

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences

APPROVED BY GOVERNOR SEPTEMBER 16, 2021

What is AB 361?

AB361 repeals and amends Education Code and Government Code relating to open meetings that must adhere to the Ralph M. Brown Act and the Bagley-Keene Open Meeting Act

Notable Changes

BROWN ACT & BAGLEY-KEENE OPEN MEETING ACT

All Teleconference locations must be accessible to public and advertised in agenda

Must post agenda at all locations

Must allow for public comment and viewing at all locations

Quorum must still be in-person

At least one member must be located in posted locations

Prohibits as condition of attendance, a person to register name, provide other info, or fulfill any condition precedent to attendance

AB361 ALLOWANCES THROUGH JAN 1, 2024

Teleconference locations do not need to be accessible to public and locations need not be advertised

Agendas only need to be posted online if not in person

Quorum may be achieved via teleconference

Excludes from prohibition a registration requirement by 3rd party internet website or platform, such as Zoom

No physical location requirement

AB 361 Conditional Requirements

Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 and resolving any doubt whatsoever in favor of accessibility

Prohibit requiring public comments to be submitted in advance. Must provide opportunity for public comment in real time, telephonically or otherwise electronically

Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment

AB 361 Conditional Requirements (contd.)

All votes taken during a teleconferenced meeting shall be by rollcall

In the event of a disruption preventing broadcasting to the public using the call-in option or internet-based service option, or in the event of disruption within the local agency's control which prevents the public from offering public comments, the body shall take no further action agenda items until public access to the meeting is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1

Requirements for using AB361

The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing

The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining by majority vote whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees

The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees

Requirements for using AB361 (contd.)

When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures

Technology Capacity with Existing Equipment

Current (in B101)

Microphone used for audio intelligibility and recording quality

- Insufficient mics for members and public comment

Audio recording posted within 1-2 days

- Audio quality poor due to shared mic limitations

AB361 not in play

Broadcast/Film Only (in B101)

Microphone used for audio intelligibility and recording quality

- Insufficient mics for members and public comment
- Extremely poor audio quality

Recording available immediately

- Audio quality poor due to shared mic limitations

Remote public comment not required

AB361 not in play

Live Two-way Video/Audio (in B101)

Not advised without additional hardware purchases

Audio or video issues due to lack of equipment could cause any measure to be challenged

Remote public comment assumed

AB361 likely in play