

Governor Signs Law Facilitating Virtual Meetings During Declared Emergencies

09.17.2021

ATTORNEYS

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Governor Newsom has signed **AB 361**, which amends the Brown Act effective immediately to allow legislative bodies of local agencies to meet remotely during declared emergencies under certain conditions.

AB 361 builds upon Executive Order ("EO") N-29-20, issued by the Governor on March 17, 2020, which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. EO N-29-20's provisions concerning public meetings are set to expire after September 30, 2021.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions, including the requirement that meetings be conducted in physical locations, if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body has already determined or is determining whether - as a result of the emergency - meeting in person would present imminent risks to the health or safety of attendees.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- ▶ **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- ▶ **No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any

further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.

- ▶ **Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024.

For further information regarding AB 361, please contact **Zach Heinselman, Brendan Kearns**, or any other attorney in our **Municipal and Public Agency Law Department**.