

**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