



Assemblymember Robert Rivas, 30th Assembly District

AB 361 – Brown Act: Remote Meetings During Emergencies

SUMMARY

Assembly Bill 361 will provide additional flexibility for local city councils, boards, commissions, and other agencies to meet remotely via video and teleconference during a local emergency that makes meeting in person unsafe, while still maintaining high levels of public access and transparency. This legislation will not allow local agencies to meet remotely during emergencies that would not prevent the local agency board from meeting in person, nor will this legislation create any new authorization for a local agency to declare a local emergency.

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 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 or local 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 the public without jeopardizing the safety of the public, local agency personnel, or board members. Local agencies will accommodate both internet video conferencing platforms and phone lines to ensure that the public can access these meetings with or without an internet connection. This means that if a specified state or local emergency is declared, a local city council would be allowed to meet via a videoconferencing platform and/or phone. The public would be able to participate through such online and telephonic platforms, too.

Most importantly, if a meeting could still be held in-person without endangering local agency board members or personnel, then the local 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 locally declared emergency enacted by the county or State of California. A local emergency could include a toxic leak or wildfire evacuation that inhibits the local body from meeting in person. Together, these important provisions will provide local agencies with the flexibility necessary to meet remotely while preserving public access during a specified emergency.

SUPPORT

- California Special Districts Association (Sponsor)
- Alpine Fire Protection District
- Alameda County Mosquito Abatement District
- Association of California Healthcare Districts
- Big Bear Area Regional Wastewater Agency
- California Association of Powers Authorities
- California Association of Public Authorities for IHSS
- Cameron Park Community Services District
- City of Chino Hills
- City of Huntington Beach



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- Cucamonga Valley Water District
- Coachella Valley Mosquito & Vector Control District
- Costa Mesa Sanitary District
- Eastern Municipal Water District
- Ebbetts Pass Fire District
- Eden Health District
- El Dorado Hills Community Services District
- Fallbrook Regional Health District
- Fresno Mosquito and Vector Control District
- Grizzly Flats Community Services District
- Honey Lake Valley Resource Conservation District
- Hornbrook Community Services District
- Humboldt Community Services District
- Jackson Valley Irrigation District
- Keyes Community Service District
- Kinneloa Irrigation District
- Los Angeles County Sanitation Districts
- Mammoth Community Water District
- Mt. View Sanitary District
- Mountain Counties Water Resources Association
- Municipal Water District of Orange County
- Murphys Fire Protection District
- North County Fire Protection District
- North Tahoe Fire Protection District
- Olivenhain Municipal Water District
- Orange County Sanitation District
- Padre Dam Municipal Water District
- Palmdale Water District
- Palos Verdes Library District
- Rural County Representatives of California
- San Diego County Water Authority
- Santa Clara Valley Water District
- Saratoga Fire District
- Stege Sanitary District
- Tahoe Resources Conservation District
- Three Valleys Municipal Water District
- Town of Discovery Bay Community Services District
- Truckee Fire Protection District
- Vista Irrigation District
- Walnut Valley Water District

FOR MORE INFORMATION

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