

# POTENTIAL IMPACTS OF CALIFORNIA ASSEMBLY BILL 557

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## THE BROWN ACT GENERALLY

- The Brown Act intends to guarantee the public's right to attend and participate in meetings of local legislative bodies.
- As such, the Act generally requires that all meetings of a legislative body of a local agency be open and public such that all persons can attend and participate.
- Furthermore, all regular meetings of a legislative body should be held within the boundaries of the territory over which the local agency exercises jurisdiction.

## ASSEMBLY BILL 361

- Signed into law on September 16, 2021, AB 361 amends California's Government Code section 54953 to provide authority for public agencies to hold virtual meetings during a proclaimed state of emergency (such as COVID-19)
- Prior to California Assembly Bill 361, meetings could occur via teleconference but the legislative body must have satisfied the following requirements, amongst others: (1) Provide the public notice of the teleconference location of each member participating remotely; and (2) allow the public to access each teleconference location and address the legislative body from such a location.
- Generally, AB 361, exempts legislative bodies from these aforementioned Brown Act requirements regarding teleconferencing so long as specific circumstances exist.

## SPECIFIC REQUIREMENTS UNDER AB 361

To take advantage of AB 361's teleconferencing provisions, the specific requirements below must be met:

- The legislative body must be meeting during a state of emergency declared by the Governor.
- Either one of the following must occur:
  - State or local health officials have imposed or recommended measures to promote social distancing; or
  - the legislative body must determine, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees
- If the legislative body would like to continue to meet telephonically during the state of emergency it must make requisite findings by majority vote within 30 days of the first teleconferenced meeting, and every 30 days thereafter.
  - The requisite findings are as to the continued existence of the state of emergency that necessitates telephonic meetings.
  - During the COVID-19 State of Emergency, the Board made these requisite findings on behalf of each of its departments.

## AB 361

The more relaxed teleconferencing provisions provided by AB 361 are set to sunset on January 1, 2024.

## IMPACTS PROPOSED BY AB 557

- AB 557 proposes to make two main changes to the emergency teleconferencing provisions set forth by AB 361.
- It proposes to only require the legislative body to make requisite findings as to the declared state of emergency every 45 days rather than the current 30 days.
- Additionally, it proposes to eliminate the January 2024 sunset date for the teleconferencing provisions provided in AB 361.

## CLOSING CONSIDERATIONS

- The purposes of the changes overall is to provide agencies greater flexibility when teleconferencing under a declared state of emergency.
- AB 557 has not been signed into law. It was introduced on February 8, 2023. On June 7, 2023, the bill was referred to the Senate Judiciary Committee. Its next hearing date is June 27, 2023.

# QUESTIONS?

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