

Changes to the Brown Act impacting CA's local behavioral health boards/commissions are due to [SB 707](#).
Updates highlighted in yellow take effect January 1, 2026.

Brown Act Guide

Rev. 1/26

Open Meeting Rules *for CA's Local Behavioral Health Boards/Commissions*

1. The Basics
2. Teleconference & *Alternative Teleconference Rules*
3. Frequently Asked Questions
4. Brown Act Government Code

❖ The Brown Act Chapter of Government Code shall be given to all members of CA's local behavioral health boards/commissions (Per GOV 54952.7)

CA Association of Local Behavioral Health Boards & Commissions (CALBHB/C) supports the work of CA's 59 local mental and behavioral health boards & commissions. www.calbhbc.org/brown-act

Brown Act Open Meeting Rules for CA's Local Behavioral Health Boards & Commissions

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4. Brown Act Government Code (51 Pages).....[Google Doc](#) [Word](#) [PDF](#)

1. THE BASICS - Under the Brown Act, an agency must comply with the following:

Meetings - What is a meeting?

According to the Brown Act, a meeting is any gathering of a majority of the members (quorum) of a covered board, commission, or its standing committees to hear, discuss, or deliberate on matters within the agency's or board's jurisdiction. Meetings of public bodies must be "open and public". Actions may not be secret. Action taken in violation of open meetings laws may be voided.

Who is covered?

Public bodies of local agencies, including counties and cities, school and special districts.

- **"Legislative bodies"** of each agency, the agency's governing body, plus "covered boards," that is, any board, commission, committee, task force or other advisory body created by the agency, whether permanent or temporary.
- **Standing Committees** (committees with continuing subject matter jurisdiction) of a covered board or commission, regardless of number of the members.

Who is not covered?

Ad hoc advisory committees (also called "work groups") consisting of less than a quorum of the covered board (or its standing committees) with a short-term, time-limited purpose.

Most non-profit organizations are not covered, and **State government agencies** are instead covered by the Bagley-Keene Open Meeting Act.

Agenda Posting (GOV 54954.2.): Post meeting agendas:

- On county website and at physical meeting location(s) freely accessible to members of the public
- 72 hours in advance of regular meetings
- 24 hours in advance of special meetings (and written notification of local media if requested by them)

Contacts that are prohibited by the Brown Act

- Emails, texts, calls, or other contact that results in a cumulative quorum of members discussing the *subject matter* of the behavioral health board/commission constitute Brown Act "meetings"

Documents: Treat documents shared with a majority of the board or commission as public. Distribute and post "without delay".

Public Participation:

- Public Comment before or during agenda items
- Sign-In or identification is not required
- Non-disruptive recording and broadcasting is allowed
- **Individuals may be removed from meetings if they do not promptly cease disruptive behavior after receiving a warning from the presiding member.**

Standing Committees - Committees with continuing subject matter jurisdiction of a covered board or commission, regardless of number of members are subject to the Brown Act.

Teleconference & Alternative Teleconference Rules: page 3

2. TELECONFERENCE & ALTERNATIVE TELECONFERENCE RULES (Summaries)

I. Teleconference Rules (Standard)

- Agendas must be posted at all teleconference physical locations
 - Each teleconference location must be listed on the meeting notice and agenda
 - Each teleconference location must be accessible to the public, allowing for public comment.
 - At least a quorum of the members must participate from locations within the county (or jurisdiction).
 - All votes must be by roll call.
 - Members with disabilities (temporary or permanent) may participate in any meeting of the legislative body by remote participation as a reasonable accommodation.
 - The member shall participate through both audio and visual technology, except that any member with a disability (US Code Title 42, Section 12102) may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera.
 - The member shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any of those individuals.
 - Remote participation under this subdivision shall be treated as in-person attendance at the physical meeting location for all purposes, including any requirement that a quorum of the legislative body participate from any particular location.
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II. Alternative Teleconference Rules (January 1, 2025 - January 1, 2030) - Options are summarized below.

A. Eligible Subsidiary Body | Local board/commission members may participate remotely without posting their physical location on the agenda if all of the following requirements are met.

1. Authorization (every 6 months) by the Board of Supervisors (or governing body) through majority vote.
2. One physical meeting location (at least) where members who are not participating remotely shall be present and members of the public may physically attend, observe, hear, and participate in the meeting.
3. One staff member (at least) of the local behavioral health agency or of the Board of Supervisors (or governing body) shall be present at the physical meeting location during the meeting.
4. Public Participation must be provided, allowing the public to remotely hear and visually observe the meeting, and remotely address the legislative body through at least one of the following:
 - a. A two-way audiovisual platform
 - b. A two-way telephonic service and a live webcasting of the meeting

5. Disclosure of Individuals Present Who are 18 years or Older - Members attending remotely must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with those individuals.
 6. Member(s) must appear on camera (except in cases of physical or mental condition that results in the need to participate off camera).
 7. Technological Infeasibility of Camera Appearance: The visual appearance of a member on camera may cease only when the appearance would be technologically infeasible, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video. If a member of the eligible subsidiary body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance prior to turning off their camera.
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- B. Just Cause** | A local board/commission member may participate remotely without posting their physical location on the agenda if all of the following requirements are met:
1. At least a quorum of the members must participate in person from a singular physical location within the county (or jurisdiction).
 2. Notification - A member notifies the board/commission at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting.
 3. Audio & Visual Participation - The member shall participate through both audio and visual technology.
 4. Limited number of Meetings - "Just Cause" remote participation is allowable for a limited number of meetings per year (inclusive of standing committee meetings)
 - a. (A) Two meetings per year, if regular meetings occur once per month or less.
 - b. (B) Five meetings per year, if regular meetings occur twice per month.
 - c. (C) Seven meetings per year, if regular meetings occur three or more times per month.
 - d. (D) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.
 5. Meeting Minutes must include the reason (item e below) that member(s) relied upon to participate remotely. (Members need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law.)
 6. "Just Cause" Means:
 - a. Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" (As defined in Section 12945.2.)
 - b. A contagious illness that prevents a member from attending in person.
 - c. A need related to a physical or mental condition that is not subject to subdivision (c) of Section 54953.
 - d. Travel while on official business of the legislative body or another state or local agency.

- e. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.
- f. A physical or family medical emergency that prevents a member from attending in person.
- g. Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

3. FREQUENTLY ASKED QUESTIONS

Closed Meetings - Is it permissible to conduct “Closed Meetings”? **Yes & No**, closed meetings are allowed under certain conditions, and with specific requirements, including:

Pending Litigation

Personnel: To discuss the appointment, employment, performance evaluation, discipline, complaints about or dismissal of a specific employee or potential employee. The employee may request a public meeting on any charges or complaints.

Not Allowed for Discussing:

- General employment
- Independent contractors not functioning as employees
- Salaries
- The performance of any elected official, or member of the board or commission
- The local agency’s available funds
- Funding priorities or budget

Conference Attendance - If individual members attend a conference called by someone else, is this covered by the Brown Act? They are allowed to attend. The best practice is for board/commission members to sit apart from one another.

Lack of Quorum - A board, commission or a standing committee meeting has less than a quorum. Is it still required to meet openly? **Yes**, if it has either a set meeting schedule or a continuing subject matter jurisdiction, it is required to meet openly. (A quorum is required for members to conduct a vote.)

Members with Disabilities (Remote Participation) - Can board/commission members be exempt from in-person meeting requirements due to a disability? **Yes**, individuals with disabilities (permanent or temporary disabilities) can participate in Brown Act meetings remotely, without the need to post the address of their remote meeting location. (GOV 54953.(c)(1) and [Office of the Attorney General 2024 Opinion](#))

Retreats - Are board/commission retreats subject to Brown Act Rules? **Yes**, if it is a meeting of a local board, commission or a standing committee, the event is subject to the requirements of the Brown Act.

Serial Meetings - Members use individual contacts to collectively decide an issue. Is this a violation? **Yes**, information communicated to a quorum through a series of contacts (such as: individual phone calls (“daisy chain”), emails, chat messages, or a third person (“spoke and wheel”)) is prohibited by the Brown Act.

Sign-In Sheet / Registration - A member of the public shall not be required, as a condition to attendance at a board/commission meeting, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. The public can be requested to register or sign-in, but must be clearly informed that the signing, registering, or completion of the document is voluntary, and all may attend the meeting regardless of whether a person signs, registers, or completes the document.