

Olivehurst Public Utility District

Agenda Item Staff Report



Meeting Date: September 16, 2021

Item description/summary:

In Person Board Meetings:

“Virtual” Brown Act Meetings Will Expire September 30th

June 17, 2021

- Executive Order N-08-21 sets a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act
- Several requirements listed in this briefing will return to full force and effect

On June 11, 2021, Governor Gavin Newsom issued [Executive Order N-08-21](#), which among other things rescinds his prior [Executive Order N-29-20](#) and sets a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act.

Background

On March 12, 2020, as part of the state’s initial response to the coronavirus pandemic, Governor Newsom issued Executive Order N-25-20, which authorized local legislative bodies to hold public meetings via teleconference and waived some of the legal requirements for teleconference meetings under the Brown Act. (For more information, please see, Keenan’s briefing, [COVID-19: Brown Act, Unemployment, and Retiree Work Rules Impacted by New Executive Order.](#)) That executive order was amended less than a week later by EO-N-29-20, which clarified that all requirements in both the Bagley-Keene Act and the Brown Act that required the physical presence of members or other personnel as a condition of participation or in quorum for a public meeting were waived.

Effect of New Executive Order

With much of the state moving [Beyond the Blueprint](#) on June 15th, Governor Newsom’s most recent Executive Order holds the current accommodations in place through September 30, 2021, giving local agencies three and a half months to transition back to fully compliant Brown Act meetings.

This means that, as of October 1, 2021, the following requirements will return to full force and effect:

- Local bodies must notice each teleconference location from which a member will be participating in a public meeting and each teleconference location must be specifically identified in the meeting notice and agenda, including full address and room number;
- Each teleconference location must be accessible to the public;
- Members of the public must be able to address the body at each teleconference location;
- Local bodies must post agendas at all teleconference locations; and
- During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Next Steps

Legislative members of local agencies as well as members of the public have gotten used to a level of convenience and flexibility with meetings in the last year, and it remains to be seen if this will lead to changes to the Brown Act. Two bills were introduced in the California legislature this year that would have changed the requirements of the Brown Act. AB 1419 would have required the governing board of a school district, charter school or a county board of education to make any public meeting of the board accessible electronically online to all members of the public seeking to attend and ensure the opportunity for the members of the public participating electronically to comment on agenda items in the same manner as a person attending a meeting in person. AB 703 would have modified the teleconferencing provisions of the Brown Act to remove the notice requirements particular to teleconferencing. Neither bill passed this year, but they indicate a desire on the local level to continue to provide more access to internet-based and teleconferencing access to public meetings in the future.

Fiscal Analysis:

No fiscal impact to go back to in-person meetings.

Sample Motion:

No motion necessary.

Prepared by:

Cindy Van Meter/Office Manager-Human Resource Coordinator
