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California Court of Appeal Addresses Disruptions of Public Meetings Under the Brown Act

November 5, 2025
Number 48

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The California First District Court of Appeal recently ruled in *Berkeley People's Alliance v. City of Berkeley* (2025) 114 Cal.App.5th 984, that the City of Berkeley may have violated the Ralph M. Brown Act (Brown Act) when it moved several City Council meetings to smaller rooms in response to public disruptions.

The Brown Act, codified in Government Code section 54950 *et seq*., is California's open meeting law and it guarantees the public's right to attend and participate in meetings of local legislative bodies, such as city councils and school boards. The Brown Act requires that such meetings be conducted openly to ensure government transparency and accountability. However, Government Code section 54957.9 provides that if a person or group of people disrupts the orderly conduct of a meeting, and if order cannot be restored by removing individuals who are causing the disruption, the legislative body has the authority to clear the room other than representatives of the media who are not causing the disturbance. Section 54957.95 also allows for removal of individuals who are disrupting the meeting after the individuals are warned that failure to cease the disruption may result in their removal.

Here, the Berkeley People's Alliance alleged that during three city council meetings in late 2023 and early 2024, the City recessed three meetings and reconvened them in smaller, less accessible rooms, excluding non-disruptive members of the public. The City argued that such relocation was permissible under Government Code section 54957.9, and the trial court agreed, finding that Section 54957.9 does not require the city council to first attempt to remove the disruptive individuals before determining that order could not be restored by such removal.

The appellate court reversed the trial court's decision, holding that Government Code section 54957.9 permits a meeting to continue only after "ordering the meeting room cleared," *not* by moving it elsewhere. The court emphasized that the statute does not authorize relocation and that exceptions to the Brown Act's open meeting requirements must be construed narrowly to preserve public access and transparency.

Importantly, the court's ruling did not determine whether the City ultimately violated the law but reinstates the plaintiff's claims and allows the case to proceed in superior court.

Takeaways

This case serves as a cautionary reminder to local governments that attempts to manage disruption must still align with the narrow statutory exceptions provided under the Brown Act. A legislative body facing willful disruption cannot circumvent the Brown Act by simply recessing and moving to a smaller room. The Brown Act requires either ordering the same meeting room cleared before continuing, or removal of specific disruptive individuals, rather than excluding the general public by changing venues.

If you have any questions about this case or any questions related to the Brown Act, please contact the authors of this Client News Brief or an attorney at one of our eight offices located statewide. You can also subscribe to our podcast, follow us on Facebook and LinkedIn, or download our mobile app.