



AB 817- OPEN MEETINGS: TELECONFERENCING: NON- DECISION-MAKING BODIES

BACKGROUND

Local governments across the state have faced an ongoing challenge to recruit and retain members of the public on advisory bodies, boards, and commissions. Challenges associated with recruitment have been attributed to participation time commitments; time and location of meetings; physical limitation, conflicts with childcare, and work obligations.

The COVID-19 global pandemic has driven both hyper-awareness and concerns about the spread of infectious diseases, as well as removed barriers to local civic participation by allowing remote participation. This enabled individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements to engage locally.

Diversification in civic participation at all levels requires careful consideration of different protected characteristics as well as socio-economic status. The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations,

including seniors, persons with disability, single parents and/or caretakers, economically marginalized groups, and those who live in rural areas and face prohibitive driving distances. Participation in local advisory bodies and appointed boards and commissions often serves as a pipeline to local elected office and opportunities for state and federal leadership positions.

Existing law (Stats. 1991, Ch. 669) declares "a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees." Under the Local Appointments List, also known as Maddy's Act, this information must be publicly noticed and published. However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's

declared goals of equal access and equal opportunity.

EXISTING LAW

Assembly Bill 2449 (Stats. 2022, Chapter 285) permits a full Brown Act legislative body to permit remote participation for a minority of local government officials for just cause or emergency circumstances.

Assembly Bill 361 (Stats. 2021, Chapter 165) until January 1, 2024, permits the full legislative body to participate remotely without posting physical location when the Governor has issued a specified state of emergency. This bill was narrowly crafted to tie to Executive Order N-29-20 which will be lifted on February 28, 2023.

AB 931 (Stats. 2019, Chapter 819) sought to ensure equal gender representation on local boards and commissions. While provisions were invalidated by the court, the legislative declarations recognize these local bodies establish a pathway to other governmental leadership positions and that California must take affirmative steps to remedy the injustices resulting from underrepresentation in leadership positions.

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PROBLEM

Currently, there is no law that governs Brown Act Bodies specific to legislative subcommittees, boards, and commissions.

SOLUTION

- **AB 817** would provide a narrow exemption under the Ralph M. Brown Act for non-decision-making legislative bodies currently governed by Act, such as advisory bodies and commissions, to participate in two-way virtual teleconferencing without posting physical location of members.
- **AB 817** would remove barriers to entry for appointed and elected office by allowing non-decision-making legislative bodies to participate virtually as long as they do not have the ability to take final action on legislation, regulations, contracts, licenses, permits, or other entitlements.

SUPPORT

- California Association of Recreation and Park Districts (CARPD) - **Sponsor**
- League of California Cities (CalCities) - **Sponsor**
- Urban Counties of California (UCC) - **Sponsor**
- Rural County Representatives of California (RCRC) - **Sponsor**
- California State Association of Counties (CSAC) - **Sponsor**