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

September 10, 2021 Agenda Item 3a

#### Assembly Bill 361 (Rivas) Open Meetings/Teleconference

**Subject:** 

Authorizes teleconferencing for local agency meetings during periods of a proclaimed state of emergency.

**Background:** 

AB 361 (Rivas) allows local agencies, including local jurisdictions, MTC and ABAG, among others, to conduct their meetings via teleconference during a period of proclaimed state of emergency, similar to what has occurred during COVID-19 under flexibility afforded by Executive Order N-29-20. Specifically, the bill amends provisions of the Ralph M. Brown Act to provide greater flexibility with respect to teleconferencing. The bill would take effect immediately upon enactment and would sunset on January 1, 2024.

Without passage of AB 361, local agencies will be required to return to inperson meetings effective October 1, 2021, the current expiration date of Executive Order N-29-20 (which was extended through September 30, 2021 by Executive Order N-08-21). The bill authorizes teleconference participation for board members and members of the public during states of emergency as long as specified conditions are met and local agencies adopt findings every 30 days justifying the continuation of teleconferencing.

**Issues:** 

Given the rapid spread of the more contagious and harmful COVID-19 Delta variant across the nine counties over the last several months and the fact that fully vaccinated people are contracting the COVID 19 virus and able to infect others, staff is concerned that a return to in-person board meetings at this time is premature and could unnecessarily pose health risks to staff, board members and the public. AB 361 will provide more flexibility to local agencies across California to enable them the option to postpone the resumption of in person meetings until after the COVID 19 state of emergency has passed or at such time as they deem appropriate to resume in person meetings within a proclaimed state of emergency period.

As noted in the Floor Analysis on the bill, local agencies have found the flexibility teleconferencing has provided very useful, especially for those who have to travel to long distances to attend meetings, which is almost universally the case for MTC and ABAG meetings. Public access is also enhanced by offering remote participation as it allows the opportunity to comment to those who would not be able to take the time to travel to inperson meetings.

While staff would ultimately like to see a more comprehensive reform of the Brown Act, AB 361 is the only opportunity available at this time to extend the flexibility to continue teleconference meetings.

For these reasons, staff requests the MTC and ABAG take a support position on AB 361. Staff has already communicated a support position to the Legislature and Governor Newsom pursuant to MTC and ABAG's urgency statutes and this item seeks the Committee's concurrence with that position. We will also bring a concurrence recommendation to the Commission and the ABAG Executive Board later this month.

**Recommendation:** Support

**Attachments:** Attachment A: Bill Positions

Therese W. McMillan

### Bill Position on AB 361 (Rivas): Open Meetings/Teleconference

**SUPPORT:** (as of 7/15/21)

California Special Districts Association (source)

Alameda County Mosquito Abatement District

Alpine Fire Protection District

Association of California Healthcare Districts

Association of California Water Agencies

Auburn Area Recreation and Park District

Big Bear Area Regional Wastewater Agency

Big Lagoon Community Services District

Biola Community Services District

Cal Voices

Calaveras Public Utility District

California Association of Joint Powers Authorities

California Association of Public Authorities for IHSS

California Downtown Association

California Municipal Utilities Association

California State Association of Counties

California Travel Association

Cameron Estates Community Services District

Cameron Park Community Services District

City of Carlsbad

City of Foster City

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

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

Hornbrook Community Services District

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Attachment A Agenda Item 3a

Humboldt Bay Municipal Water District

**Humboldt Community Services District** 

Jackson Valley Irrigation District

Keyes Community Service District

Kinneloa Irrigation District

League of California Cities

Los Angeles County Sanitation Districts

Mammoth Community Water District

Meeks Bay Fire Protection District

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

Olivenhain 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

Southern California Water Coalition

Stege Sanitary District

**Tahoe Resource Conservation District** 

Templeton Community Services District

Three Valleys Municipal Water District

Town of Discovery Bay Community Services District

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

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**OPPOSITION:** (as of 7/15/21)

ACLU California Action ACT for Women and Girls California Environmental Justice Alliance Californians Aware First Amendment Coalition Howard Jarvis Taxpayers Association Together We Will/Indivisible – Los Gatos