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State Legislative Update: Proposed Changes to the Brown Act

Monday, August 15, 2022

Prepared by:
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Proposed Legislation

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- Assembly Bill 2647 (Levine) - Local Government: Open Meetings
- Senate Bill 1100 (Cortese) - Open Meetings: Orderly Conduct
- Assembly Bill 2449 (Rubio) - Open Meetings: Local Agencies: Teleconferences

AB 2647 (Levine)

- **Notable Provisions:** Exempts local agencies from making materials available to the public at the same time they distribute them to members, if the agency meets the following requirements:
 - An initial staff report or similar document containing an executive summary and the staff recommendation relating to that agenda item is made available to the public at the designated location at least 72 hours before the meeting;
 - The local agency immediately posts any writing on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda for an upcoming meeting;
 - The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency; and
 - The local agency makes physical copies available for the public, beginning the next regular business hours for the local agency, at the designated public location. This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before the meeting.
- **Current Status:** Senate Floor - 8/15 Third Reading File
- **City of Los Angeles Position: No Position Taken**

SB 1100 (Cortese)

- **Notable Provisions:**

- Authorizes the presiding member of the legislative body conducting a meeting, to remove an individual for disrupting the meeting provided the presiding member warns the individual that they are disrupting the meeting and failure to cease their behavior will result in their removal.
- Defines “disrupting” as engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting.
- A warning is not required if the individual is engaging in behavior that includes use of force or a true threat of force.

- **Current Status:** Enrolled; awaiting Governor’s signature/veto

- **City of Los Angeles Position: No Position Taken**

AB 2449 (Rubio)

- **Notable Provisions:**

- Authorizes, until January 1, 2026, members of a legislative body to use teleconferencing without noticing each teleconference location or making it publicly accessible, provided at least a quorum of the members of the body participates in person at a singular physical location. The location of the in-person meeting must be clearly identified on the agenda, must be open to the public, and must be within the boundaries of the local agency's jurisdiction.
- Members are permitted to participate remotely **only if one of the following applies:**
 - The member notifies the legislative body of the need to participate remotely for **just cause**. Just cause requests may not be used by any member of the legislative body for more than two meetings per calendar year.
 - The member requests the legislative body to allow them to participate in the meeting remotely due to **emergency circumstances** and the legislative body takes action to approve the request.
- Any member of a legislative body may not participate solely via teleconference for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

- **Current Status:** Senate Floor - 8/15 Third Reading File
- **City of Los Angeles Position:** No Position Taken

Next Steps

- Legislative Calendar:
 - **Aug. 15 - 31:** Floor session only.
 - **Aug. 25:** Last day to amend bills on the floor.
 - **Aug. 31:** Last day for each house to pass bills. Final Recess begin upon adjournment.
 - **Sept. 30:** Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1.
 - **Oct. 2:** Bills enacted on or before this date take effect January 1, 2023 (unless they include urgency clause).
- 2023-2024 State Legislative Program



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Questions?

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