

Brown Act Basics

Open Meeting Rules *for* California's Local Mental / Behavioral Health Boards & Commissions

www.calbhbc.org/brown-act

Topics

Brown Act Basics

- Open & Public Meetings
- Who is Covered/Not Covered?
- Documents
- Posting
- Public Participation
- Teleconferencing
- Voting



Public Emergency Allowances

Frequently Asked Questions

Brown Act Basics: Open & Public Meetings

Meetings of public bodies must be “open & public”.

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.

Action taken in violation of open meetings laws may be voided.

Brown Act Basics: 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** of a covered board or commission, regardless of number of members.

Brown Act Basics: 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

State government agencies are covered by the Bagley-Keene Opening Meeting Act.

Brown Act Basics: Documents

Treat documents shared with a **majority** of the board or commission as **public**.

Distribute and post “**without delay**”.

Brown Act Basics: Posting

- Agendas posted 72 hours in advance of regular meetings
- Agendas posted 24 hours in advance of special meetings (plus notification of local media)
- Agendas must be posted on the **local agency's website**
- Agendas must be posted in all **physical locations**

Brown Act Basics: Public Participation

- **Public Comment** before or during agenda items.
- **Sign-In** or identification is not required
- **Recording:** Non-disruptive recording and broadcasting is allowed



Brown Act Basics: Teleconferencing

Teleconferencing*

Agendas

- Posted at all teleconference locations
- Each teleconference location must be listed on the meeting notice and agenda.

Teleconference Locations

- Each teleconference location must be accessible to the public.
- At least a quorum of the members must participate from locations within the county (or jurisdiction).
- The agenda must provide an opportunity for members of the public to address the legislative body at each teleconference location.

* Allowances from physical location requirements are listed on the following slides.

Brown Act Basics: **Voting**

- Conduct only public votes (no secret ballots)
- Teleconference votes must be by roll call

Public Emergency Allowances

Until January 1, 2024, local boards and commissions may meet solely by teleconference without providing any physical meeting addresses during a **proclaimed state of emergency**.

Continuation of this allowance requires that the local agency must **place an item on the agenda** of a Brown Act meeting **once every thirty days** to make findings regarding the circumstances of the emergency and **vote** to continue using the law's exemptions for as long as it deems necessary.

More information at: calbhbc.org/brown-actab361

“Just Cause” or “Emergency” Allowances

Until January 1, 2026, local boards and commission members may participate by teleconference without providing a physical meeting address if all of the following requirements are met:

1. **Quorum** at Physical Location
2. **Public Access** (Both Remote and In-Person)
3. **Circumstances:** “Just Cause” or “Emergency Circumstances”
4. **Procedures:**
 - a) Member Request
 - b) Board/Commission Response
 - c) Disclosure
 - d) Both Audio & Visual Participation
5. **Limits to Remote Participation**

Frequently Asked Questions

Conference Attendance - If individual members attend a conference called by someone else, is this covered by the Brown Act? **No**, as long as they do not discuss specific business matters within their jurisdiction.

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

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.)

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.

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.

THANK YOU for serving on or supporting a local mental or behavioral health board or commission!

Questions?

CALBHB/C Resources

Resources:

www.calbhbc.org/resources.html

On-line Training & Handbooks:

www.calbhbc.org/training.html

Issue Briefs and more:

www.calbhbc.org

CA Association of Local Behavioral Health Boards and Commissions supports the work of CA's 59 local mental/behavioral health boards and commissions.