



Assemblymember Robert Rivas, 30th Assembly District

AB 361 – Brown, Bagley-Keene, & Gloria Romero Acts: Remote Meetings

SUMMARY

Assembly Bill 361, an urgency bill, will provide additional flexibility for local city councils, boards, commissions, and other agencies to meet remotely via phone or videoconference during a Governor-declared emergency that makes meeting in person unsafe, while still maintaining high levels of public access and transparency. Recent amendments will temporarily extend teleconferencing flexibilities and public access requirements to state agencies and legislative student bodies of the California State University (CSU).

BACKGROUND

In 1953, the Ralph M. Brown Act, known simply as the “Brown Act” ever since, guaranteed the public’s right to attend and participate in meetings of local legislative bodies. To meet this objective, the Brown Act drew up requirements regarding public notices of meetings, the posting of agendas, and physical access to those meetings.

In 1988, AB 3191 (Frazee) updated the Brown Act by authorizing local legislative bodies to use video teleconferencing in connection with any meeting or proceeding authorized by law, for the benefit of the public. However, AB 3191 also required that the public had to have physical access to each remote meeting location. Subsequently, in 1998, SB 138 (Kopp) expanded the allowable uses of teleconferencing even further.

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act’s public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed Orders [N-25-20](#), [N-29-20](#), and [N-35-20](#) to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic.

PROBLEM

The Governor’s executive orders allowed public agencies to meet remotely and did not require physical public access to those meeting locations. Unfortunately, those Executive Orders will expire on September 30, 2021 as they only apply to the current health pandemic and do not contemplate future health, fire, flood, or other unforeseen emergencies.

SOLUTION

AB 361 will provide additional flexibility for local agencies looking to meet remotely in order to continue providing the public with essential services during a proclaimed state of emergency. In doing so, local agency boards will not have to rely on an Executive Order from the Governor.

While maintaining high standards of public transparency and access, AB 361 will allow public agencies to meet remotely to continue providing services to their constituents without jeopardizing their safety. Local agencies will accommodate videoconferencing platforms or phone lines to ensure that the public can access these meetings with or without an internet connection. This means that if a specified state emergency is declared, a local city council would be allowed to meet via a videoconferencing platform or phone. The public would be able to participate through such online or telephonic platforms.

This bill will also extend the flexibilities of the Governor’s executive orders to state agencies and student bodies of the CSU, which are under jurisdiction of the Bagley-Keene Open Meeting Act and the Gloria Romero Open Meetings Act of 2020. Until January 31, 2022, these bodies will be able to meet remotely without having to disclose or open their teleconferencing location so long as the public can observe and participate in their meetings via telephone or videoconference.

Most importantly, if a meeting could still be held in-person without endangering local or state agency board members or personnel, then the agency will not be entitled to meet remotely.

Local agencies looking to meet remotely pursuant to these provisions will have to do so in accordance with a declared State of Emergency. These narrowly tailored provisions will provide local and state agencies with the necessary flexibility to meet remotely while preserving public access during a specified emergency.

SUPPORT

- California Special Districts Association (sponsor)
- Alameda County Mosquito Abatement District
- Association of California Healthcare Districts
- Association of California Water Agencies



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- Cal Voices
- California Airports Council
- California Association of Joint Powers Authorities
- California Business, Consumer Services, and Housing Agency
- California Department of Tax and Fee Administration
- California Downtown Association
- California Municipal Utilities Association
- California State Association of Counties
- California State University Chancellor
- 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
- County of Santa Barbara
- 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
- Mayor Eric Garcetti, City of Los Angeles
- 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

FOR MORE INFORMATION

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