

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 557 (Hart)
Version: June 19, 2023
Hearing Date: June 27, 2023
Fiscal: No
Urgency: No
AM

SUBJECT

Open meetings: local agencies: teleconferences

DIGEST

This bill removes the sunset date on the provisions that authorize a legislative body to meet via teleconference during a state of emergency, thereby extending them indefinitely. The bill also extends the period of time a legislative body has to make required findings by majority vote to continue meeting via teleconference during a declared state of emergency from 30 days to 45 days after the first teleconferenced meeting, and every 45 days thereafter.

EXECUTIVE SUMMARY

The Ralph M. Brown Act (the Brown Act) protects public access to meetings of the legislative bodies of local agencies and prescribes specific requirements local agencies must follow if they want to hold a meeting via teleconferencing. 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. AB 361 (Robert Rivas, Ch. 165, Stats. 2021) authorized a local agency to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements in any of the following circumstances until January 1, 2024. This bill seeks to remove the sunset date on the provisions of AB 361, which would indefinitely authorize local agencies to meet via teleconference without complying with existing Brown Act requirements during a declared state of emergency.

The bill is sponsored by the California School Board Association, the California Special Districts Association, the California State Association of Counties, and the League of California Cities and supported by numerous local governments and agencies. The bill is opposed by Common Cause California.

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).)
 - a) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (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.) The Brown Act defines 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.)
- 3) Requires all meetings of the legislative body of a local agency to 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.)
- 4) 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).)
- 5) Provides an exception to the teleconferencing quorum requirements in 4) 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).)
- 6) 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 described in 4), 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; and

- 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.

7) Provides that a legislative body holding a teleconferenced meeting pursuant to the Brown Act exception provided in 6) is subject to the requirements in a) through g).

- 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 a 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 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).

- 8) Defines “state of emergency” as a state of emergency proclaimed pursuant to Government Code section 8625.
- 9) 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 (i) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (ii) state or local officials continue to impose or recommend measures to promote social distancing.
- 10) Provides that the provisions relating to the Brown Act in 6) through 9) above will remain in effect only until January 1, 2024, and as of that date be repealed.

This bill:

- 1) Removes the sunset date on the above provisions.
- 2) Removes the authority for a legislative body to hold a meeting via teleconference under the circumstance when a 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.
- 3) Extends the period of time a legislative body has to make the required findings described in 9), above, by majority vote to continue meeting via teleconference during a declared state of emergency to 45 days after the first teleconferenced meeting, and every 45 days thereafter.

COMMENTS

1. Stated need for the bill

The author writes:

While the COVID-19 state of emergency is nearing its end, it is still essential that our local agencies continue to have the flexibility to meet remotely during emergencies that would make meeting in person dangerous or nearly impossible. AB 557 is a simple but important tool for local governments to continue to be accessible to the public during a governor-declared state of emergency and continue to provide essential services to residents impacted.

2. Background

a. Right to access public meetings and COVID-19 pandemic

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 The Brown Act provides guidelines and requirements for how state and local bodies must guarantee open and public access to their 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 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 requires local agencies to provide notice of the meeting, its agenda, and its location in advance of a meeting to ensure that the people have adequate notice and opportunity to attend.

In March 2020, due to the COVID-19 pandemic, the Governor issued executive orders suspending portions of the Brown Act requiring in-person meetings, thereby allowing members of a local legislative body to attend meetings remotely without having to publicly post their location information or allow members of the public to attend meetings from those locations.⁴ Throughout the pandemic, many state and local bodies relied on teleconference or internet streaming services to conduct meetings on a regular basis, avoiding the COVID-19 transmission risks posed by large public gatherings. This Committee noted in its analysis of AB 361 as amended September 3, 2021 (Robert Rivas, Ch. 165, Stats. 2021), that:

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

² Ed. Code, tit. 3, div. 8, pt. 55, ch. 3, art. 1.5, §§ 89305 et seq.; Gov Code, tit. 2, div. 3, art. 9, §§ 11120 et seq., & tit. 5, div. 2, pt. 1, ch. 9, §§ 54950 et seq.

³ *Id.*, § 54950.

⁴ Governor's Exec. Order No. N-25-20 (Mar. 12, 2020); Governor's Exec. Order No. N-29-20 (Mar. 17, 2020).

Based on information received by committee staff, the move to entirely teleconferenced meetings has both expanded and contracted public access to meetings: the increased availability of teleconferencing allows participation by persons who cannot travel to a physical location or cannot attend a meeting for other reasons (e.g., persons who are immunocompromised); but can decrease participation by persons who are less tech-savvy, lack access to technology, or are otherwise unable to utilize the remote access options. There are also concerns that the value of public meetings is lessened when government officials do not have to interact with the public on a face-to-face basis.

b. AB 361 (Robert Rivas, Ch. 165, Stats. 2021)

AB 361 authorized a local agency to use teleconferencing for a public meeting without complying with the Brown Act's teleconferencing quorum, meeting notice, and agenda requirements in any of the following circumstances until January 1, 2024:

- 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 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.
- The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote as described above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. (Gov. Code § 54953 (e)(1).)

AB 361 provided that a legislative body holding a teleconferenced meeting pursuant to this exception is subject to the various requirements, including :

- 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.
- 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.

- 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 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.
- 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.
- 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.
- 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 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. (Gov. Code § 54953 (e)(2).)

AB 361 also provided that 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:

- the legislative body has reconsidered the circumstances of the state of emergency; and
- 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. (Gov. Code § 54953 (e)(3).)

3. This bill deletes the sunset date on the state of emergency teleconference provisions and extends the number of days that the legislative body has to make specified findings to continue meeting under these provisions to 45 days

Sponsors and supporters of the bill argue that the flexibility provided by AB 361 during emergencies is still needed even though the COVID state of emergency has ended. They point to the recent floods and wildfires as examples of additional threats that the state continues to experience. Absent legislative action, the AB 361 emergency teleconference provisions will expire at the end of the year. This bill seeks to address this concern by removing the sunset date on the provisions that authorize a legislative body to meet via teleconference during a state of emergency, thereby extending them indefinitely. The

bill also extends the period of time a legislative body has to make the required findings by majority vote to continue meeting via teleconference during a declared state of emergency to 45 days after the first teleconferenced meeting, and every 45 days thereafter.

In order to address concerns raised by the opposition to the bill, the author amended the bill to remove the authority to for a legislative body to continue using teleconference meetings if a legislative body holds a meeting during a proclaimed state of emergency or state or local officials have imposed or recommended measures to promote social distancing. Opposition was concerned that “this provision does not require the state of emergency to still be in effect as long as the local government is promoting social distancing, providing the potential for manipulation of these recommendations in order to influence public participation at meetings.”

4. Opposition concerns

Common Cause writes in opposition with two major concerns. The most recent amendments seem to address their first concern. The second issue they raise is that “AB 557 also lacks additional transparency and accountability safeguards for fully remote meetings that were carefully negotiated by open government stakeholders into AB 2449 [(Blanca Rubio, Ch. 285, Stats. 2022)] just last year. AB 2449 allows members of a local legislative body to participate remotely for “just cause,” but still: 1) requires a quorum of members to participate from a publicly accessible physical location inside the jurisdiction; 2) requires members participating remotely to disclose certain individuals who may be in the room with them and thus potentially communicating with or even influencing them; and 3) requires members participating remotely to participate with both audio and visual technology, so the public can clearly see reactions and the engagement of officials with the discussion.”

AB 2449 (Blanca Rubio, Ch. 285, Stats. 2022) authorized members of legislative bodies more teleconferencing flexibility in non-emergency circumstances. It allowed members of legislative bodies to participate remotely for “just cause” and “emergency circumstances” without noticing their teleconference location or making that location public. Under AB 2449, just cause includes:

- Childcare or caregiving need that requires them to participate remotely;
- A contagious illness that prevents a member from attending in person;
- A need related to a physical or mental disability not otherwise accommodated;
- Travel while on official business of the legislative body or another state or local agency; and
- When a physical or family medical emergency circumstance exists that prevents a member from attending in person.

To use the teleconference flexibility authorized under AB 2449, at least a quorum of the legislative body must participate in person at one physical location, which must be identified on the agenda, open to the public, and within the boundaries of the local agency's jurisdiction. Additionally, both audio and visual technology must be used for the teleconferenced meeting. AB 2449 included additional requirements on local agencies that were modeled after many of the provisions included in AB 361.

5. Statements in support

A coalition of organizations representing various local entities, including the sponsors of the bill, write in support stating:

While California seeks to transition to a post-COVID era, the threat of additional emergencies remains, as has been made abundantly clear by recent flooding and wildfires. Absent any legislative intervention, the processes established by AB 361 to provide remote meeting flexibility to local agencies in emergency circumstances will expire at the end of this year. To remain best equipped to address future emergencies and allow local agencies to effectively react and respond, AB 557 would eliminate the sunset on the emergency remote meeting procedures added to California Government Code section 54953. Additionally, AB 557 would adjust the timeframe for the resolutions passed to renew an agency's temporary transition to emergency remote meetings to 45 days, up from the previous number of 30 days.

This legislation will preserve an effective tool for local agencies facing emergencies that would otherwise prevent them from conducting the people's business when faced with an emergency.

Amendments to the bill following its passage out of the Senate Governance and Finance Committee strike references to social distancing, eliminating any chance at interpreting [sic] the emergency remote meeting procedures as providing for a continuation of remote meetings absent an underlying state of emergency declaration. Devoid of any mention of social distancing, the bill strikes references to the practice utilized to mitigate the effects of the COVID-19 pandemic; these and similar safety conditions are appropriately encapsulated under the general pretext for transitioning to emergency remote meeting procedures (i.e., that the state of emergency directly impacts the ability of members to meet safely in person). In this way, the bill continues to improve the efficacy of the underlying emergency remote meeting procedures while also making technical changes to accommodate received feedback.

6. Statements in opposition

Common Cause California writes in opposition stating:

One of the Brown Act's key protections for public access and participation is the guarantee that members of the public and the press can be physically present with officials as they make decisions. Face to face interaction is a core tenant of democratic institutions. Officials are forced to interact with their constituents, including efforts by the community to collectively organize to make their voices heard. Members of the press can observe the interactions between officials, and between the officials and others in the room, to gain a deeper understanding of situations and accurately inform Californians. [...]

AB 557 lacks all of these protections [AB 2449 provisions] for accountability, and additionally does not provide any accommodation for public participation by those who may not have access to call-in or internet-based options, such as by providing one physical location the public may view the meeting and participate from. While remote options can help to increase public participation by increasing convenience, not all Californians have access to technology to participate this way or wish to do so.

SUPPORT

California School Board Association (sponsor)
California Special Districts Association (sponsor)
California State Association of Counties (sponsor)
League of California Cities (sponsor)
Alameda County Mosquito Abatement District
Alameda County Resource Conservation District
Antelope Valley Mosquito and Vector Control District
Arbuckle Parks and Recreation District
Arcade Creek Recreation and Park District
Artesia Cemetery District
Bear Valley Water District
Beaumont-Cherry Valley Water District
Bodega Bay Public Utility District
Burbank Sanitary District
Association of Recreation & Park Districts
California Association of Public Authorities for IHSS
California Association of Recreation & Park Districts
California Downtown Association
California Municipal Utilities Association
California Travel Association
California In-Home Supportive Services Consumer Alliance
CALWA Recreation and Park District

Cameron Estates Community Services District
Carpinteria Valley Water District
Central Contra Costa Sanitary District
Chico Area Recreation and Park District
Chino Valley Fire District
City Clerks Association of California
City of Belmont
City of Carlsbad
City of Downey
City of Moorpark
City of Mountain View
City of Norwalk
City of Rancho Cucamonga
City of Redwood City
City of Santa Rosa
City of Thousand Oaks
City of West Hollywood
Coachella Valley Public Cemetery District
Coastside County Water District
Contra Costa Mosquito and Vector Control District
Copper Cove Rocky Road Community Service District
Cortina Community Services District
Cosumnes Community Services District
County of Monterey
County of San Diego
County of Santa Cruz
Davis Cemetery District
Delta Diablo
Desert Recreation District
Donner Summit Public Utility District
East Kern Health Care District
Eden Health District
Fall River Resource Conservation District
Feather River Resource Conservation District
Fresno Mosquito and Vector Control District
Fulton-El Camino Recreation and Park District
Gold Mountain Community Services District
Golden Valley Municipal Water District
Goleta West Sanitary District
Groveland Community Services District
Health Officers Association of California
Hi-Desert Water District
Hidden Valley Lake Community Services District
Indian Wells Valley Water District

Inverness Public Utility District
Ironhouse Sanitary District
Karr Advocacy Strategies
Kern County Cemetery District No. 1
Keyes Community Services District
Ladera Recreation District
Lake Oroville Area Public Utility District
Los Angeles County Office of Education
Los Angeles County Sanitation Districts
Los Angeles Unified School District
Marin City Community Services District
Marin County Council of Mayors and Council Members
McKinleyville Community Services District
McKinney Water District
Mendocino County Russian River Flood Control & Water Conservation
Mi Wuk Sugar Pine Fire Protection District
Midpeninsula Regional Open Space District
Mojave Desert Resource Conservation District
Monte Rio Recreation and Park District
Monte Vista Water District
Montecito Fire Protection District
Mosquito & Vector Management District of Santa Barbara County
Mt. View Sanitary District
Muir Beach Community Services District
Murphys Sanitary District
Napa Valley Transportation Authority
Nevada Sierra Connecting Point Public Authority
North Sonoma Coast Fire Protection District
Novato Sanitary District
Olympic Valley Public Service District
Orange County Cemetery District
Orange County Local Agency Formation Commission
Orange County Water District
Palm Springs Cemetery District
Palos Verdes Library District
Pauma Valley Community Services District
Pioneer Community Energy
Pit Resource Conservation District
Placer County Air Pollution Control District
Placer County Water Agency
Ponderosa Community Services District
Rancho Simi Recreation and Park District
Reclamation District 1000
Richardson Bay Sanitary District

Rolling Hills Community Services District
Ross Valley Sanitary District
Rowland Water District
Running Springs Water District
Rural County Representatives of California
San Geronio PASS Water Agency
San Mateo County Harbor District
San Mateo County Transit District
San Mateo County Transportation Authority
San Ramon Valley Fire Protection District
Santa Clara Valley Open Space Authority
Santa Clara Valley Water District
Santa Margarita Water District
Santa Ynez Community Services District
Santa Ynez River Water Conservation District
South Coast Water District
Southern California Association of Governments (SCAG)
Southern Marin Fire Protection District
Southwest Healthcare District
Stallion Springs Community Services District
Stockton Port District
Strawberry Fire Protection District
Tamalpais Community Services District
Templeton Community Services District
Three Valleys Municipal Water District
Town of Discovery Bay Community Services District
Trinity County Resource Conservation District
Tuolumne Fire District
Twain Harte Community Services District
Valley Center Fire Protection District
Vandenberg Village Community Services District
Walnut Valley Water District
Water Replenishment District of Southern California
West Kern Water District
West Valley Mosquito and Vector Control District
1 individual

OPPOSITION

Common Cause California

RELATED LEGISLATION

Pending Legislation:

SB 411 (Portantino, 2023) allows a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people to use alternate teleconferencing provisions related to notice, agenda, and public participation, as provided. SB 411 is pending in the Assembly Committee on Local Government.

SB 537 (Becker, 2023) authorizes an eligible legislative body, which is a board, commission, or advisory body of a multijurisdictional, cross county, local agency with appointed members that is subject to the Brown Act, to teleconference their meetings without having to make publicly accessible each teleconference location under certain conditions and limitations. SB 537 is pending referral in the Assembly.

AB 817 (Pacheco, 2023) allows appointed bodies of subsidiary bodies to teleconference meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. AB 817 was never set for a hearing in the Assembly Local Government Committee.

AB 1275 (Arambula, 2023) allows the recognized statewide community college student organization and other student-run community college organizations to use teleconferencing without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. AB 1275 is currently pending in the Senate Education Committee.

AB 1379 (Papan, 2023) makes numerous changes to the Brown Act's teleconferencing provisions. AB 1379 was never set for a hearing in the Assembly Local Government Committee.

Prior Legislation:

AB 1944 (Lee, 2022) would have authorized, until January 1, 2030, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations and making them publicly accessible under certain conditions. This bill was never set for a hearing in the Senate Governance and Finance Committee.

AB 2449 (Blanca Rubio, Ch. 285, Stats. 2022) *see* Comment 4), above.

AB 361 (Robert Rivas, Ch. 165; Stats. 2021) *see* Comment 2), above.

AB 339 (Lee, 2021) would have required, until December 31, 2023, certain city council or county board of supervisors meetings to allow the public to attend and comment via telephone or internet. AB 339 was vetoed by Governor Newsom.

PRIOR VOTES

Senate Governance and Finance Committee (Ayes 8, Noes 0)

Assembly Floor (Ayes 78, Noes 0)

Assembly Local Government Committee (Ayes 8, Noes 0)
