

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 361 (Robert Rivas)
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Fiscal: No
Urgency: No
AWM

SUBJECT

Open meetings: local agencies: teleconferences

DIGEST

This bill creates, until January 1, 2024, an exemption to teleconferenced public meeting requirements for local legislative bodies during states of emergency, as specified.

EXECUTIVE SUMMARY

The Ralph M. Brown Act (the Brown Act) protects public access to meetings of the legislative bodies of local agencies. The Brown Act currently permits legislative bodies to provide a teleconference option for attending public meetings, subject to certain requirements for establishing a quorum, providing notice, posting agendas, and permitting members of the public to attend at any teleconferencing location. During the COVID-19 crisis, the need for social distancing made the usual practices for public meetings – in particular, having people group together in indoor spaces – impossible to continue. Governor Gavin Newsom, as part of a slew of emergency orders issued in response to the pandemic, suspended many of the Brown Act’s requirements for teleconferenced meetings. Per the emergency orders, local agencies must take certain steps to accommodate members of the public with disabilities and to ensure adequate notice of meetings.

This bill is intended to create a statutory regime for when, and how, local legislative bodies may suspend certain Brown Act teleconferencing requirements during proclaimed state of emergencies, so that local legislative bodies can act quickly in emergencies rather than having to wait for an executive order. Specifically, the bill will allow local legislative bodies to conduct meetings via teleconferencing without (1) providing a teleconferencing location accessible to the public, (2) having at least a quorum of members participating within the jurisdiction, and (3) providing an opportunity for the public to address the legislative body at each teleconference location (e.g., the locations from which the members are calling in). These emergency provisions will apply when a legislative body holds a meeting during a proclaimed state of

emergency in which certain officials have determined that an in-person meeting would be detrimental to public health or safety, as specified.

This bill is sponsored by the California Special Districts Association and supported by several dozen municipal and local bodies and agencies. The bill is opposed by a number of civic participation, media, and other organizations. This bill was passed out of the Senate Governance and Finance Committee with a vote of 5-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Affirms that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny. (Cal. Const., art. I, § 3(b)(1).)
- 2) Establishes the Brown Act, which secures public access to the meetings of public commissions, boards, councils, and agencies in the state. (Gov. Code, tit. 5, div. 2, pt. 1, ch. 9, §§ 54950 et seq.)
- 3) Defines, for purposes of the Brown Act, the following relevant terms:
 - a) A "local agency" is a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or any other local public agency. (Gov. Code, § 54951.)
 - b) A "legislative body" is the governing board of a local agency or any other local body created by state or federal statute; a commission, committee, board, or other body of a local agency, as specified; a board, commission, or other multimember body that governs a private corporation, limited liability company, or other entity that is either created by an elected legislative body to exercise delegated authority or receives funds from a local agency and includes a member of the legislative body of the local agency; or the lessee of any hospital leased pursuant to Health and Safety Code section 21131, where the lessee exercises any material authority delegated by the legislative body. (Gov. Code, § 54952.)
- 4) Requires that all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in the Brown Act. (Gov. Code, § 54953.)
- 5) Authorizes the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law, provided that the teleconferenced

meeting complies with all of the following conditions and all otherwise applicable laws:

- a) Teleconferencing, as authorized, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall. (Gov. Code, § 54953(b)(2).)
 - b) If the legislative body elects to use teleconferencing, it must post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or in the public appearing before the legislative body of the local agency. (Gov. Code, § 54953(b)(3).)
 - c) Each teleconferencing location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. (Gov. Code, § 54953(b)(3).)
 - d) 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 exercised jurisdiction, except as provided in 6). (Gov. Code, § 54953(b)(3).)
 - e) The agenda shall provide an opportunity for members of the public to address the legislative body directly, as the Brown Act requires for in-person meetings, at each teleconference location. (Gov. Code, § 54953(b)(3).)
 - f) For purposes of these requirements, “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. (Gov. Code, § 54953(b)(4).)
 - g) The local agency may provide the public with additional teleconference locations. (Gov. Code, § 54953(b)(4).)
- 6) Provides an exception to the teleconferencing quorum requirements as follows:
- a) If a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.
 - b) This exception may not be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. (Gov. Code, § 54953(d).)
- 7) Empowers the Governor to proclaim a state of emergency in an area affect or likely to be affected thereby when conditions of disaster or extreme peril to the safety of

persons and property within the state, as specified, exist, and which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local body. (Gov. Code, §§ 8558, 8625.)

- 8) Authorizes the Governor, during a state of emergency, to suspend any regulatory statute, or statute prescribing the procedure for the conduct of state business, or the orders, rules, or regulations of any state agency, where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. (Gov. Code, § 8571.)
- 9) Authorizes the governing body of a city, county, or city and county, or the official designated by ordinance for that purpose, to declare a local emergency; when declared by an official, the governing body must ratify the declaration within seven days. The governing body must review the need for the local emergency at least once every 60 days until it terminates the emergency, and must proclaim the termination of the local emergency at the earliest possible date that conditions warrant. (Gov. Code, § 8630.)

Existing executive orders:

- 1) Proclaim a State of Emergency to exist in California as a result of the threat of COVID-19. (Governor's Proclamation of a State of Emergency (Mar. 4, 2020).)
- 2) Alter the teleconferencing requirements of the Brown Act, until September 30, 2021, as follows:
 - a) A local legislative body, notwithstanding the Brown Act, and subject to the notice and accessibility requirements set forth below, may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body.
 - b) All requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk, or other personnel of the body, or of the public, as a condition of participation in or quorum for a public meeting are waived, including:
 - i. The requirement that local bodies notice each teleconference location from which a member will be participating in a public meeting.
 - ii. The requirement that each teleconference location be accessible to the public.
 - iii. The requirement that members of the public may address the body at each teleconference location.
 - iv. The requirement that state and local bodies post agendas at all teleconference locations.
 - v. The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the

boundaries of the territory over which the local body exercises jurisdiction.

- c) A local legislative body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically in accordance with the below requirements will have satisfied any requirement for public attendance and comment, and need not make available any physical location from which the public may observe the meeting and offer comment:
 - i. Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; this procedure must be advertised each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to the notice requirements below.
 - ii. Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act.
 - iii. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. In any instance where there is a change in such means of public observation and comment, a body may satisfy this requirement by advertising such means using the most rapid means of communication available at the time within the meaning of the Brown Act, which may include posting such means on the body's website.
 - d) These measures will remain in place during the period in which state or local public health officials have imposed or recommended social distancing measures.
 - e) All local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as possible to the provisions of the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings. (Governor's Exec. Order No. N-25-20 (Mar. 12, 2020); Governor's Exec. Order No. N-29-20 (Mar. 17, 2020); Governor's Exec. Order No. N-08-21 (Jun. 11, 2021).)
- 3) Authorize, notwithstanding the Brown Act's prohibition on members of a legislative body from meeting or taking action on a matter within the subject matter of the legislative body outside a meeting authorized by the Brown Act, members of a local legislative body to receive updates relevant to the declared emergency from federal, state, and local officials, and to ask questions of those officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. (Governor's Exec. Order No. N-35-20 (Mar. 21, 2020).)

This bill:

- 1) Creates permanent exemptions to the Brown Act's teleconferencing requirements during a state or local emergency, as detailed below.
- 2) Authorizes a local agency to use teleconferencing for a public meeting without complying with the Brown Act's teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:
 - a) 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.
 - b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
 - c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- 3) Provides that a legislative body holding a teleconferenced meeting pursuant to the Brown Act exception provided in 2) is subject to the following requirements and authorizations:
 - a) The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
 - b) The legislative body must allow members of the public to access the meeting and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
 - c) The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
 - d) In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda

- until public access to the meeting via the call-in or internet-based service option is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- e) The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.
 - f) The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
 - g) If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment under f) until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary under f).
- 4) If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the legislative body must, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:
 - a) The legislative body has reconsidered the circumstances of the state of emergency; and
 - b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.
 - 5) Defines “state of emergency” as a state of emergency proclaimed pursuant to Government Code section 8625.
 - 6) Declares that it is the intent of the Legislature in enacting this act to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor’s Executive Order N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.
 - 7) Finds and declares that this bill’s amendment of Government Code section 54953 furthers, within the meaning of section 3 of article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies, because the act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

- 8) Provides that the above provisions will remain in effect only until January 1, 2024, and as of that date be repealed.

COMMENTS

1. Author's comment

According to the author:

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act's requirements while still abiding by stay-at-home orders. As a result, Governor Newsom issued an executive order (EO) to grant local agencies the flexibility to meet remotely during the pandemic. However, once the Governor's EO expires, these flexibilities will not apply to future emergencies like wildfires, floods, toxic leaks, or other events that make in-person gatherings dangerous. Local agencies will again struggle to provide essential services like water, power, and fire protection at a time when constituents will need those services the most.

AB 361 will guarantee that local boards do not have to rely on an executive order from the Governor to serve their communities remotely during future emergencies. This bill will also provide the opportunity for public to join via telephone or video conference to ensure that all members of the public can participate safely.

2. The Brown Act guarantees public access to the open and public meetings of local legislative bodies

The California Constitution enshrines the rights of the people to instruct their representatives and to access information concerning the conduct of government, and requires the meetings of public bodies to be accessible for public scrutiny.¹ To that end, the Brown Act provides guidelines for how local agencies must hold public meetings.² The legislative intent of the Brown Act was expressly declared in its original statute, and has remained unchanged despite numerous amendments:

The Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their

¹ Cal. Const., art. I, § 3(a) & (b)(1).

² Gov. Code, tit. 5, div. 2, pt. 1, ch. 9, §§ 54950 et seq.

public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.³

The Brown Act generally requires that meetings of the legislative body of a local agency be open and accessible to the public, and, to ensure that the people have adequate notice and opportunity to attend, requires local agencies to provide notice of the meeting, its agenda, and its location in advance of a meeting.⁴

The Brown Act first allowed teleconference meetings in 1988.⁵ Since that time, a number of bills have made modifications to this original authorization. The Brown Act currently allows the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.⁶ The teleconferenced meeting or proceeding must comply with all requirements of the Brown Act and all other applicable provisions of law relating to a specific type of meeting or proceeding; all votes taken during a teleconferenced meeting must be taken by rollcall.⁷ If a local agency elects to use teleconferencing, it must post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.⁸ Each teleconference location must be identified in the notice and agenda of the meeting or proceeding, and each teleconference location must be accessible to the public.⁹

In March 2020, due to the COVID-19 pandemic, the Governor issued executive orders suspending portions of the Brown Act requiring in-person meetings and allowing members of a local legislative body to attend meetings remotely.¹⁰ Throughout the pandemic, many local agencies relied on teleconference or internet streaming services to conduct meetings on a regular basis. The Governor recently extended the emergency exemptions to the Brown Act's teleconference requirements until September 30, 2021, in order to give local governments time to readjust to non-pandemic conditions.¹¹

This bill is intended to enact, on a permanent basis, provisions allowing Brown Act exemptions for teleconferenced meetings during proclaimed states of emergency. The bill's emergency exemptions and requirements are similar to those put in place in the Governor's executive orders. According to the author, having a statutory exemption to

³ *Id.*, § 54950.

⁴ Gov. Code, § 54953.

⁵ AB 3191 (Frazee, Ch. 399, Stats. 1988).

⁶ Gov. Code, § 54953(b).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Governor's Exec. Order No. N-25-20 (Mar. 12, 2020); Governor's Exec. Order No. N-29-20 (Mar. 17, 2020).

¹¹ Governor's Exec. Order No. N-08-21 (Jun. 11, 2021).

the Brown Act during proclaimed emergencies will allow local agencies to hold teleconferenced meetings in emergencies without having to wait for an executive order.

3. This bill allows local agencies to meet during a proclaimed state of emergency via teleconference without complying with all of the Brown Act's requirements, under certain conditions and with certain restrictions

This bill allows local agencies to hold open and public meetings via teleconferencing, in the circumstances set forth below, without complying with certain Brown Act teleconferencing requirements, including:

- Providing a teleconference location accessible to the public.
- Having at least a quorum of members participating within the jurisdiction.
- Provide an opportunity for the public to address the legislative body at each teleconference location. In practice, this provision will allow members of the body to participate remotely without having to post their home address (or the address of whatever location from which they are participating).

A local legislative body may use the bill's exemption to the teleconferencing requirements only during a proclaimed state of emergency, and when one of the following three conditions is met:

- State or local officials have imposed or recommended measures to promote social distancing;
- The legislative body is meeting for purpose of determining, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency; or
- The legislative body has already determined, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees as a result of the emergency.

If a local legislative body determines that it is entitled to use this bill's exemption to the Brown Act, the local legislative body must:

- Notice the meeting and post agendas as the Brown Act requires.
- 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 (1) prevents the local agency from broadcasting the meeting to

the public using the call-in or internet-based service option, or (2) 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; and

- 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 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 bill'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.
 - State or local officials continue to impose or recommend social distancing measures.

The bill provides relevant definitions and findings and declaration relating to the intent to expand access to public meetings during emergencies. The bill's provisions sunset on January 1, 2024.

According to the author and the sponsor of the bill, codifying an emergency-circumstances exemption to certain Brown Act teleconferencing requirements will allow local legislative bodies to convene and act immediately in the wake of a proclaimed state of emergency, rather than having to wait for the Governor to (1) proclaim a state of emergency, and (2) issue an executive order exempting them from Brown Act requirements so that legislative bodies can convene remotely. The sponsors point to circumstances like the 2018 Paradise Fire in Butte County, where the entire town had to evacuate, making it virtually impossible for certain local bodies to hold meetings in conformance with the Brown Act's requirements.

The bill's supporters, primarily municipal bodies and agencies, are eager to have codified procedures for when and how a local agency may hold fully remote meetings during proclaimed states of emergency. For example, the Los Angeles County Sanitation Districts argue that the procedures put in place during the COVID-19 pandemic by executive order have been effective, and that AB 361 is a commonsense update to the Brown Act for future emergencies. Supporter Disability Rights California is also in favor of the bill because, by providing for teleconferenced meetings during

states of emergency, some persons with disabilities will be able to more easily participate in public meetings.

The bill's opponents generally argue that the scope of the bill is broader than necessary to allow local bodies to convene remotely during an emergency, and that there are insufficient safeguards to protect against abuse of the bill's exemption. For example, ACLU California Action, Californians Aware, ACT Up for Women and Girls, the Howard Jarvis Taxpayer Association, and the First Amendment Coalition argue that the provisions allowing a local body to determine on its own, every 30 days, whether the emergency still warrants meeting remotely allow self-serving determinations, and that the decision to terminate a local agency's right to use the exemption should be made by a more neutral authority. Similarly, the California Environmental Justice Alliance argues that members of the body should be required to appear by audio and visual means, not merely telephonic means; and that local agencies should be required to provide telephonic and internet streaming options, not one or the other. To the extent the opposition expresses concern with the bill applying during a local emergency, those provisions were removed by the Senate Governance and Finance Committee.

4. Arguments in support

According to a coalition of supporters, including bill sponsor California Special Districts Association:

AB 361 would codify portions of the Governor of California's Executive Orders ("the Orders") from March 2020 relating to the Ralph M. Brown Act ("the Brown Act"), which made it safe for local agencies to meet. The Orders limited their operation to the time period during which state or local public health officials have imposed or recommended social distancing measures. In similar fashion, the provisions of this bill are operative only in circumstances when it is unsafe for the members of the legislative body of the local agency to meet in person. The bill's provisions are only able to be utilized pursuant to a formal state of emergency, and the declared emergency must directly threaten the safety of the agency members, staff, or the public. By establishing such an extraordinarily high standard for agencies to meet remotely, this bill avoids creating a "one-size-fits-all" approach that would otherwise apply in all future emergencies. An agency would not be able to rely upon these provisions to meet remotely if the emergency does not pose a threat to the agency.

5. Arguments in opposition

According to a coalition of the bill's opponents:

We appreciate that under circumstances like the recent public health emergency accommodations may temporarily be needed to allow local governments to conduct necessary business. Nevertheless, deleting fundamental and

longstanding public protections should be extremely rare and highly circumscribed. Unfortunately, AB 361 goes too far by exempting local governments from simple and important obligations to identify the location of each teleconference location, to make the teleconference locations accessible to the public, and to require that a quorum participate within the geographic boundaries of the body's jurisdiction. Moreover, the conditions under which these obligations would be canceled are far too lax.

SUPPORT

California Special Districts Association (sponsor)
Alameda County Mosquito Abatement District
Association of California Healthcare Districts
Association of California Water Agencies
Cal Voices
California Association of Joint Powers Authorities
California Downtown Association
California Municipal Utilities Association
California State Association of Counties
Cameron Estates Community Services District
Cameron Park Community Services District
City of Carlsbad
City of Lafayette
City of Redwood City
City of Walnut Creek
Coachella Valley Mosquito and Vector Control District
Costa Mesa Sanitary District
County of Monterey
Cucamonga Valley Water District
Disability Rights California
Eastern Municipal Water District
Ebbetts Pass Fire District
Eden Township Healthcare District dba Eden Health District
El Dorado Hills Community Services District
Elsinore Valley Municipal Water District
Fallbrook Regional Health District
Fresno Mosquito and Vector Control District
Grizzly Flats Community Services District
Honey Lake Valley Resource Conservation District
Humboldt Bay Municipal Water District
Humboldt Community Services District
Jackson Valley Irrigation District
Kayes Community Service District
Kinneloa Irrigation District
League of California Cities

Los Angeles County Sanitation Districts
Mammoth Community Water District
Mesa Water District
Metropolitan Water District of Southern California
Mountain Counties Water Resources Association
Mt. View Sanitary District
Murphys Fire Protection District
Napa County Regional Park and Open Space District
North County Fire Protection District
North Tahoe Fire Protection District
Olevenhain Municipal Water District
Orange County Employees Association
Orange County Local Agency Formation Commission
Orange County Water District
Palmdale Water District
Palos Verdes Library District
Reclamation District No. 1000
Rural County Representatives of California
Sacramento Suburban Water District
San Diego County Water Authority
Saratoga Fire District
Southern California Regional Rail Authority (Metrolink)
Southern California Water Coalition
Stege Sanitary District
Tahoe Resource Conservation District
Templeton Community Services District
Three Valleys Municipal Water District
Town of Discovery Bay
Truckee Fire Protection District
Urban Counties of California
Valley-Wide Recreation and Park District
Vista Fire Protection District
Vista Irrigation District
Water Replenishment District of Southern California
Western Municipal Water District
Zach Hilton, Member, Gilroy City Council

OPPOSITION

ACLU California Action
ACT for Women and Girls
California Environmental Justice Alliance
Californians Aware
First Amendment Coalition
Howard Jarvis Taxpayers association

Together We Will/Indivisible – Los Gatos

RELATED LEGISLATION

Pending Legislation:

SB 274 (Wieckowski, 2021) requires a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee must send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified. SB 274 is pending before the Assembly Appropriations Committee.

AB 1419 (Kiley, 2021) requires, in addition to the requirements of the Brown Act, the governing board of a school district, a county board of education, and the governing body of a charter school to make any public meeting accessible electronically online to all members of the public seeking to attend and ensure the opportunity for the members of the public participating electronically to comment on agenda items in the same manner as a person attending a meeting in person. AB 1419 is pending before the Assembly Education Committee.

AB 703 (Blanca Rubio, 2021) removes the Brown Act's notice requirements particular to teleconferencing and revises the requirements of the Brown Act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction. AB 703 is pending before the Assembly Committee on Local Government.

AB 339 (Lee, 2021) requires, until December 31, 2023, all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option and or an internet-based service option. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic and or an internet-based service option, as provided. AB 339 is pending before the Senate Judiciary Committee and will be heard on the same day as this bill.

Prior Legislation:

SB 931 (Wieckowski, 2020) would have required a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email; or, if the local agency determined it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee would be required to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified. SB 931 was held in the Senate Governance and Finance Committee.

AB 428 (Ridley-Thomas, Ch. 137, Stats. 2017) removed the sunset on the provision of the Brown Act authorizing a health authority conducting a teleconference meeting to count members who are outside the jurisdiction of the authority toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction.

AB 2257 (Maienschein, Ch. 265, Stats. 2016) amended the Brown Act to require an online posting of an agenda for a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has a website to be posted on the local agency's primary homepage accessible through a prominent, direct link, as specified, and subject to exceptions.

AB 1787 (Gomez, Ch. 507, Stats. 2016) amended the Brown Act so that, if the legislative body limits time for public comment, the legislative body must provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

AB 194 (Campos, 2015) would have modified the Brown Act to the agenda for a regular and special meeting to provide an opportunity for the public to directly address the legislative body on any item of interest to the public before and during the legislative body's consideration of the item, except as specified, and expanded the existing prohibition against a legislative body limiting public criticism to include criticism of the officers and employees of the legislative body, and specify other designated prohibited activities related to limiting public comment. AB 194 was vetoed by Governor Edmund Brown, Jr., whose veto message stated that the bill added certain procedures to the Brown Act, which at best would elongate but in no way enhance the quality of debate at the local level.

AB 185 (Roger Hernández, 2015) would have allowed video of public meetings recorded under the Brown Act to be destroyed after two years, and required a local

agency to televise open and public meetings as specified. AB 185 died in the Assembly Committee on Local Government.

PRIOR VOTES:

Senate Governance and Finance Committee (Ayes 5, Noes 0)

Assembly Floor (Ayes 62, Noes 4)

Assembly Local Government Committee (Ayes 7, Noes 0)
