Assembly Member Robert Rivas [*Julio.MendezVargas@asm.ca.gov*]

California State Assembly

State Capitol, Room 5158

Sacramento, CA 95814

**RE: Assembly Bill 361 (Rivas) – Support [As Amended April 6, 2021]**

Dear Assembly Member Rivas:

The [*Your Organization Name*] is pleased to support your Assembly Bill 361, related to the Ralph M. Brown Act (“the Brown Act”). [*Write a brief description of your organization*]

In light of a stay-at-home order and the need to keep individuals physically distanced from one another, Governor Newsom issued a number of subsequent executive orders (N-25-20, N-29-20, N-35-20) modifying the requirements of the Brown Act. AB 361 seeks to codify several provisions from within the executive orders while also adding provisions to promote consistency, transparency, and accountability.

AB 361 would allow local agencies to safely meet remotely during an emergency. The changes to law included in AB 361 are what have allowed local agencies to continue to operate while also complying with important public health directives issued by officials during the COVID-19 pandemic; by enshrining these provisions in statute, this bill ensures that local agencies would continue to be able to remain safe in future emergencies that threaten public health.

AB 361 will include important safeguards that ensure public agency transparency and public access. For a public agency to utilize these provisions to meet remotely, a local agency must meet subsequent or concurrent to a proclaimed state of emergency or a county-declared local emergency, and by majority vote declare that the nature of the emergency would prevent them from safely meeting in-person.

This bill would specifically prohibit local agencies from requiring members of the public to submit their comments in advance, guaranteeing that the public has the opportunity to observe and offer comment in real time during the meeting.

A local agency that meets remotely pursuant to the provisions of AB 361 would be required to revisit its decision to do so every 30 days, else the authority to meet remotely would lapse; to extend its authority to meet remotely, a local agency, concurrent or subsequent to a proclaimed state of emergency or a county-declared local emergency, would have to declare that the emergency continues to pose a threat to health and safety and prevents in-person meetings.

AB 361 includes language that requires local agencies to refrain from taking action on meeting agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency’s control which prevents members of the public from submitting public comments. In this way, AB 361 clarifies and reinforces existing law within the Brown Act concerning public access to meetings, ensuring that the public is not prevented from offering comment as a result of circumstances beyond its control.

[*In one paragraph, please explain how this impacts your district (optional)*]

For these reasons, [*Your Organization Name*] is pleased to support Assembly Bill 361 (Rivas). Please feel free to contact us if you have any questions.

*[Your Signature]*

CC: The Honorable [*Your State Assembly Member*]

The Honorable [*Your State Senator*]

California Special Districts Association [*advocacy@csda.net*]