

AB361 – Virtual Meetings during a State of Emergency

The special virtual meetings rules first introduced in Executive Order N-29-20 suspended some requirements of the Brown Act surrounding teleconferencing through September 30, 2021. AB 361 was passed so that legislative bodies subject to the Brown Act could continue to utilize special virtual meeting rules during a state of emergency. While the bill notes that it is effective immediately, Governor Newsom signed an Executive Order waiving the application of AB 361 until October 1, 2021.

Until Jan. 1, 2024:

- **During a state of emergency, suspends certain provisions of Brown Act regarding teleconferencing as follows:**

- Agendas need not be posted at all teleconference locations
- Each teleconference location need not be identified in the notice/agenda
- Each teleconference location need not be accessible to the public
- A quorum of the members of the legislative body do not need to participate in the meeting from locations within the jurisdiction

- **To invoke AB361:**

The first time:

- There must be a Governor proclaimed state of emergency; or state or local measures or recommendations for social distancing
- A meeting must be held to find, **by majority vote**, that an in-person meeting would pose imminent risks to the health or safety of attendees

After the first time:

- There must still be an active state of emergency; or state or local measures or recommendations for social distancing
- A meeting must be held every 30 days, and **by majority vote**, find that “The state of emergency continues to directly impact the ability of the members to meet safely in person.”

- **Meeting Rules**

- Agendas must include access information for the public to attend the meeting & provide comments remotely.
- It cannot be required that **public comments** can only be submitted **in advance** of a meeting. Public must be allowed to offer comment during the meeting up until the public comment period of the meeting is closed
- In the event that technical problems disrupt the public’s access to the broadcast of the virtual meeting or preventing the provision of public comments, no vote or other official action can be taken until the technical disruption is corrected and public access is restored.
- The prohibition against requiring a person to register or otherwise identify themselves as a condition of attending the meeting is waived for 3rd-party platforms like Zoom that may require this themselves