

Board Conference Calls during Strike Were Legal, Counsel Says



Steve Carnevale

By BILL HEARD, Editor

(Nov. 15) At each step of the protracted labor negotiations this fall, the MTA Board was on solid legal grounds when it conducted a lengthy series of telephone conference calls to discuss strategy and instruct its labor negotiators, according to Assistant County Counsel Steve Carnevale.

Carnevale said the repeated continuations of the Board's labor strategy meetings via telephone were properly noticed to the public as required by the state's open meetings law, the Ralph M. Brown Act.

His comments were made in reaction to an article published in Wednesday's edition of the *Los Angeles Times*, which raised questions about the legality of the conference calls.

Carnevale said the conference call meetings - every one of which he participated in as the Board's legal advisor and all of which concerned labor matters - would not have been open to the public under any circumstances.

Brown Act allows continuances

"Each continuance was posted and announced on the MTA's web page," Carnevale said. They also were posted on bulletin boards in the Headquarters building.

"There are no limits on the Board's ability to do that as long as the agenda isn't changed and the Board never changed the agenda," he said. "The Brown Act clearly allows you to continue a meeting."

Looking back over the negotiating period, Carnevale agreed that the circumstances that required the series of conference calls among Board members were unusual.

"There's no other mechanism for the Board to stay on top of a critical situation other than to have such meetings," he said. "If they had tried to comply with the 24-hour notice for a new meeting, the strike might still be going on."

"You can't manage in such circumstances," he added, "unless you take advantage of what the Brown Act specifically allows...and that's to continue the meetings."

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