



CALBHBC

California

Association of Local
Behavioral Health Boards
& Commissions

www.calbhbc.org

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**

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 when *not* operating during a public emergency, the following requirements are in effect:

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.

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 in which state or local officials have imposed or recommended measures to promote social distancing.

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

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

Member Orientation, Recruitment & *more*
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.