

Frequently Asked Questions on Water & Sewer Rates Decision

The City has recently received questions and comments from residents regarding the City Council's approval of the new water/sewer rates on August 11. Some residents have asked whether the Council's action violated certain laws, such as the Brown Act, California's open meeting law. We understand that water and sewer rates are an important issue for the community, and we want to ensure residents have clear information about the process.

Below are answers to some of the most common questions we have received.

1. Did the City Council violate the Brown Act because Council Member Steele's presentation was not listed separately on the August 11, 2025 meeting agenda?

No. The Brown Act requires that the Council only discuss or take action on items listed on the posted agenda. The August 11, 2025 agenda included an item for the water/sewer rates. Council Member Steele's comments and presentation were all related to his policy position on the water/sewer rates as listed on the agenda. The Brown Act does not regulate how a Council Member explains their position for or against an agenda item.

2. Did the Brown Act require Council Member Steele to share his PowerPoint presentation with the public or the Council before the August 11, 2025 meeting?

No. The Brown Act expressly authorizes Council Members to distribute materials during a public meeting. In that event, the Brown Act requires that materials distributed by a Council Member at a meeting be made available for inspection to the public at the meeting. In this case, the digital presentation was shown during the meeting to all present, as well as those viewing the meeting by livestream. Council Member Steele did not share a printed version of the presentation at the meeting. Therefore, the Council did not violate the Brown Act because Council Member Steele's digital presentation was available for inspection at the meeting. Furthermore, the City Clerk posted it to the City's website the next morning.

3. Should the public have been allowed to rebut Council Member Steele's arguments or fact check his statements?

No. When setting water/sewer rates, the Council is acting in a legislative capacity where it sets policy and the means of achieving its policy objectives based upon the Council's judgment, as opposed to a quasi-judicial capacity where the Council is applying existing rules to a certain set of facts such as when the Council is considering the findings for issuance of a land use permit. When the Council is acting in its legislative capacity, Council Members have broad discretion to present their own arguments, opinions, and supporting information in the way they see fit, drawing upon the information presented by staff, as well

as their own experiences and knowledge. The public does not have a legal right to rebut each Council Member's comments during this type of decision-making.

4. Is the Council required to re-vote on the water/sewer rates because of the allegations listed above?

No, because these allegations do not constitute violations of the Brown Act or the public's due process rights.