



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 16

Potential Amendments to the Brown Act

**Board of Directors Meeting
March 2, 2022**

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Presentation Outcome



Staff will provide a summary of three recently introduced bills related to amending the Brown Act.

Presentation Outline



- The Brown Act – Background
 - As it relates to Assembly Bill (AB) 361 (Rivas), AB 1944 (Lee), and AB 2449 (Rubio, Blanca)
- AB 361 (Rivas; Chapter 165, Statutes of 2021) – Background
- AB 1944 (Lee) – Local government: open and public meetings.
- AB 2449 (Rubio, Blanca) - Open meetings: local agencies: teleconferences.
- Senate Bill (SB) 1100 (Cortese) – Open meetings: orderly conduct.

Presentation Requested Action



The Board will consider staff's recommendation of taking a support position on AB 1944 (Lee).

The Brown Act – Background



- The Ralph M. Brown Act passed in 1953 requires local government business to be conducted at open and public meetings, except in certain limited situations.
- The existing law allows the legislative body of a local agency to use teleconferencing as long as a quorum of the members participate from locations within the boundaries of the agency's jurisdiction.
- In order to teleconference, each teleconference location is required to be identified in the notice and agenda of the meeting, as well as be accessible to the public.

AB 361 – Background



- AB 361 (Rivas; Chapter 165, Statutes of 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without having to meet a quorum and other requirements of teleconference meetings under the Brown Act.
- AB 361 is applicable during any state of emergency up until January 1, 2024.
- AB 361 requires a majority vote by a legislative body every 30 days in order to continue allowing members to participate virtually without meeting existing Brown Act requirements.

AB 1944 (Lee)



AB 1944 (Lee) – Local government: open and public meetings.

- Brown Act bodies could vote to allow their members to teleconference into a meeting without having to reveal private addresses or make private addresses accessible to the public, in order to best continue performing their official duties
- Livestreams of meetings are required whenever members teleconference into meetings and members of the public are able to address their elected officials either through a call-in or video option, ensuring that they are able to participate in government.

AB 2449 (Rubio, Blanca)



AB 2449 (Rubio, Blanca) - Open meetings: local agencies: teleconferences.

- Similar to AB 1944 (Lee) but would only authorize a local agency to use teleconferencing if a quorum of the members of the legislative body participate in person from a singular location stated on the agenda that is open to the public and situated within the local agency's jurisdiction.

SB 1100 (Cortese)



SB 1100 (Cortese) – Open meetings: orderly conduct.

- This bill would authorize the members of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting.
- The bill would define “willfully interrupting” to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.



Questions / Discussion