

**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 in-person 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 in-person 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

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

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