



AB 1944

ASSEMBLYMEMBER ALEX LEE

THIS BILL

This bill would allow members of a local legislative body, upon majority vote, to waive the Brown Act requirements of publishing their private address on the meeting agenda and making this address open to members of the public. It would also require a remote participation option for members of the public to address the body.

BACKGROUND

The Ralph M. Brown Act passed in 1953 requires local government business to be conducted at open and public meetings, except in certain limited situations. Existing law allows the legislative body of a local agency to use teleconferencing as long as a quorum of the members participate from locations within the boundaries of the agency's jurisdiction.

In order to teleconference, each teleconference location is required to be identified in the notice and agenda of the meeting, as well as be accessible to the public.

On March 2020, Governor Newsom issued Executive Order N-29-20 which waived the teleconference requirements for local agencies during the COVID-19 pandemic. This order has since expired.

AB 361 (Rivas, 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without having to meet a quorum and other requirements of teleconference meetings under the Brown Act. Local legislative bodies may continue to meet virtually pursuant to AB 361 until the end of the current state of emergency and during any future state of emergency up until January 1, 2024. The legislative body is required to take a majority vote every 30 days in order to continue allowing members to participate virtually without meeting existing Brown Act requirements.

PROBLEM

Given the last few years of the COVID-19 pandemic, many members of Brown Act bodies have participated remotely in official business, and have shown effective leadership while keeping themselves and their families healthy and safe. However, even with existing legislation, the protections are only in place during a declared state of

emergency. In addition, if there is no majority vote every 30 days, members who choose to teleconference are required to make private addresses publicly known and accessible.

Since there are many members of Brown Act bodies who have families that may be immunocompromised or may need to teleconference from a private location that cannot be made accessible to the public, there are still many concerns with existing legislation.

For example, if outside of the pandemic a local elected is teleconferencing from a hospital room after giving birth, she would be forced to either reveal the location she is teleconferencing from or make the room publicly available, or she would not be able to attend the meeting and partake in her official duties.

Another example is if a Planning Commissioner is immunocompromised, or has immunocompromised family members at home, they may choose to teleconference into meetings. However, they would be required to share their private home address and make it publicly accessible.

SOLUTION

AB 1944 would ensure that:

- Brown Act bodies can vote to allow their members to teleconference into a meeting without having to reveal private addresses or make private addresses accessible to the public, to continue performing their official duties
- Livestreams of meetings are required whenever members teleconference into meetings so the public has access to observe and participate in meetings
- Members of the public can address their elected officials either through a call-in or video option, ensuring that they are able to participate in government

SUPPORT

Gilroy City Councilmember Zach Hilton
Pinole Mayor Pro Tem Devin T. Murphy
Santa Clara School Board Member Vickie Fairchild
Santa Clara School Board Member Bonnie Lieberman
San Jose Housing Commissioner Martha O'Connell
Seaside City Councilmember Jon Wizard
South San Francisco Councilmember James Coleman
San Bruno Park District Trustee Andriana Shea
Santa Ana City Councilmember Jessie Lopez
Sacramento City Councilmember Katie Valenzuela
South San Francisco Unified School District Board of
Trustees John Baker
North Westwood Neighborhood Councilmember Andrew
Lewis

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