

TO: MP&L Committee

DATE: April 28, 2021

FROM: Rick Ramacier
General Manager

SUBJ: Recommendation to Support
AB703 & AB361 and to Watch
AB339

Background

Early in the Covid-19 Pandemic, Governor Newsom issued two Executive Orders that waive portions of the Brown Act. Specifically, these waivers allow local governments, special districts, etc. (including joint-power authorities like County Connection) to hold public meetings virtually through internet-based platforms like Zoom. The Executive Orders require opportunities for public participation input at such meetings. All panel members (council members, board members, staff, etc.) may attend remotely.

At least three bills have been introduced to the state legislature this session to extend the two Executive Orders permanently with some differences and/or permeations. The three bills are: AB703 – Rubio, AB361 – Rivas, and AB339 – Lee.

AB703 & AB361

Since April of last year, County Connection has essentially been conducting our public meetings under the Executive Orders consistent with AB703. Below is a brief analysis provided to us by our Legal Counsel, Julie Sherman:

“Assembly Bill 703 would continue what has been in place during the COVID pandemic: allowing local public agencies the ability to hold virtual meetings. The bill indefinitely allows for virtual meetings and removes the existing Brown Act rules that limit virtual meetings or require public notice, comment and ability to attend “teleconference” locations. When local public agencies post the meeting agenda or other notices, they would also post instructions for joining virtually.

It would also remove the requirement that at least a quorum of the members of the legislative body participate from within the boundaries of the local agency. Finally, the bill would renew requirements that legislative bodies make a procedure for handling and swiftly resolving Americans with Disabilities Act requests for virtual meetings.”

Similarly, AB361 would permanently extend the Executive Orders, but only during times of declared emergencies such as the pandemic. Below is another brief analysis provided to us by our Legal Counsel, Julie Sherman:

“Assembly Bill 361 would allow virtual meetings with streamlined procedures, but only if the purpose of the meeting is to declare or ratify a local emergency or if the meeting occurs during a period of a declared local emergency. Adoption of this bill would mean that the existing Brown Act procedures for “teleconference” meetings would be required to continue, except in instances of an emergency.”

By the time the MP&L Committee meets, these two bills could be merged into one.

It is staff's strong belief that making these meeting options permanent would be beneficial to the agency, the Board of Directors and our public. The cost of these meeting options is negligible.

Staff Recommendation

Staff recommends that County Connection support AB703 & AB361 given the clear benefits they would provide while being almost cost neutral.

AB339

This bill would require County Connection to conduct its public meetings virtually regardless if an in-person option is provided. Additionally, it would require County Connection to provide via telephone or through the internet, participation options to all non-English speaking persons upon request. Below is another brief analysis provided to us by our Legal Counsel, Julie Sherman:

"While AB 361 and AB 703, if passed, will provide the option for local public agencies to hold virtual meetings. AB 339 will require local public agencies to continue to provide virtual access for the public, even if all of the board members attend meetings in-person.

The additions would mandate virtual public access by calling in and by internet. The instructions for virtual participation would have to be posted with the agenda. Local public agencies would also have to provide a place for the public to go to provide in-person comments.

AB 339 would also require instructions on joining the meeting via telephonic or internet-based service option, including registration for public comment, if required, to be made available to all non-English-speaking persons upon request and at minimum to be published in the two most spoken languages other than English within the boundaries of the territory over which the local agency exercises jurisdiction. The meeting agenda would also need to be made available upon request to all non-English-speaking persons within those boundaries in their language, regardless of national origin or language ability."

Given that both AB703 & AB361 provide options rather than mandates, staff believes these two bills are preferable to AB339. Furthermore, there would be unknown costs to implement the required pieces of AB339 relative to accommodating non-English speakers as currently called for in the bill.

Staff further notes that AB339 is likely to be significantly amended this week. Staff will report on these amendments at your meeting on May 6, 2021.

Staff Recommendation

Staff recommends that County Connection Watch AB339.

Action Requested

Staff respectfully requests that the MP&L Committee forward a recommendation to support AB703 & AB361 and a recommendation to watch AB339 to the Board of Directors.