



Mental Health Advisory Board: Supervisor Monica Brown, Denise Coleman, Daniel Cotton, Jules D. Hatchett, Rachelle Jackson, Heather Theaux-Venezio, Chair and Michael Wright.

Behavioral Health Services Division: Emery Cowan, Deputy Director Behavioral Health, Leticia De La Cruz Salas, Behavioral Health Services Administrator, Tracy Lacey, Senior Mental Health Manager and Sandra Sinz, Behavioral Health Director.

AGENDA

4:30 pm	I.	CALL TO ORDER/ROLL CALL
4:35 pm	II.	ITEMS FROM THE PUBLIC: <i>This is your opportunity to address the Board on matters not listed on the Agenda, but it must be within the subject matter jurisdiction of the Board. Please limit your comments to three minutes. Cards are available at the front of the room.</i>
4:40 pm	III.	APPROVAL OF SEPTEMBER 21, 2021 MINUTES
4:45 pm	IV.	APPROVAL OF OCTOBER 19, 2021 AGENDA
4:50 pm	V.	SCHEDULED CALENDAR <ol style="list-style-type: none"> 1. Routine Business <ol style="list-style-type: none"> a. Laura’s Law Assisted Outpatient Treatment (AOT) Referrals b. MH Related Legislation c. LPS/PES Meeting Discussion d. Brown Act Public Emergency Allowances/Teleconferences (see attachment) 2. New Business <ol style="list-style-type: none"> a. The MHSA Public Hearing scheduled for November is being postponed to December 14, 2021, 4:00 – 5:00 pm for Board members to vote followed by Mental Health Advisory Board, 5:00 – 6:00 pm. Quorum is required. The November 16, 2021 meeting will be held during the regular time. Update will be made shortly.
5:05 pm	VI.	PUBLIC COMMENTS: <i>This is your opportunity to address the Board on a matter listed on the Agenda. Please submit a Speaker Card to the clerk and indicate on which item(s) you want to speak or raise your hand. For items not listed on the Agenda, please see Items from the Public. Cards are available at the front of the room for in-person meetings.</i>
5:10pm	VII.	STAFF REPORTS <ol style="list-style-type: none"> 1. Director’s Report 2. MHSA Report
5:25 pm	VIII.	COMMITTEE REPORTS <ol style="list-style-type: none"> 1. Executive Board 2. Membership <ol style="list-style-type: none"> a. Rachell Jackson, MHAB Chair starting in November b. Vice Chair vacancy 3. Outreach and Education
5:35 pm	IX.	BOARD DISCUSSION
6:00 pm	X.	ADJOURN

From: [Theresa Comstock](#)
To: [Lopez, Marisol](#); [Sinz, Sandra L.](#); [Heather](#)
Subject: Brown Act Public Emergency Allowances / Teleconferences - Requirements
Date: Thursday, September 30, 2021 12:49:20 PM

Brown Act Public Emergency Allowances / Teleconferences Requirements for local boards and commissions

Beginning tomorrow, October 1, 2021. [AB 361](#) allows for exemptions from Brown Act in-person requirements 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 will be required by AB 361 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.

AB 361 also provides that, if the state of emergency remains active for more than 30 days, a local agency must make the following findings by majority vote every 30 days to continue using the law's 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 will mean 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. AB 361 will sunset on January 1, 2024.

Theresa Comstock, Executive Director
CA Association of Local Behavioral Health Boards & Commissions

[EXTERNAL Email Notice!] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.