

Remote Meetings Under AB 361

Sample of Agenda Language

AB 361 amends certain provisions in the Ralph M. Brown Act (“Brown Act”) allowing public agencies to continue conducting remote virtual meetings during a state of emergency, without the need to comply with all the Brown Act’s teleconferencing prerequisites, so long as certain requirements are met. Specifically, public agencies must make specific findings, every 30 days, and must ensure conditions related to public participation are satisfied. This document provides an overview of the necessary “findings” and public participation provisions, as well as sample agenda language to help ensure these requirements are met.

1. **Agenda Language When Making Initial Required Findings.** AB 361 allows a public agency to meet remotely under more “relaxed” teleconferencing requirements, so long as the public agency first makes specified findings. (Gov. Code, § 54953, subd. (e)(1).) The language below may be used to agendize the Board’s action to adopt these “initial” findings:

Sample Agenda Language
Action Item: Discussion and Possible Approval of Resolution [] Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code section 54953.
Description: In response to the COVID-19 Pandemic, Governor Newsom signed AB 361 into law, permitting public agencies to continue conducting meetings remotely in the following circumstances:
<ul style="list-style-type: none">A. There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; orB. There is a proclaimed state of emergency, and the local agency’s meeting is for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; orC. There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health or safety of attendees.
The [public agency] will consider adopting Resolution [#], to make a finding that the current circumstances meet the requirements of AB 361 and Government Code section 54953 for the [board] to conduct meetings remotely.

2. **Sample Agenda Language for “Continuation Findings.”** After making an initial finding under AB 361, public agencies may *continue* to use the more “relaxed” teleconferencing provisions, so long as the public agency makes specified *continuation* findings, no later than every 30 days. Specifically, the public agency must make a finding after reconsideration of the circumstances of the state of emergency that either: (1) The state of emergency continues to directly impact the ability of the members to meet safely in person, or (2) State or local officials continue to impose or recommend measures to promote social distancing. (Gov. Code, § 54953, subd. (e)(3).) The below language can be used to agendize the Board’s action to adopt these “continuation” findings:

Sample Agenda Language
Action Item: Discussion and Possible Approval of Resolution [] Authorizing Continued Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code section 54953.
Description: Consistent with Government code section 54953, on [date], the [public agency] adopted Resolution [#], finding that meeting in person would present imminent risks to the health or safety of attendees.

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At the [date] meeting, the [public agency] will discuss and consider adopting Resolution [#], to make a finding after reconsidering the state of emergency, that the current circumstances meet the requirements of AB 361 and Government Code section 54953 for the [board] to continue conducting meetings remotely.

3. **Language to Include in All Meetings Held Remotely Pursuant to AB 361.** All public agencies who hold remote meetings under the “relaxed” requirements of AB 361, must ensure that the agenda addresses certain aspects of public participation during the meeting, including: (1) providing an opportunity for members of the public to address the legislative body directly pursuant to section 54953.3; (2) giving notice of the means by which members of the public may access the meeting and offer public comment; and (3) identifying and including options for all persons to attend via a call-in or an internet based service. The below language may be included at the top of each agenda for remote meetings, to meet these requirements.

Sample Agenda Language

Consistent with AB 361 and Government Code section 54953, and subsequent [board] action, this meeting will be held remotely. Members of the public may access the meeting using the following information:

[include call in and/or video-conference information. Consider including step by step directions for how to access the video conference.]

Members of the public may offer public comment during the meeting, at the appropriate times, as identified in the agenda. Members of the public who wish to make a public comment may

[insert directions on how to indicate to the public agency’s meeting administrator that the member of the public wants to offer public comment, and how the public comment will be taken.]

*** If your general practice is to include a set amount of time for public comment, consider the following:** [board/] will allow a reasonable amount of time for public comment on each agenda item not to exceed __ minutes per speaker and no more than __ minutes per agenda item. Speakers will be called sequentially until there is no speaker coming forward on the agenda item or the amount of time allocated for the agenda item has elapsed, whichever comes first.

*** If your general practice is not to include a set amount of time for public comment, consider the following:** [board/] will allow a reasonable amount of time for public comment.