

LEGAL ALERT

February 4, 2026

District Attorney Civil Enforcement of Alleged Brown Act Violations

The Kings County District Attorney filed a civil action against the City of Avenal on December 19, 2025, alleging systemic Brown Act violations related to closed-session deliberations on fire service policy decisions. The lawsuit serves as an example that local district attorneys may use civil remedies to correct past violations and compel future procedural compliance when agencies allegedly improperly agendize substantive policy discussions as privileged closed-session matters.

The Allegations

The complaint alleges that Avenal city officials conducted closed-session deliberations on establishing a municipal fire department, retaining consultants, and authorizing equipment purchases exceeding hundreds of thousands of dollars. The DA contends these sessions were improperly noticed under exempt categories such as “labor negotiations,” thereby denying public access to substantive policy formation. According to the complaint, the DA issued a cease-and-desist warning before filing suit, which the city allegedly failed to cure.

The Brown Act

The Brown Act requires local agencies to provide advance public notice of meeting agendas and limits closed session agenda items to specific topics, including pending/anticipated litigation, real property negotiations, labor negotiations, and certain personnel matters. Agencies must publicly report certain actions taken in closed session and the vote of each member. District attorneys may bring civil actions to prevent Brown Act violations and obtain declaratory or injunctive relief for past violations.

Significance for Charter School Boards

This matter underscores important compliance concerns. First, closed-session exceptions must align correctly with statutory categories and should not be misused to create a private forum for substantive policy deliberation. Second, district attorneys possess independent civil enforcement authority and will exercise it.

Recommendation

As YMC attorneys continue to emphasize in governance trainings, boards should be careful to correctly agendize all closed session discussions, ensuring that agenda descriptions accurately reflect discussion scope and statutory exceptions. Boards should remain on topic in closed session to avoid running afoul of the narrow exceptions allowing confidentiality. Our YMC governance trainings cover proper closed-session procedures (e.g., distinguishing permissible personnel or labor discussions from substantive policy development or budget-related actions, etc.). Agencies should establish internal review protocols for closed sessions to verify appropriate exception applicability and public reporting procedures.

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For specific questions regarding this legal alert or assistance with recommendations, please contact Paul Minney (pminney@ymclegal.com), Jerry Simmons (jsimmons@ymclegal.com) or 916.646.1400.

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