



AUTHORIZING THE CONTINUED USE OF TELECONFERENCING FOR PUBLIC MEETINGS PURSUANT TO AB 361

City Council Meeting
October 12, 2021

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City Attorney

Background

- In general, the Brown Act permits teleconferencing only if:
 - Each teleconference location is specifically identified in the meeting notice and agenda
 - Notice is posted at each teleconference location
 - Each teleconference location is open and accessible to the public

Executive Orders

- In light of the dangers of COVID-19, on March 17, 2020, Governor signed Executive Order N-29-20:
 - Waives certain requirements of the Brown Act in the interests of public health
 - Allows public meetings via teleconference without need to notice or open teleconference locations to the public

Teleconference Meetings

- Council and City boards, commissions and committees have successfully been conducting public meetings by teleconference throughout the COVID-19 pandemic
- In full accordance with the Governor's Executive Order
- Governor's Executive Order expired on September 30, 2021

AB 361

- Assembly Bill 361 (AB 361) was signed into law by Governor Newsom on September 16, 2021
- AB 361 allows for teleconference meetings under relaxed Brown Act standards during a state of emergency
- Provided certain factual findings are made and certain procedures are set in place to protect public participation

AB 361

Requirements include:

- Opportunity to attend and provide public comment in real time by call-in or internet-based service
- Means for participation and public comments must be specified in every meeting notice and agenda
- Suspend meeting if disruption in broadcast or access
- Provide ample time for sign-in

AB 361

Required findings for use of AB 361:

- a. Legislative body has reconsidered the circumstances of the state of emergency
- b. Either:
 - State of emergency continues to directly impact the ability of the members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing

AB 361

- Findings must be made within 30 days of first meeting held pursuant to AB 361
- Findings must be renewed every 30 days

Recommendation

It is recommended by the City Attorney that the Council by resolution, make required findings and authorize the continued use of teleconferencing for public meetings of the City Council and all of the City's boards, commissions and committees pursuant to Assembly Bill 361.

QUESTIONS?