

**BEHAVIORAL HEALTH ADVISORY BOARD**  
**Youth & Family Committee Meeting Minutes**

Ventura County Behavioral Health (VCBH)

1911 Williams Dr, Training Room (first floor) · Oxnard, CA 93036

**IN-PERSON & VIRTUAL MEETING VIA ZOOM**

Wednesday, April 12, 2023, 10:00AM – 11:30AM

Members Present:

Kevin Clerici, Chair

Dr. Steven Graff

Cheryl Heitmann

Martie Miles

Gina Petrus

Regina Reed

Dr. Danielle Shaw

Carole Shelton

Guests:

Lorena Carrasco Reyes, Seneca CSU

Priscila Hazrun, Spanish Interpreter

Rachel Pletcher, Kids & Families Together

Ventura County Behavioral Health (VCBH) Staff Present:

Cheryl Fox, Youth & Family Division Chief

Monica Neece, MHSA Suicide Prevention Coordination

Christine Voth, MHSA Program Administrator

Andrea Wallace, Assistant to the VCBH Director & Assistant Director

Jakeline De Leon, BHAB Management Assistant / Zoom Engineer

- I. **Call to Order** – The meeting was called to order at 10:05AM by Chair Kevin Clerici. The Spanish interpreter, Priscila Hazrun, introduced herself and provided instruction on the interpretation services.

- II. **Roll Call to Determine Physical Quorum** – A physical quorum was confirmed by Ms. De Leon.
- III. **Roll Call of Members with Just Cause** – NONE.
  - a. **State others present in the room over the age of 18.**
- IV. **Approval of the Agenda** – The Behavioral Health Advisory Board Youth and Family Committee Agenda for April 12, 2023, was approved (Graff/Shaw/Passed). It was motioned to approve as written carried by majority vote through roll call.
- V. **Approval of the February 8, 2023, Minutes** – The Behavioral Health Advisory Board Youth and Family committee minutes for February 8, 2023, were approved (Shelton/Reed/Passed). Ms. Miles requested to have the spelling of her name corrected as Martie. The minutes were motioned to approve as amended carried by majority vote through roll call.
- VI. **Welcome and Introductions** – All attendees introduced themselves.
- VII. **Chair Announcements** – Chair Clerici thanked all members for attending the meeting and welcomed them back in person.
- VIII. **Public Comments** – Dr. Steven Graff provided the new address for the Tri-Counties Regional Center in Filmore, 970 Ventura St, Filmore, CA 93015 and the reception number is (805) 292-1101. The office is officially open for business. Ms. Shelton commented on the Board of Supervisors proclamation issued on April 11<sup>th</sup>, 2023, and hopes the proclamation will begin new conversations, that move beyond acceptance to true inclusion.
- IX. **Contracts Review (February 2023)** – Chair Clerici provided an overview of the contracts review. Dr. Danielle Shaw commented regarding the inpatient psychiatric facilities, she had spoken to a psychiatrist from UCLA, and mentioned there were issues with VCBH not contracting with UCLA. Some patients that need a higher level of care cannot be cared for adequately at a local facility. Ms. Fox mentioned they can assist Dr. Shaw in getting her in touch with someone who can answer her questions. Chair Clerici mentioned he would like to work with everyone to structure a presentation for this item in the future.

**X. Ventura County Behavioral Health (VCBH) Youth & Family Division Updates:**

**A. Youth & Family Division –** Ms. Fox provided an update on the Youth and Family division. CalAim has been a great resource and opportunity for serving the youth and families in the county. They recently had the opportunity to look at relaunching the full-service partnerships. In the Youth and Family division, they have the Child FSP and the Insights Juvenile Justice FSP. Jenna Cameron is the clinic administrator for these programs and has been doing some presentations with community partners and VCBH clinic programs to help identify youth that are being served in the VCBH clinics and educate the workforce on those resources as well. VCBH teams are also participating in pilot projects and looking at ways to increase efficiency. Ongoing, there was an interagency leadership team and Wellness System Steering committee workgroup, which is related to AB2083, looking for cross system opportunities for collaboration and one of the partners is Gold Coast. VCBH was able to send management and line staff to the Southern CA Regional Partnership conference, looking for strategies to address trauma and looking at ways to implement those strategies. Lastly, VC's Office of Education enhanced the ongoing support around the Wellness Centers and the *Be Nice* curriculum, an overall wellness strategy for reducing stigma and enhancing overall student mental health.

**B. Mental Health Services Act –** Ms. Voth provided an update on the Mental Health Services Act program. The first event is on May 4<sup>th</sup> called Empower Up, an annual youth event focused on mental health and wellbeing. This year, the target will be high school students from the 9<sup>th</sup> to 12<sup>th</sup> grade and is open to residents of all ages. The next event is May 13<sup>th</sup>, the Suicide Prevention conference taking place at Lemonwood Elementary School in Oxnard. VCBH is partnering with LULAC, La Colonia, the Rio School District, Trainers for Community Change, Oxnard School District, First Latina Health Community Group, and Padres Juntos Promoviendo la Educacion. The final event will be May 30<sup>th</sup>, an inspirational workshop for women in Santa Paula at Casa de Mexico at 5:30 PM. The event will be in Spanish, with speaker Dolche Lopez and she will be doing a presentation on metamorphosis, the transformation of women towards their inner light. Anyone who would like to join needs to register at [mhsa.org](http://mhsa.org) or by calling (805) 981-5447. Lastly, the MHSA plan for 2023-26 and the annual update for 2022-23 will soon be posted on the [VCBH.org](http://VCBH.org) website for the 30-day

public review period. Comments may be sent through the website or to [mhsa@ventura.org](mailto:mhsa@ventura.org). The public hearing is scheduled for May 15<sup>th</sup>, 2023, at 1PM.

- XI. Presentation: New Dawn Counseling & Consulting Inc. –** This presentation was not conducted due to Ms. Torres not being available, however they are looking to move this presentation to the June Y&F meeting.
  
- XII. Committee Members' Comments, Activities, Updates –** Ms. Shelton commented that Rainbow Connection continues to offer ongoing events. Zumba Virtual is on Monday at 10:55AM for traditional and 11:30AM for individuals who want to use or are in a chair. They have collaborated with Amigo Baby and MICOP and they do parent trainings on Mondays at 12:30PM in Mixteco, 1:05PM in Spanish, and 1:40PM in Spanish. They offer tech time with Ana for Spanish speaking families, families who need assistance using applications, emails, texting, social media and Zoom. There are in-person hours for that, the public can contact Rainbow Connection. They also continue to offer vendor connections, a chance for families to meet vendors, ask questions and receive help with their paperwork. They continue their support groups in person and one support group will be April 12<sup>th</sup> from 7PM to 8:30PM in the Oxnard office. Some upcoming events are the First 5 in Filmore on April 21<sup>st</sup> from 10AM to 12PM to learn about child development, an upcoming training called the Quick Guide to the IEP and Special Education Process taking place April 13<sup>th</sup> from 10AM to 11:30AM via Zoom, and on April 12<sup>th</sup>, they are having an event for DSPS services at Ventura College at 3:30PM via Zoom. They are having an event called Lunch Chat with Janine, to learn about the transition from early start to preschool with Regina Reed on April 12<sup>th</sup> from 12PM to 12:20PM in English and from 12:30PM to 1PM for Spanish interpretation. Lastly, on April 28<sup>th</sup> from 12PM to 1PM, they will be holding an event for self determination via Zoom. Dr. Danielle Shaw commented that on the CA Department of Managed Care website, there is a list of access that is legislative to different types of health care and for non-physician mental health care, it is 10 business days to receive a call back.
  
- XIII. Items for the Next Meeting Agenda –** A future agenda item will be a presentation on VCBH partnering or contracting with UCLA.
  
- XIV. Adjourn –** The meeting was adjourned at 11:01AM by Chair Kevin Clerici.

**Ventura County Behavioral Health**  
**Board Letter Summary of Contracts for February 2023**

Date	Contractor	Amount	Term	Description
2/7/2023	Ventura County Office of Education (VCOE)	\$5,613,388	December 8, 2020 through December 31, 2026	<p><b>Fourth Amendment to Memorandum of Agreement (MOA) with VCOE for Wellness Center Services.</b> On December 8, 2020, Ventura County Behavioral Health (VCBH) entered into an MOA with VCOE in order to provide Wellness Center services. Though VCBH was awarded \$5,999,930 in total grant funding, only \$4,475,228 was paid to VCOE to support services. In order to support the project, VCBH needed to: hire one (1) Wellness Clinician and one (1) Community Service Coordinator, secure evaluation services via Evalcorp (VCBH provider), and cover administration costs. Therefore, a total of \$1,524,702 were retained by VCBH. Pursuant to the separate MOA with VCOE, this additional funding will be used by VCOE to expand Wellness Center services to existing school locations within Ventura County. Additionally, new Wellness Centers will be established in two (2) new high schools, Foothill Technology High School and Pacific High School. The additional funds will also support the existing Wellness Center grant services by expanding on the existing service model to support early identification and linkage to services to help mitigate the progression of mental illness. Annually, VCOE has noted 28,000 visits to the Wellness Centers to seek mental health services and supports. It is expected that 3,500 students will be impacted through the program's awareness, education, and outreach services through the use of this new funding. The Fourth Amendment to the MOA with VCOE adds the funding for the services described above and extends the term of the MOA for an additional one year and six months from December 8, 2020 to December 31, 2026. Source of Funding is Mental Health Student Services Act (MHSSA) Grant.</p>
2/7/2023	California Mental Health Services Authority (CalMHSA)	\$207,590	February 7, 2023 through June 30, 2024	<p><b>First Amendment to the Participation Agreement with CalMHSA for Behavioral Health Quality Improvement Program Services.</b> California Advancing and Innovating Medi-Cal (CalAIM) is a DHCS initiative to reform and transform the Medi-Cal program and, in turn, improve the quality of life and health outcomes of Medi-Cal members. Over the course of several years, CalAIM will implement a broad delivery system, program and payment reform across the Medi-Cal system, and build upon the successful outcomes of various pilot programs to completely transform the delivery of behavioral health services for Medi-Cal beneficiaries. To support various CalAIM initiatives over the next five years (2022-2027), VCBH entered into a Participation Agreement with CalMHSA for Behavioral Health Quality Improvement Program (BHQIP) services. CalMHSA, is a Joint Powers Authority created by California counties in 2009 to jointly develop and fund mental health services and education programs for members. Under the Participation Agreement, CalMHSA is assisting participating members, including Ventura County and VCBH, in operationalizing the CalAIM BHQIP requirements and deliverables that fall under the following categories: (1) payment reform, (2) policy changes, and (3) data exchange. Through the Participation Agreement, CalMHSA is: (1) developing a training package for county employees, including the operationalization of policy changes, (2) drafting boilerplate language for provider contracts, (3) conducting a landscape analysis of documentation audit practices and drafting updated Utilization Management protocols, (4) facilitating data exchange between the county and Managed Care Plan to improve care coordination activities and inform process improvement projects, and (5) providing project management resources as needed. The First Amendment to the Participation Agreement with CalMHSA revises the Participation Agreement to provide the opportunity for member counties to engage support from additional Subject Matter Experts at established hourly rates. Under the First Amendment to the Participation Agreement, counties are able to request the following type of assistance: (1) Fiscal/Payment Reform Subject Matter Expert Services at an hourly rate of \$200 per hour, (2) Interoperability Subject Matter Expert Services at an hourly rate of \$200 per hour, (3) Data Analytics Subject Matter Expert Services at an hourly rate of \$200 per hour, and (4) Ad Hoc Services for services not otherwise specified in the Agreement, but that would aid in support of CalAIM implementation, at a rate of \$200 per hour. Once the First Amendment to the Participation Agreement is signed, the hours/funding remaining from the initial BHQIP Participation Agreement, for project management and clinical services hours, will be combined into a single flexible spending account to utilize for the new services and project management and clinical services. There are approximately 234 hours (\$46,812.50) remaining on the BHQIP Participation Agreement from the project management and clinical service hours that will be transferred to a flexible spending account under the First Amendment. No additional hours are being requested and no additional dollars will be paid to CalMHSA through this First Amendment beyond the existing total maximum amount of \$207,590. Source of Funding is BH-QIP Funds.</p>
2/7/2023	CalMHSA	\$77,463	January 1, 2023 through December 31, 2024	<p><b>First Amendment to the Participation Agreement with CalMHSA for Peer Support Specialist Certification Services.</b> CalMHSA, a Joint Powers Authority created by California counties in 2009 to jointly develop and fund mental health services and education programs for members, entered into participation agreements with interested counties to provide them with a Peer Support Specialist Certification program. A Peer Support Specialist is an individual who has self-identified as having personal lived experience with the process of recovery from mental illness or substance use disorder, either as a consumer of these services or as a parent, caregiver or family member of the consumer. Peer Support Services are defined as culturally competent individual and group services that promote recovery, resiliency, engagement, socialization, self-sufficiency, self-advocacy, development of natural supports, and identification of strengths through structured activities such as group and individual coaching to set recovery goals and identify steps to reach the goals. Peer Support Services aim to prevent relapse, empower beneficiaries through strength-based coaching, support linkages to community resources, and to educate beneficiaries and their families about their conditions and the process of recovery. The Peer Support Specialist Certification program was developed in response to Senate Bill 803, Beall (SB 803) which tasked the Department of Health Care Services (DHCS) to establish statewide standards and requirements for Medi-Cal peer support specialists. On July 22, 2021, DHCS released Behavioral Health Information Notice 21-041, establishing statewide requirements for peer support specialist certification and has since worked with CalMHSA to implement and administer all components of the Peer Support Specialist Certification Program. On February 7, 2022, the Board approved a Participation Agreement with CalMHSA for Peer Support Specialist Certification program services. The Participation Agreement's initial term was considered a pilot program that covered the 12-month period of January 1, 2022 through December 31, 2022, in the amount of zero dollars. CalMHSA requested the Participation Agreement be amended to: (1) extend the term of the agreement by an additional two years through December 31, 2024 and (2) include payment provisions now that the program has launched. The First Amendment to the Participation Agreement requires VCBH to remit payment to CalMHSA of an initial administrative fee of \$9,713 and \$67,750 for Peer Support Specialist certification services, for a total "not to exceed" amount of \$77,463. The "not to exceed" amount reflects VCBH's best projection of the services needed at this time and costs involved to continue to onboard peer support specialists in various VCBH programs. Source of Funding is Proposition 63 Mental Health Services Act (MHSA) funds.</p>

2/28/2023	Inpatient Psychiatric Facilities	\$0	indefinite	<b>Resolution Authorizing Lanterman-Petris-Short Act (LPS) Designated Psychiatric Facilities in Ventura County to Petition for Additional 30-Day Involuntary Holds of Persons Determined to be Gravely Disabled for Mental Health Assessment and Treatment, Pursuant to Welfare and Institutions Code Sections 5270.10 et seq.</b> The proposed resolution provides additional options and ultimately flexibility in helping treat individuals who are Gravely Disabled. Specifically, pursuant to WIC 5270.10 et seq., the resolution would authorize LPS designated inpatient psychiatric facilities in Ventura County to petition the superior court to hold gravely disabled individuals for up to two additional 30-day periods for continued treatment. In order to protect the civil liberties of individuals involuntarily held, WIC 5270.10 et seq. authorizes the use of these additional psychiatric holds only for as long as the individual remains gravely disabled and subject to continued court oversight. Presently, there are two LPS designated inpatient psychiatric facilities in Ventura County, namely the Ventura County Medical Center Inpatient Psychiatric Unit and Vista Del Mar Hospital. WIC Section 5270.10 et seq. has been available for adoption by California counties since 1989. Staff's research suggests that Ventura County is among the last counties of any significant size not to have adopted it. It has been implemented for years throughout the State, most notably in both Santa Barbara County and Los Angeles County. Unlike the 72-hour and the 14-day holds authorized by WIC Sections 5150 and 5250, the authority to use the additional involuntary holds under WIC Section 5270.10 et seq. is not automatic. Instead, in order to use the additional 30-day holds, county boards of supervisors must elect to authorize their use by adopting a resolution that finds: (1) that any additional costs incurred by the county in the implementation of the additional 30-day holds are funded either by (i) new funding sufficient to cover the costs incurred by the county's election to use the additional 30-day hold; (ii) funds redirected from cost savings resulting from the use of the additional 30-day hold; or (iii) a combination thereof and (2) that no current service reductions will occur as a result of the use of such additional 30-day holds. (Welf. & Inst. Code § 5270.12.) With the use of the additional 30-day involuntary holds authorized by WIC Section 5270.10 et seq., VCBH staff anticipates that there will be less need and use of conservatorships (including temporary conservatorships) such that costs associated with establishing and managing conservatorships will be reduced and redirected to cover the costs of implementing the use of the additional 30-day holds.
2/28/2023	Maxim Healthcare Services Holdings, Inc. (Maxim)	\$1,000,000	July 1, 2022 through June 30, 2023	<b>Amendment to the Temporary Staffing and Recruiting Services Agreement with Maxim.</b> On June 21, 2022, the Board approved three (3) agreements for medical personnel temporary staffing and recruiting services with Maxim, Medix Staffing Solutions, Inc. (Medix), and TheKey of California, LLC for a combined maximum contract amount of \$1,300,000. VCBH received authorization for an additional increase of \$950,000 for a revised combined contract maximum amount of \$2,250,000 to address current VCBH staffing vacancies and ensure continued service provision to meet the needs of the consumers served by VCBH through the end of FY 2022-23 (June 30, 2023). There is also an existing variable pool of \$340,000 which is authorized for flexibility to increase the contract maximums based on services provided through fiscal year end. Given the approved combined increase, the Maxim agreement is being increased from \$600,000 to \$1,000,000 (\$400,000 increase). Currently, the VCBH staffing vacancy rate is 26.1%. These contractors have proven to be a vital source of staffing services during the ongoing staffing shortage. Source of Funding is Short Doyle Medi-Cal Federal Financial Participation (SD/MC FFP), Drug Medi-Cal Federal Financial Participation (DMC-ODS FFP), State General Fund, and 2011 Realignment (Trust N520-719C), and 1991 Realignment (Trust N510-717C) funds.
2/28/2023	Medix Staffing Solutions, Inc. (Medix)	\$850,000	July 1, 2022 through June 30, 2023	<b>Amendment to the Temporary Staffing and Recruiting Services Agreement with Medix.</b> On June 21, 2022, the Board approved three (3) agreements for medical personnel temporary staffing and recruiting services with Maxim, Medix, and TheKey of California, LLC for a combined maximum contract amount of \$1,300,000. VCBH received authorization for an additional increase of \$950,000 for a revised combined contract maximum amount of \$2,250,000 to address current VCBH staffing vacancies and ensure continued service provision to meet the needs of the consumers served by VCBH through the end of FY 2022-23 (June 30, 2023). There is also an existing variable pool of \$340,000 which is authorized for flexibility to increase the contract maximums based on services provided through fiscal year end. Given the approved combined increase, the Medix agreement is being increased from \$300,000 to \$850,000 (\$550,000 increase). Currently, the VCBH staffing vacancy rate is 26.1%. These contractors have proven to be a vital source of staffing services during the ongoing staffing shortage. Source of Funding is Short Doyle Medi-Cal Federal Financial Participation (SD/MC FFP), Drug Medi-Cal Federal Financial Participation (DMC-ODS FFP), State General Fund, and 2011 Realignment (Trust N520-719C), and 1991 Realignment (Trust N510-717C) funds.
2/28/2023	Reality Improv Connection, Inc.	\$399,920	July 1, 2022 through June 30, 2023	<b>Seventh Amendment to the Agreement with Reality Improv Connection, Inc. for the Provision of Substance Use Services (SUS) Prevention Related Services.</b> Reality Improv Connection, Inc. provides informational and educational engagement projects for youth, young adults, and parents. These projects address underage and binge drinking, impaired driving, prescription and illicit drug use, and examine a range of health disparities using school and community-based workshops, performances, and new media (podcasts, blogs, e-news, and text). Media and health promotion efforts include all suppressing opioid overdose, consequences of early and frequent cannabis use, and the risks of vaping, along with a range of pro-social and collaborative mental wellness activities, consistent with the SAMHSA Strategic Prevention Framework. In the first six months of FY 2022-23, Reality Improv Connection, Inc. documented 4,925 unduplicated youth and young adults participating in prevention content across 248 different workshops and presentations. Giving special attention to those from higher-need school communities, Reality Improv Connection, Inc. significantly expanded the use of interactive and immersive technologies for substance use prevention and health promotion, recording 13,414 plays of educational games online, and assisted young people in developing digital health messaging for use in reaching diverse audiences, using high-quality audio and video. The Seventh Amendment to the Agreement with Reality Improv Connection, Inc. is for a one-year term (July 1, 2022 through June 30, 2023) and represents an increase of \$101,019 to the maximum agreement amount from the prior fiscal year to increase opioid overdose prevention efforts, especially among vulnerable youth and young adult populations, by adding new staff positions in support of these efforts. Capacity expansion also includes: (1) a new and larger digital media studio space, (2) production assistance for prevention audio and video content, and (3) assistance with editing, organization, and storage of public service announcements (PSAs) and other digital assets. Additionally, Substance Abuse Prevention and Treatment Block Grant American Rescue Plan Act (SABG ARPA) supplemental funding will be used for continued support of online services, with upgraded software to offer Zoom Webinar and the 3-D interactive "BRITeworld" platform; aiding large-scale interactive events and increasing use of prevention content countywide. Source of Funding is Substance Abuse Prevention and Treatment Block Grant (SABG) and SABG American Rescue Plan Act (ARPA) funds.

# Brown Act Guide

Rev. 12/22

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

1. The Basics
2. Frequently Asked Questions
3. Allowances:
  - Public Emergency Allowances (*Expire 1/1/24*) (***COVID-19 Emergency Ends 2/28/23***)
  - Member Emergency & Just Cause Allowances (*In Effect 1/1/2023 - 1/1/2026*)

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 Mental Health / Behavioral Health Boards & Commissions**

*Revised September 2022*

- I. The Basics..... See Below
- II. Frequently Asked Questions..... Page 2
- III. Allowances ([AB 2449](#))
  - A. Members: “Just Cause” or “Emergency”... Page 4
  - B. Public Emergency..... Page 6

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

**Open & Public Meetings**

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** of a covered board or commission, regardless of number of 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**

**State government agencies** are instead covered by the Bagley-Keene Open Meeting Act.

**Documents**

- Treat documents shared with a majority of the board or commission as public. Distribute and post “without delay”.

**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

**Public Participation:**

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

**Teleconferencing - Note: “Allowances” on Pages 3-7**

- 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.

**Voting**

- Conduct only public votes (no secret ballots)
- All teleconference votes must be by roll call.

## II. FREQUENTLY ASKED QUESTIONS

**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.

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

Pending Litigation: Only if open discussion "would prejudice the position of the agency in the litigation". The litigation must be named on the posted agenda or announced in open session unless doing so would jeopardize the board's ability to service process on an unserved party or conclude existing settlement negotiations to its advantage. To qualify, the agency must:

- Be a party to pending litigation
- *Or* expect, based on certain specified facts, to be sued
- *Or* expect to file suit itself

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

**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.

**IIIA. ALLOWANCES for MEMBERS:** “Just Cause” or “Emergency” (When not operating in a “Public Emergency”) *In Effect 1/1/23 - 1/1/26*

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) Quorum at Physical Location - At least a quorum of the members of the board/commission participate in person from a singular physical location clearly identified in the agenda.
- 2) Public Access - (Both Remote and In-Person)
  - a) Remote Public Access - The public may access the meeting remotely through:
    - i) A two-way audiovisual platform **or**
    - ii) A two-way telephonic service and a live webcasting of the meeting
  - b) In-Person Public Access to the physical location.
- 3) Circumstances: One of the following circumstances applies:
  - a. **“Just Cause”** - The member notifies the legislative body 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. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year. **or**
  - b. **“Emergency Circumstances”** - The member requests to participate in the meeting remotely due to emergency circumstances and the board/commission takes action to approve the request. The board/commission shall request a general description of the circumstances relating to the member’s need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information.
- 4) Procedures:
  - a) Member Request - A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.
  - b) Board/Commission Response - The board/commission may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting.
  - c) Disclosure - The member shall publicly 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 such individuals.
  - d) BOTH Audio & Visual Participation - The member shall participate through both audio and visual technology.

- Continued on the Next Page -

- 5) Limits to Remote Participation - The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

---

#### DEFINITIONS:

**“Emergency circumstances”**: A physical or family medical emergency that prevents a member from attending in person.

**“Just cause”** means any of the following:

1. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
2. A contagious illness that prevents a member from attending in person.
3. A need related to a physical or mental disability.
4. Travel while on official business of the legislative body or another state or local agency.

**“Remote location”** means a location from which a member of a legislative body participates in a meeting other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

**“Remote participation”** means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

**“State of emergency”** means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

**“Teleconference”** means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

**“Two-way audiovisual platform”** means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

**“Two-way telephonic service”** means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

**“Webcasting”** means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

### III B. ALLOWANCES: DURING PUBLIC EMERGENCIES - [AB 2449](#) (Expires 1/1/2024) *COVID-19 Emergency Ends 2/28/23*

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. See below for specifics.

State of emergency exemptions from in-person requirements are permissible under the following conditions, and with the following requirements:

- The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. **[To continue the allowances, this vote must be agendized 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. ]**

A local agency that holds a meeting under these circumstances is required to do all of the following, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions;
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment;
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option;
- The legislative body need not provide a physical location for the public to attend or provide comments;
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public;
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option, or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions);
- Not require comments be submitted in advance (though the legislative body may provide that as an option), and provide the opportunity to comment in real time;
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment;

- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register, and may not close the registration comment period until the comment period has elapsed.

If the state of emergency remains active for more than 30 days, the board/commission must make the following findings by majority vote every 30 days to continue using the exemption to the Brown Act teleconferencing rules.

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

This means that a local agency will have to put 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. The public emergency allowances will sunset on January 1st, 2024.