



AB 361 Presentation to Glendale Unified School District Board of Education

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Background: Brown Act and Meetings During the COVID-19 Pandemic

- “During the COVID-19 crisis the need for social distancing made the usual practices for public meetings – in particular having people gather together in indoor spaces - impossible to continue. Governor Gavin Newsom, as part of a slew of emergency orders issued in response to the pandemic, suspended many of the Brown Act and Bagley-Keene Act’s requirements for teleconferencing meetings.
- Pursuant to the Governor’s Executive Orders, school boards and other bodies have been authorized to hold meetings via teleconference and members of the public to observe and address the meetings through telephonic or other electronic means, subject to certain requirements to accommodate members of the public with disabilities and to ensure adequate notice of the meetings.

(See, State Senate Judiciary Committee, Analysis of AB 361)

- Executive Order Considerations for Local Bodies: transparency and public access.
- The flexibility authorized by the Executive Orders set to expire on September 30, 2021.

AB 361 (Rivas) Signed by Governor Newsom on September 16, 2021

AB 361 puts into statute just about all of the teleconferencing flexibility established under the earlier Executive Orders, authorizing remote meetings including remote public comment.

AB 361 effective October 1, 2021 pursuant to Governor Newsom's Executive Order of September 20, 2021.

Pursuant to AB
361, School
Boards may
continue to
meet via
teleconference

Flexibility applies to meetings held during a state of emergency proclaimed by the Governor

- And state or local health officials have imposed or recommended measures to promote social distancing.
- OR
- Meeting is during state of emergency and is for purpose of determining or the body has determined by majority vote whether meeting in person would present imminent risks to health or safety of the attendees.

Procedural Requirements for AB 361

- ❑ Provide timely notice of the meeting and post agendas
- ❑ Allow members of the public to access the meeting and agenda provides opportunity for members of public to address the legislative body directly. The agenda must provide notice of the means by which the public may access the meeting and offer public comment.
 - ✓ The agenda must identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.
 - ✓ This option shall not be construed to require the body to provide a physical location from which the public may attend or comment.
- ❑ Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public appearing before it.
- ❑ In the event of a disruption that prevents broadcasting the meeting via the call-in or internet-based option, or in the event of a disruption within the local agency's control which prevents public comment using the call- in option or internet-based option, the body shall take no further action on agenda items until public access is restored.

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AB 361 provisions on public comment

- ❑ May NOT require that public comments be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.
 - ❑ Written public comment is still allowed, but a “real-time” comment option (e.g. telephone or internet based) which allows the person to read their own comment must be allowed. The above provisions do not require the legislative body to provide a physical location from which the public may attend or comment.
- ❑ The legislative body may use an online third-party system for individuals to provide public comment which might require an individual to register prior to providing comment.
- ❑ Additional guidelines related to public comment, e.g., timed periods.

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