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New Statutory Requirements if Local CA Agencies Want to Continue Teleconferenced Public Meetings with Social Distance Modifications.

During the COVID-19 pandemic, Governor Newsom authorized local agencies to conduct teleconference meetings without complying with certain Brown Act requirements to allow for social distancing during COVID-19, i.e., the following “Social Distance Modifications”:

- Agenda not required to be posted at each teleconference location
- Each teleconference location not required to be listed on the agenda
- Each teleconference location not required to be open and accessible to the public
- Quorum of the legislative body not required to participate within the jurisdiction’s boundaries
- Legislative body not required to provide opportunity for the public to comment at each teleconference location

The Governor’s authorization expires September 30, 2021. On October 1, 2021, urgency legislation [AB 361](#) takes effect with new statutory protocols for local agencies to hold teleconference meetings with Social Distance Modifications.

Under AB 361, during a proclaimed state of emergency, a local legislative body can continue to utilize the Social Distance Modifications for teleconference meetings if, at least every 30 days, it makes findings that 1) it has reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of members to safely meet in person **and/or** state or local officials continue to impose or recommend social distancing measures. Alternatively, if the local agency is not utilizing the Social Distance Modifications, it can opt to meet in person and not provide a call-in or internet-based service option at all.

AB 361 imposes the following requirements to agencies who opt to continue to hold teleconference meetings utilizing the Social Distance Modifications:

- The agenda and any other notice of the time of the meeting must include notice of how the public may access the meeting and provide comment via a call-in option or an internet-based service option.
- Agencies cannot require public comments to be submitted in advance and must provide an opportunity for the public to offer comment in real time.
- Agencies that provide timed public comment cannot close the public comment period until the time period has elapsed.
- Agencies must allow a reasonable amount of time per agenda item to allow the public to offer comment or otherwise be recognized for the purpose of providing comment.
- Agencies cannot require a member of the public to register or provide information to attend a public meeting. However, AB 361 acknowledges that a third-party internet website or online platform not under the agency’s control may require registration to participate or provide public comment.
- If the broadcast of the meeting is disrupted or a disruption within the agency’s control prevents

public comment using the call-in or internet-based service options, the legislative body cannot take any further action on any agenda item until the disruption is resolved.

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