

SUMMARY ACTION MINUTES

(Action Items Displayed in Italics)

THURSDAY, AUGUST 7, 2025 — 6:00 p.m.

I. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was performed following Item II and was led by Pam Passow.

II. ROLL CALL

Roll Call was taken prior to Item I.

Chair Shawver, Vice Chair Warren, and Commissioners Diaz, Hanson, and Jones were present. Commissioners Bui and Gabbard were absent.

III. PUBLIC PARTICIPATION

At this time, members of the public may address the Commission on items of public interest that are within the jurisdiction of the Commission and are not contained in tonight's agenda.

Chris Murphy commented that he would like to know the status of OC Parks discussions with regulatory agencies regarding the potential allowance of Class I electric bicycles on natural surface trails in OC Parks facilities.

IV. CONSENT CALENDAR (ITEM(S) A)

The following item(s) on the consent calendar will be approved by one motion unless a Commissioner requests to pull a specific item.

A. APPROVE COMMISSION MINUTES FOR THE JUNE 5, 2025 MEETING

Motion: Commissioner Jones

2nd: Vice Chair Warren

Approved 5-0

V. DISCUSSION CALENDAR (ITEM(S) A-C)

A. OC PARKS TRAILS: BALANCING RECREATION AND CONSERVATION PRESENTATION

Staff will provide a presentation on the background of the OC Parks trail system, challenges with unauthorized trails, and recent response to unauthorized trails in Caspers Wilderness Park.

Pam Passow, OC Parks Director, introduced staff presenting on the item and answered the Commissioners' questions.

Antonio Valdes, OC Parks Trails Administrator, presented on the item and answered the Commissioners' questions.

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Ev Mena, OC Parks Parks Division Manager, presented on the item and answered the Commissioners' questions.

Jennifer Naegele, OC Parks Natural Resources Manager, answered the Commissioners' questions.

Michael Wilson, OC Parks Deputy Director, answered the Commissioners' questions.

Jim Foley, Orange County Mountain Biking Facebook Group, commented on how unauthorized trails are not maintained and suggested addressing water management on these trails to minimize damage.

RECOMMENDED ACTION(S):

Refer trail decommissioning guidelines to the OC Parks Trails Subcommittee for review and feedback.

Motion to refer trail decommissioning guidelines to and share Commission comments with the OC Parks Trails Subcommittee for review and feedback:

Commissioner Hanson

2nd: Commissioner Diaz

Approved 5–0

B. OC PARKS ARBORIST PRESENTATION

Staff will provide a presentation on the duties of the OC Parks Arborist and the management of trees at OC Parks.

Kyle Sato, OC Parks Arborist, presented on the item and answered the Commissioners' questions.

Pam Passow, OC Parks Director, answered the Commissioners' questions.

Dennis Shaffer, OC Parks Operations Manager, answered a Commissioner's question.

Michael Wilson, OC Parks Deputy Director, answered a Commissioner's question.

Chris Murphy provided a comment in which he inquired if tress in wilderness areas are maintained in the same way as those in regional parks.

RECOMMENDED ACTION(S):

Receive and file.

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Motion: Commissioner Jones

2nd: Commissioner Diaz

Approved 5–0

C. OC PARKS TRAILS SUBCOMMITTEE MEETING UPDATE

Staff will provide an update to the Commission regarding the April 10, 2025 OC Parks Trails Subcommittee meeting.

Pam Passow, OC Parks Director, introduced staff providing the update.

Jennifer Naegele, OC Parks Natural Resources Manager, provided an update on the meeting.

RECOMMENDED ACTION(S):

Receive and file.

Motion: Commissioner Warren

2nd: Commissioner Jones

Approved 5–0

VI. OC PARKS DIRECTOR'S REPORT (ITEM(S) A–B)

A. DEPARTMENT UPDATES

Pam Passow, OC Parks Director, provided updates and answered the Commissioners' questions.

Michael Wilson, OC Parks Deputy Director, answered a Commissioner's question.

B. UPCOMING OC PARKS EVENTS

OC Parks Summer Concert Series – Irvine Regional Park and Salt Creek Beach – August 14 and 21, 5 – 8 p.m.

- Thursday, August 14 features No Duh: The Ultimate Tribute to No Doubt with an opening performance by Satin Dollz at Salt Creek Beach in Dana Point.
- Thursday, August 21 features Boy Band Review with an opening performance by Roderick Chambers at Salt Creek Beach in Dana Point.

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OC Parks Sunset Cinema Series – Laguna Niguel and Irvine Regional Parks and Salt Creek Beach – August 8, 15, 22, and 29, 6 – 10 p.m.

- Friday, August 8 features *The Greatest Showman* (PG, 2017) at Laguna Niguel Regional Park in Laguna Niguel.
- Friday, August 15 features *Elemental* (PG, 2023) at Irvine Regional Park in Orange.
- Friday, August 22 features *Shrek* (PG, 2001) at Irvine Regional Park in Orange.
- Friday, August 29 features *Moana 2* (PG, 2024) at Salt Creek Beach in Dana Point.

VII. COMMISSIONER COMMENTS AND REPORT

At this time Commissioners may comment on agenda or non-agenda matters, provided that no action may be taken on off-agenda items unless authorized by law.

VIII. ADJOURNMENT 7:21 p.m.



OC PARKS COMMISSION BROWN ACT TRAINING

OCTOBER 2, 2025

*OC Community
Resources*



John Cleveland
Senior Deputy County Counsel
Office of the County Counsel

TOPICS





BROWN ACT

What is the Goal of the Brown Act?



The goal of the Brown Act is to ensure that the deliberations and actions of the governing bodies of local agencies are:

- Open and public,
- Thereby facilitating meaningful public access to their decision-making processes and
- Curbing misuse of the democratic process by secret legislation.

The Act requires that meetings of such bodies be:

- Open to the public,
- Held on a regular schedule, and
- Conducted in accordance with an agenda available in advance of the meeting.



It prohibits action on items not placed on the agenda and restricts the type of actions that can be taken in private sessions.

The Brown Act also mandates that an agenda be posted at least 72 hours before a regular meeting and forbids action on any item not on that agenda.



The Ralph M. Brown Act generally requires all meetings (as defined) of a legislative body of a local agency be “open and public.” The act is located at California Government Code Section 54950 et seq., was carried out by Assembly member Ralph M. Brown and passed in 1953.



- Basic Rule:

- “meetings” of legislative bodies must be **open and public**.
- The actions of public commissions, boards, councils, and other public agencies should “be taken openly and that their deliberations be conducted openly.” (Gov’t Code § 54950.)

- Purpose:

- Facilitate public participation in government.
- Enable people to be informed so they can keep control over their government and curb the potential misuse of democratic process by secret legislation.

BROWN ACT – Key Concepts and Definitions



Brown Act applies to any “legislative body” of a “local agency”

“Legislative body” includes:

- The governing board of a local agency or any local board created by statute.
 - Any *commission, committee, board* or other body created by formal action of a legislative body.
-

“Local Agency” includes:

- A county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or *any board, commission or agency thereof*, or other local public agency.



Standing committees of a legislative body are legislative bodies if they have either of the following :

1. Continuing subject matter jurisdiction; or
 2. A meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.
-

Q: If the standing committee is comprised of less than a quorum of the governing body, is it still subject to the Brown Act?

A: Yes, if it has continuing subject jurisdiction or has meeting schedules fixed by formal action of the legislative body.



“Ad Hoc” committee exception to definition of “legislative body”

A temporary or ad hoc advisory committee, composed solely of the members of the legislative body that are less than a quorum of the “legislative body” is not, itself, a “legislative body.” (Government Code Section 54952(b).)

The temporary advisory committee must:

1. Serve a limited single purpose
2. Not be perpetual
3. Be dissolved once its specific task is completed

Q: If the legislative body creates an ad hoc committee and states that “the ad hoc will not have continuing jurisdiction” but the ad hoc actually exercises continuing subject matter jurisdiction and is not limited in time, is the ad hoc committee subject to the Brown Act’s requirements?

A: Yes. Substance controls over form.



Brown Act applies to “meetings” of the legislative body.

A “meeting” is “...any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.” (Gov’t Code § 54952.2(a).)

The defined term “meeting” includes gatherings where members discuss matters within the subject matter jurisdiction of the legislative body (e.g. meals, social events, etc.) not just situations where votes are taken.



“Serial Meetings” prohibited (e.g. daisy chain or hub-and-spoke)

A majority of the members of a legislative body “shall not, outside of a meeting authorized by this chapter, *use a series of communications of any kind, directly or through intermediaries*, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. (Gov’t Code § 54952.2(b)(1).)

But “One Way” briefings (e.g. staff briefings) *are* permitted:

The prohibition on serial meetings: “shall not be construed as preventing an employee or official of a local agency, from engaging *in separate conversations or communications*...with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.” (Gov’t Code § 54952.2 (b)(1).)

Similarly, a legal memorandum from County Counsel to a BCC does not constitute a “meeting” under the Brown Act.



Question: Are BCC members limited regarding the items they can and can't discuss over email, text, social media, etc.?

Answer: Yes. "Serial Meetings" are prohibited even when using electronic communications.

The Brown Act prohibits the use of a series of communications, including:

- emails,
- texts, or
- social media

to discuss, deliberate, or take action on any item of business within the body's jurisdiction outside of an authorized meeting.



- A BCC member cannot respond directly to any communication on a social media platform that is made, posted, or shared by any other member of the legislative body if the post is related to matters within the subject matter jurisdiction of the legislative body.
 - For example, if one BCC member **“likes” a social media post** of one other member of the same body, that could violate the Brown Act, depending on the nature of the post. (Gov’t Code § 54952.2(b)(3).)
- Similarly, participation by members of a legislative body in an **internet chatroom, blog dialogue, or any other online platforms**, could provide a technological method of allowing a majority of members to discuss, deliberate, or take action on matters of agency business in violation of the Brown Act.

Pop Quiz Regarding Newer Technologies



When could a prohibited serial meeting inadvertently occur?

- A. Replying all to an email message.
- B. Discussing an issue in an internet chat room.
- C. Posting a “like” on a social media platform.
- D. Discussing an issue on a platform that features messages that are only temporary and disappear shortly after creation.
- E. Using a member’s AI robot to communicate the member’s position on an issue that falls within the subject jurisdiction of that member’s legislative body to other members of the legislative body.
- F. All of the above.

BROWN ACT – Six Exceptions to Definition of Meeting

There are six narrow exceptions to the definition of “meeting”:

1. Individual contacts or conversations between a member of a legislative body and “any other person” are not “meetings,” of the legislative body, provided that they are not “serial meetings.” (e.g. meeting with staff, constituents, and consultants).
2. Attendance at a conference open to the public that addresses issues of general interest to the public or the agency, provided the members do not discuss issues within the subject matter jurisdiction of their legislative body.
3. Attendance at a community meeting that is open to the public and publicized, provided the members do not discuss issues within the subject matter jurisdiction of their legislative body.
4. Attendance at an open and noticed meeting of another local agency, provided the members do not discuss issues within the subject matter jurisdiction of their legislative body.
5. Attendance at a purely social or ceremonial occasion, provided the members do not discuss issues within the subject matter jurisdiction of their legislative body (e.g. wedding, funeral, farewell reception).
6. Attendance at an open and noticed standing committee meeting, provided that members attend only as observers.

Regular Meeting Agenda Requirements



Each legislative body shall provide, by ordinance, resolution, bylaws, or by whatever other role is required for the conduct of business by that body, the **time** and **place** for holding regular meetings. Such regular meetings must typically be conducted within the boundaries of the agency's jurisdiction.

At least 72 hours before the regular meeting, an agenda must be posted in a "location freely accessible to members of the public" and on the agency's primary website.

The Agenda must contain a "brief general description of each item of business to be transacted or discussed."

Except as otherwise provided by law, no action or discussion shall be undertaken on any item not appearing on the posted agenda.

(Gov't Code § 54954.2.)

Special Meeting Agenda Requirements



Special Meetings may be called “at any time” by either (1) the presiding officer of the legislative body of a local agency, or (2) by a majority of the members of the legislative body by posting a notice and also delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. (Gov’t Code § 54956.)

The **special meeting** notice shall be delivered “personally or by any other means” and shall be received at least 24 hours before the time of the meeting.

The **call and notice** shall specify the time and place of the special meeting and the business to be transacted or discussed.

No other business shall be considered at these meetings by the legislative body.

Emergency Meetings



“Emergency” is defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both.

A legislative body may hold an emergency meeting without complying with the 24-hour “Special Meeting” notice and posting requirements. However, telephonic notice is required. (Gov’t Code § 54956.5.)

The Public's Right to Documents Related to Agendas



Question: When do documents related to agendas need to be made available to the public?

Answer: The following timeframes apply:

- If board members receive the materials **more than 72 hours before** the scheduled meeting, then the materials are deemed public records and must be made available upon request. The location where the documents can be publicly inspected must be included in the posted agenda. (Gov't Code §§ 54954.1 and 54957.5.)
- If a member of the legislative body or staff prepared the materials, and the legislative body received the materials **during the meeting**, the public must have access to the materials during the meeting. If someone outside of the local agency prepared the materials and gave them to the legislative body **during the meeting**, the public must receive access to the materials after the meeting. (Gov't Code § 54957.5(c).)
- If the legislative body members receive the materials **less than 72 hours** before a regular meeting, then the materials must be made available for public inspection **at the same time they are distributed** to the legislative body. (Gov't Code § 54957.5(b)(1) and (2).)



OPEN AND PUBLIC MEETING REQUIREMENTS

At regular and special meetings, members of the public have a right to address the legislative body on any item appearing on the agenda, before or at the time the legislative body considers the item.

The Brown Act generally requires that all “meetings” (as defined, whether regular, special, or emergency) be “open and public.”

Each regular meeting agenda shall also provide an opportunity for members of the public to address the legislative body on any item of interest to the public within the subject matter jurisdiction of the body.

No secret ballots; the legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.



Exceptions for Discussing Non-Agenda Items



Question: Can BCC chairs and/or members discuss items that are not on the agenda and if so, are there any limitations?

Answer: As a general rule, under Government Code section 54954.2, a legislative body may not discuss any item that does not appear on the agenda posted for a regular meeting. However, there are limited exceptions:

- Members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights.
- On their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. (Gov't Code § 54954.2.)
- A member of a legislative body, or the body itself may:
 - provide a reference to staff or other resources for factual information,
 - request staff to report back to the body at a subsequent meeting concerning any matter, or
 - direct staff to place a matter of business on a future agenda.

Who enforces the Brown Act?

- According to California Government Code Section 54960, the district attorney or any interested person can initiate legal proceedings to address violations of the Brown Act.
- The enforcement of the Brown Act can be carried out by the:
 - district attorney or any interested person who may commence an action by
 - mandamus, injunction, or declaratory relief
 - to stop or prevent violations or threatened violations of the Act or
 - address past violations by members of the legislative body of a local agency.



Brown Act violations and enforcement: Civil Enforcement



Civil Injunction - The district attorney or any interested person (i.e. citizen of the State of California) may commence an action for the purpose of stopping or preventing future violations of the Brown Act. (Gov't Code § 54960.)



Court may invalidate past actions taken in violation of Brown Act – The district attorney or any interested person may file a lawsuit in Superior Court to have the court declare “null & void” action taken in violation of the Brown Act. (Gov't Code § 54960.1.)



Attorneys' fees and court costs – A prevailing plaintiff can obtain recovery of attorneys' fees and court costs. (Gov't Code § 54960.5.)



A variety of legal actions can be filed based on fact-specific issues related to the Brown Act but there are three main categories of civil actions:

- (1) **actions to invalidate** legislative body acts on the grounds that they violated the Brown Act (Gov't § 54960.1);
- (2) actions to **determine whether a past action** of a legislative body **constitutes a violation** of the Brown Act. (Gov't § 54960.2); and
- (3) actions to **prevent future violations**. (Gov't § 54960.)

There are requirements and procedures specific to each type of legal action.



Brown Act violations and enforcement: Criminal Penalties

A member of a legislative body who attends a meeting where action is taken in violation of the Brown Act, where the member *intends* to deprive the public of information which the member *knows or has reason to know* the public is entitled to receive, is guilty of a misdemeanor. (Gov't Code § 54959.)



Question: Do the BCCs' bylaws supersede the Brown Act's requirements or vice versa?

Answer: No. The BCCs' bylaws do not supersede the Brown Act.

- The BCCs' bylaws require following the Brown Act.
- The BCCs' bylaws may describe procedures for operating within the Brown Act's requirements, but the Brown Act cannot be superseded by bylaws.



THANK YOU!



Fall and Winter Events Preview

OC Parks Commission
October 2, 2025





The Other Side of Memory: Photographs by Luis C. Garza

Old Orange County Courthouse

August – December 2025



Modjeska's Birthday Celebration

Arden: Helena Modjeska
Historic House and Gardens

Saturday, October 11
10 a.m. – 12 p.m., 12 – 2 p.m.





Fall-O-Ween

Heritage Hill Historical Park

Friday – Sunday
October 10 – 12, 17 – 19
4:30 – 8:30 p.m.

Boo at the Oaks

Santiago Oaks Regional Park

Saturday, October 18
5:30 – 9:30 p.m.





Halloween Zoo-tacular

OC Zoo

Saturday, October 25
10 a.m. – 4 p.m.



Boo at the Bay: Family Halloween Party

Upper Newport Bay Nature Preserve

Saturday, October 25
11 a.m. – 3 p.m.



39th Annual Candlelight Walk

Heritage Hill Historical Park

Friday – Sunday, December 5 – 7
5 – 9 p.m.



Holiday Lights

Heritage Hill Historical Park

Friday – Sunday, December 12 – 14
5 – 9 p.m.



Christmas at the OC Zoo

Saturday, December 13
10 a.m. – 3 p.m.

EVENTS

Location

- Any -

Apply

<

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today

October 2025

month

week

day

list

Sun

Mon

Tue

Wed

Thu

Fri

Sat

30

1

2

3

7a Early Morning Dista...

8:30a Explorers Hike: ...

10a Tot Trails

6p After Work Fitness ...

8:30a Fitness Hike - Dill...

7a Early Morning Hike: ...

8a Growing Together at...

8a Phone Photo Friday

10a Wild Tales

+2 more

8a Wilderness Access ..

8a Wilderness Access ..

8a Growing Together at

8:30a Let's Go Hiking - .

+5 more

7

8

9

10

1

8a Irvine Ranch Open S...

6p Celebrate Cultures i...

7a Crazy 8 Hike in Red ...

8a Biking the Bay

7:30a Garden Keepers: ...

7a Early Morning Hike: ...

7a FREEKS Ride: Clock.

8a Intermediate Mount

7:30a Tuesday Morning

6p After Work Fitness

8a Open Space Invader

8a Growing Together at

7a Limestone Canyon -

Want To Know More?
Visit Our Website:

ocparks.com/events



THANK YOU

ORANGE COUNTY PARKS COMMISSION

STAFF REPORT

FROM: Pam Passow, Director, OC Parks

DATE: October 2, 2025

SUBJECT: Orange County Parks Commission 2025 Meeting and Field Trip Schedule Amendment

Staff propose an amendment to the Orange County Parks Commission's ("Commission") meeting schedule to cancel the regular meeting on December 4, 2025 and add a field trip to Heritage Hill Historical Park on either Friday, December 5, 2025 or December 12, 2025. This proposed field trip to Heritage Hill Historical Park will enable the Commission to tour Heritage Hill Historical Park during one of its major holiday events, either Candlelight Walk or Holiday Lights. Field trips provide the Commission with valuable onsite experiences at various OC Parks facilities, while allowing additional flexibility in determining the date.

RECOMMENDED ACTION(S):

OC Parks Commission to select and recommend one of the following actions:

- A. Amend the Orange County Parks Commission 2025 Meeting and Field Trip Schedule to cancel the meeting on December 4, 2025 and hold a field trip at Heritage Hill Historical Park on Friday, December 5, 2025 at 4:30 p.m.

OR

- B. Amend the Orange County Parks Commission 2025 Meeting and Field Trip Schedule to cancel the meeting on December 4, 2025 and hold a field trip at Heritage Hill Historical Park on Friday, December 12, 2025 at 4:30 p.m.


Pam Passow

ATTACHMENT(S):

Attachment A – Revised Orange County Parks Commission Meeting Schedule

ORANGE COUNTY PARKS COMMISSION
STAFF REPORT

FROM: Pam Passow, Director, OC Parks

UPDATED: October 2, 2025

SUBJECT: OC Parks Commission's Proposed 2025 Meeting and Field Trip Schedule

A proposed schedule of 2025 meeting and field trip dates is provided below for the Commission's review. Seasonal field trips provide the Commission with valuable onsite experiences at various County facilities.

January 2	Cancelled Meeting
February 6	Regular Meeting
March 6	Regular Meeting
April 3	Cancelled Meeting
April 4	Commission Field Trip — Newport Sea Base and Harbor Patrol Cancelled
May 1	Regular Meeting
June 5	Regular Meeting
July 3	Cancelled Meeting
August 7	Regular Meeting
September 4	Cancelled Meeting
September 12	Commission Field Trip — Carbon Canyon Regional Park Cancelled
October 2	Regular Meeting
November 6	Regular Meeting
December 4	Regular Meeting
December 5 or 12	Commission Field Trip — Heritage Hill Historical Park

RECOMMENDED ACTION:

Approve the Commission's 2025 meeting and field trip schedule.


 Pam Passow