

Changes to the Brown Act impacting CA's local behavioral health boards/commissions are due to [SB 707](#).

Updates highlighted in yellow are in effect January 1, 2026 - January 1, 2030.

---

# 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](http://www.calbhbc.org/brown-act)

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

1. The Basics ..... See Below
2. Teleconference & **Alternative Teleconference Rules**.....Pages 2-5
3. Frequently Asked Questions .....Page 6
4. Brown Act Government Code (52 Pages).....[www.calbhbc.org/brown-act](http://www.calbhbc.org/brown-act)

### 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.

\* A quorum is half of current membership plus one.

#### Who is covered?

**Public bodies** of local agencies, including counties and cities, school districts 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 the number of the members.

#### Who is not covered?

**Ad hoc 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.

#### Agendas (GOV 54954.2.): Meeting agenda requirements:

- **Posting:** On agency website and at physical meeting location(s) freely accessible to members of the public
- **Posting:** 72 hours in advance of regular meetings
- **Posting:** 24 hours in advance of special meetings, with written notification provided to media if requested by them
- **Public Input:** Regular meeting agendas shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public within the subject matter jurisdiction of the board/commission.
- **Items must be on the posted agenda:** No action shall be taken on any item not appearing on the agenda

#### Contacts that are prohibited by the Brown Act include:

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" and are prohibited.

**Documents:** Treat documents shared with a majority of the board or commission as public. Distribute and post "without delay". [GOV](#)

#### 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.

#### Teleconference & **Alternative Teleconference Rules**: Page 3

**Votes:** Publicly report any vote or abstention of each member

## 2. TELECONFERENCE & ALTERNATIVE TELECONFERENCE RULES (Summaries)

### I. **Teleconference Rules** (Standard) If a board/commission chooses to allow remote attendance by members, the following requirements must be met.

- 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.
- 

### II. **Alternative Teleconference Rules** (GOV 54953.8.) (January 1, 2026 - 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. [\* Exception for participation by elected officials, see Item 8 Below]

1. Authorization (every 6 months) by the Board of Supervisors (or governing body) through majority vote.
2. Approval of the use of teleconferencing by majority vote of the advisory board/commission (Subsequent to BOS authorization)
3. 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.
4. 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.
5. Public Participation: The public must be allowed 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
6. 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.
  7. Member(s) must appear on camera (except in cases of a physical or mental condition that results in the need to participate off camera).
  8. 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.
  9. Elected Official Participation: An elected official serving as a member of an eligible subsidiary body in their official capacity shall not participate in a meeting of the eligible subsidiary body that is using "alternative teleconferencing of an eligible subsidiary body" provisions unless the use of teleconferencing complies with the requirements of paragraph (3) of subdivision (b) of Section 54953 (next paragraph):

*From Section 54953 (b)(3):* If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as expressly provided in this chapter.

**B. State of Emergency:** Local boards/commissions may conduct teleconference meeting(s) during a proclaimed state of emergency or local emergency (proclaimed by the governing body). (Gov Code 54953.8.2.)

The board/commission may convene by teleconference in the following ways:

1. Determination by Majority Vote: In order to determine by majority vote whether as a result of the emergency, meeting in person would present imminent risks to health or safety of attendees.
2. After a determination described in item (1) is made that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. Technology requirements are reduced: The board/commission conducting a teleconference meeting pursuant to this section may elect to use a two-way telephonic service without a live webcasting of the meeting.
4. 45 Day Majority Vote: The board/commission may re-instate the emergency allowance every 45 days by majority vote to continue conducting teleconference meetings pursuant to this section.

- C. 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. Two meetings per year, if regular meetings occur once per month or less.
    - b. Five meetings per year, if regular meetings occur twice per month.
    - c. Seven meetings per year, if regular meetings occur three or more times per month.
    - 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” are 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 [*Section 54953 (c) states that individuals with disabilities may be exempted from physical meeting requirements. Summary is provided on page 3 of this document, under “Teleconference Rules”*]
    - 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.

**IV. Provide Copy of the Brown Act to Members:** 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) 51 Pages | [Google Doc](#) [Word](#) [PDF](#)

### 3. FREQUENTLY ASKED QUESTIONS

**Closed Meetings** - Is it permissible to conduct "Closed Meetings"? **Yes & No.**

**Allowed:** 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.)
- **Willful interruptions** by a group or groups. (The meeting room may be cleared, although, allowing for representatives of the press or news media to attend (unless they are participating in the disturbance.) Only matters appearing on the agenda may be considered in such a session. The board/commission may establish a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

**Not Allowed:** Closed meetings are 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](#))

\* **Definition of "Disability"** with respect to an individual ([US Code 42 §12102](#)):

- a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b) a record of such an impairment; or
- c) being regarded as having such an impairment.

**Remote Requirements | Providing Public Access:** Are local advisory boards/commissions (subsidiary bodies) required to provide remote access to the public when one or more members attend remotely?

In cases of:

- A. **Teleconferencing:** There is not a requirement unless the board/commissions elects to allow “Eligible Subsidiary Body” or “Just Cause” forms of “Alternative Teleconferencing” allowances (in Item C below.)
- B. **Members with Disabilities** may attend remotely without providing the public access.
- C. **Alternative Teleconferencing:**
  - Eligible Subsidiary Body: **Yes**, The public must be allowed to remotely hear, visually observe the meeting, and remotely address the board/commission.
  - State of Emergency: They are not required, but may do so. If they elect to meet remotely, they may use a two-way telephonic service without a live webcasting of the meeting.
  - Just Cause: **Yes**, The public must be allowed to remotely hear, visually observe the meeting, and remotely address the board/commission.

**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.

**Translation of Public Comment:** When the board/commission limits time for public comment, they shall provide at least twice the allotted time to a member of the public who utilizes a translator. This does not apply if the board/commission utilizes simultaneous translation equipment in a manner that allows the board/commission to hear the translated public testimony simultaneously.