedure for readmitting individuals who did not participate in the disruption.

Before the Berkeley decision, some local agencies had interpreted Section 54957.9 as allowing a meeting to be recessed and reconvened in a different location if disruption made continuing in the original space impractical. The Berkeley city council took precisely that approach.

What the Court Decided

The court of appeal strictly interpreted Section 54957.9 and ruled against the city. Examining the plain text, the court emphasized that the statute requires that the "meeting room" be "cleared" and that the meeting continue "in session" in the same room. The court interpreted the phrase "order the meeting room cleared" to mean that a legislative body can empty the same room of its occupants, but cannot move the meeting elsewhere.

The court reasoned that, instead of authorizing relocation, the Legislature prioritized clear, consistent notice of a meeting's physical location to ensure the people's access to public business. In the court's view, relocating the meeting effectively denies non-disruptive members of the public their right to attend in-person, a right that the Brown Act was designed to protect. Therefore, recessing the meeting and reconvening elsewhere does not satisfy the statutory obligation.

What the Court Did Not Decide

The court of appeal did not address the claim that the city violated the Section 54957.9 by failing to attempt to remove disruptive individuals before relocating to a different room. The statutory text implies a sequence in which a legislative body first tries to remove the disruptive individuals before turning to the broader remedy of clearing the room entirely. However, the court did not resolve whether such action is a prerequisite for a legislative body to clear the room of a disrupted meeting. Nor did the court address what efforts, if any, a legislative body must make to identify and remove disruptive individuals before ordering a full clearing of the room. These omissions leave local agencies without appellate guidance on how rigorous their initial steps must be before clearing the room.

What This Means for Districts

The Berkeley decision carries important implications for special districts and other local agencies.

- When a meeting becomes unmanageable due to willful disruption, recessing and reconvening in a different room is not an option.
- The proper procedure is to clear the original room and continue the meeting in the same space. Clearing the room requires removing all attendees except non-disruptive press representatives. Agencies may adopt a procedure for readmission of non-disruptive individuals after order is restored.
- Agencies should review their meeting rules and procedures to ensure compliance with the court's interpretation of Section 54957.9. This includes training presiding officers and staff on the correct steps to take when facing disruptive behavior.

Bottom Line

The Berkeley decision reinforces the fundamental purpose of the Brown Act to guarantee public access, transparency, and accountability in local government decision-making. By strictly interpreting the statutory options available to local agencies responding to willful disruptions, the court underscored that exceptions to access and openness must be narrowly construed.

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