

Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee

March 11, 2022

Agenda Item 2c

Assembly Bill 1944 (Lee): Brown Act Reform

Subject:

Modifies current law related to teleconferencing by board members and remote participation for local public meetings.

Overview:

Assembly Bill (AB) 1944 would provide long-term flexibility for local agency board members to participate in meetings remotely outside of any state of emergency or period when social distancing is recommended. Specifically, the bill removes the requirement that board members who elect to participate in a meeting via teleconference do so from a location that is accessible to the public and that such location be indicated on the agenda. In addition, the bill requires that anytime teleconferencing is used, the legislative body must also provide a video stream accessible to the public and an option for the public to address the body remotely during public comment via a call-in or audio-visual option.

Recommendation:

Support and Seek Amendments

Discussion:

During the COVID-19 Pandemic, board members and staff at MTC/ABAG (and local agencies statewide) as well as members of the public who wish to attend and/or participate in public meetings, have experienced the many benefits of being able to attend meetings remotely from a private location. As indicated in our 2022 Advocacy Program, we support changes to the Brown Act that provide long-term flexibility to continue this option for members of the public and board members.

AB 1944 addresses major barriers to teleconferencing in the Brown Act—namely, the requirement that the teleconference location be posted with the agenda and made accessible to the public. After two years of experience with remote meetings under the flexibility provided by Executive Order and subsequently under AB 361 (Rivas, 2021), it is clearly time to revisit this requirement. There are many reasons for why it should be removed, ranging from the simple fact

that we've had two years of practice during which we and local agencies across the state have demonstrated our ability to provide reliable public access by phone and Zoom to equity considerations (e.g. why should one board member who feels comfortable making their home accessible to the public have the option to telecommute, but another whose home cannot be accessible to the public for any reason, whether the physical layout of the home, the health of its occupants or safety concerns, should not?). For these reasons, we strongly support this aspect of the bill.

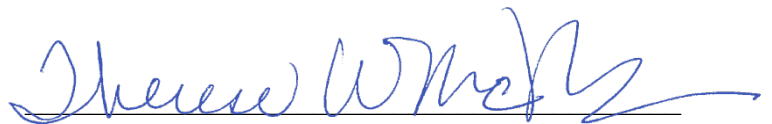
Unfortunately, as currently drafted the bill does not modify the 30-day renewal requirement in AB 361, which was a key goal in our 2022 Advocacy Program. As you know, this requirement has meant that we often need to hold meetings that would otherwise happen outside the 30-day window for the sole purpose of renewing our ability to hold the meetings remotely. We believe a simple amendment that would require local agencies to renew their findings regarding why it is necessary to hold remote meetings "at the next regularly scheduled meeting" rather than "every 30 days thereafter" would be within the spirit of the AB 361 and eliminate the need for these extra meetings, which divert time from more productive uses at the expense of the taxpayer and are confusing to the public when a meeting is being held with no substantive agenda item. For these reasons, we recommend the Committee adopt a "support and seek amendment" position on the bill, with the amendment being to request the change related to the 30-day renewal period, as described above, to be forwarded to the MTC Commission and ABAG Executive Board for approval.

Known Positions:

No known positions.

Attachments:

- None



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