



Gregg Hart

ASSEMBLY DISTRICT 37

ASSEMBLY BILL 557

EMERGENCY BROWN ACT MEETING PROCEDURES

SUMMARY

AB 557 eliminates the January 1, 2024 sunset on the provisions of the Brown Act that provided additional flexibility for local agencies looking to meet remotely during an emergency while still maintaining public access and transparency. This legislation will provide a narrow but important emergency authority, allowing local governing bodies to safely meet and take action during applicable states of emergency declared by the Governor.

BACKGROUND

AB 361 (Rivas, 2021) codified, until Jan 1, 2024, numerous provisions of Governor Newsom’s Executive Orders pertaining to the Brown Act in 2020. The provisions only apply in the event that an emergency situation or public health orders prevent a local agency board from meeting in-person. If the meeting could still be held in-person without endangering local agency board members or personnel, then the local agency would not be permitted to rely on the provisions added to California Government Code section 54953 by AB 361. Local agencies needing to meet remotely pursuant to those provisions are only permitted to do so in concert with an emergency declared by the Governor of California.

PROBLEM

While the worst of the COVID-19 pandemic appears to have subsided, the need to be prepared for future emergencies remains. Recent events in California, including disastrous flooding and devastating wildfires, underscore this point.

AB 361 was extensively used by local agencies to meet during the pandemic and was designed to address all emergency situations where it would be unsafe, or even impossible, to meet in-person.

The flexibility these provisions provide will remain a critical tool for use in other emergencies declared by the Governor even after the COVID-19 state of emergency expires.

In cases where a state of emergency persists, AB 361 required local agencies to renew their emergency remote meeting resolution within 30-days. However, many agencies regularly meet once-per-month (e.g. every third-Tuesday), which is sometimes a span of just over 30 days. This forced agencies to unnecessarily move meetings to days and times less accustomed to the public or to expend unnecessary time and expense to conduct an additional meeting

SOLUTION

By removing the sunset, AB 557 preserves the critical flexibility for local agencies needing to meet remotely to continue providing the public with essential services during a Governor-declared emergency. By adjusting the renewal period for resolutions to 45 days (up from 30 days), AB 557 would provide accommodation for those agencies regularly meeting on a fixed date every month.

SUPPORT

- CA Special Districts Association (Co-Sponsor)
- League of California Cities (Co-Sponsor)
- CA State Association of Counties (Co-Sponsor)

SB 411 (Portantino)

Brown Act: Los Angeles Neighborhood Councils, Boards, and Commissions

PROBLEM

Due to the COVID-19 public health emergency, audio and video teleconferencing were widely used to conduct public meetings in lieu of in-person meetings for local governments and their boards.

Virtual public meetings, allowed by the Executive Order of the Governor, ultimately permitted local governments to remain operational during the pandemic via virtual teleconference. This in turn, allowed the government to remain productive and responsive to constituent needs, increased public participation, increased the pool of people who are able to serve on these bodies, and protected the health and safety of civil servants and the public.

Unfortunately, because the Governor's Emergency Orders related to the COVID-19 pandemic are ending, local governments will only be able to use virtual meetings temporarily during emergencies. This will have the effect of reducing public participation and reducing the pool of applicants who have the desire and ability to serve.

The effect of this transition back to in-person meetings will be especially hard on the City of Los Angeles due to its size. The City has 99 Neighborhood Councils plus numerous boards and commissions.

BACKGROUND

In March of 2020, the Governor issued Executive Order N-29-20, which stated that, "Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility require-

ments set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and 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 hereby waived."

Neighborhood Councils were established by an amendment to the City Charter in 1999 to connect Los Angeles's diverse communities to their city government. Neighborhood Council board members are volunteers who are elected to office by the roughly 40,000 members of their local community. They are advisory bodies, who advocate for their communities.

SUMMARY

SB 411 ensures that the City of Los Angeles's Neighborhood Councils, boards, and commissions will continue serving their constituents uninterrupted by extending appropriate COVID-19 pandemic provisions.

Virtual meetings have allowed much easier access to appointed or elected bodies of local agencies with far more members of the public participating in each meeting. This has created greater equity in the process and fostered the health of our democracy.

EXISTING LAW

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that

SUPPORT

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all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.