

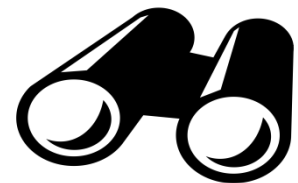


Sacramento County Behavioral  
Health Youth Advisory Board  
November 5, 2021



The Brown Act is California's open meetings law which provides legal minimums for transparency in decision-making.

Decision-making bodies must conduct business in open and in public meetings to ensure that the public is fully informed about local decisions.



# The Brown Act Applies to Legislative Bodies of Local Agencies

- Governing bodies:
  - Board of Supervisors
- Subsidiary bodies:
  - Boards \*\*YAB\*\*
  - Commissions
  - Committees created by charter, ordinance, resolution or formal action of a legislative body



# WHAT IS A MEETING?

A meeting is any situation involving a **majority** of a **decision-making body** in which business is discussed or transacted.

- Does not require that any action be taken





## General Rule

Majority of board cannot discuss, deliberate, or take action privately about an issue on the board's agenda no matter how the conversation occurs, whether

- In person or by telephone, e-mail, text, social media or intermediary

# Examples Of Meetings



- Formal Meetings
- Collective briefings
- Retreats
- Site tours
- Meal gatherings before, during, or after a formal meeting





# Unlawful Meetings



- Pre-meetings
- Post-meetings
- Serial meetings





# Serial Meetings Prohibited



- Serial meeting is a series of meetings conducted through direct communications, intermediaries or technological devices.
- Simultaneous: A,B,C and D have joint conversation in person, by phone, text, social media, or other means



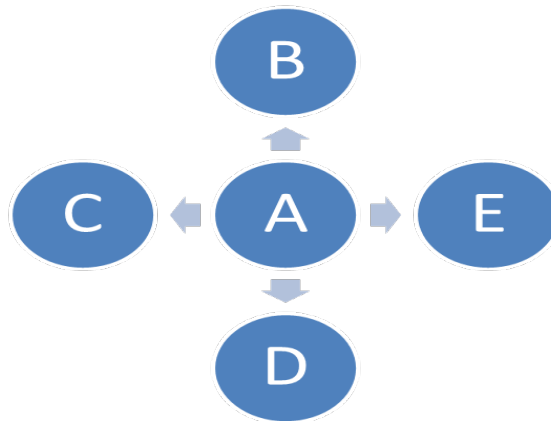


# Serial Meetings Prohibited

- Sequential: A to B, B to C, C to D...

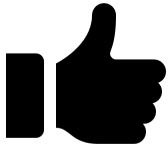


- Hub and spoke: A to B, A to C and A to D...





# Serial Meetings: Practice Tips



-Discussing procedural issues (time, date and order of matters on an agenda) is not prohibited.



-Avoid substantive communications (directly or through others) with other members re: items that are on an agenda or likely to be placed on a future agenda

- Includes collective concurrence – debating or attempting reach an agreement or compromise

# Permissible Gatherings

- Not every gathering of board members is a violation
- Attendance at an educational conference, or social event is not a violation if a majority of the board does not discuss business at the event.



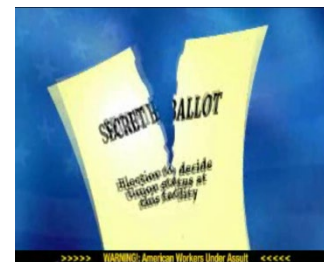
# Types of Lawful Meetings

- Regular meetings-time and place established by ordinance, resolution or bylaws
- Special meetings-called by the presiding officer or a majority of the board/legislative body
- Emergency meetings



# Basic Rights of the Public

- To receive notice of meetings
- To receive agenda and agenda materials
- To attend meetings
- To record meetings  
(photography, film, & audio included)
- To comment at meetings regarding items on & off agenda (before action is taken by the board)
- To see how each member votes (no secret ballots)



# Notice Requirements



- May only discuss and act on items included on posted agenda
  - 72 hours prior to regular meeting
  - 24 hours prior to special meetings
- Agenda must be posted on local agency's Internet Web site, if one exists, in addition to other agenda notice requirements

# Agenda Requirements

- Agenda must contain a brief description of each item of business to be transacted or discussed (20 words max)
- Must include time for public comment before or during agenda item





# Access to Written Materials

- Agenda and any written materials related to items on agenda that are distributed to a member are public records and should be available at the meeting
  - Emails or other written material relating to an agenda item that is sent by staff directly to a member must be provided to all members
  - Draft staff reports that are provided to individual members for comment/input must be provided to others
  - “On the agenda” includes items not only on upcoming agenda but items which are reasonably foreseeable to be on any future agenda
- Documents provided less than 72 hours before meeting must be made available to the public at the same time as provided to majority of members
- Documents provided by others (public) must be made available promptly after the meeting





# Where Can Meetings Be Held?

- For in person meetings, facility must be open & accessible to the public
- Due to the pandemic, recently enacted law and adoption of Board of Supervisor resolution allows for less restrictive videoconferencing/teleconferencing.
  - The agenda must include the meeting link or dial-in, so that members of the public may access the meeting. Members of the public must be allowed to address the board in real-time during the meeting. Must allow a reasonable amount of time per agenda item. Must stop the meeting if any technical issue occur.

# Public's Right to Comment

- On each agenda item
    - Before any action taken by the board
  - On any matter within the board's jurisdiction that is not an agenda item
    - “Off-agenda comment” – Members of the body may not discuss or respond substantively
- \*\*May reasonably limit the time for each item and no right to be disruptive\*\*

# Committees



**Standing Committee:** subject to Brown Act

– Continuing subject matter jurisdiction

**Ad hoc committees:** not subject to Brown Act

- Composed solely of less than a quorum of the body, limited time and purpose

# Consequences of Brown Act Violation

- Civil action
  - Injunction against violation
  - Decision voidable (right to cure)
  - Attorneys fees and costs
- Criminal sanctions
  - Misdemeanor

