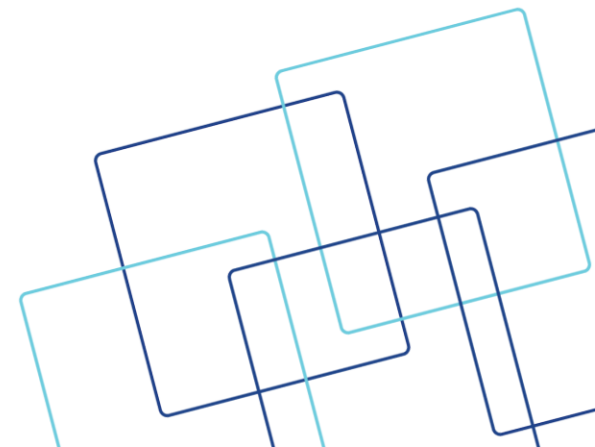




Virtual Board Meetings Under AB 361

Elk Grove Unified School District Governing Board Meeting

November 2, 2021



AB 361 Overview



- Authorizes local agencies to conduct public meetings remotely during a state of emergency under modified Brown Act requirements
- Requires local agencies to make specified findings **every 30 days** in order to continue to meet under abbreviated remote meeting procedures
- Effective October 1, 2021
- Sunsets January 1, 2024

Options in light of AB 361

Option 1: In-person board meeting

- With teleconferencing as needed in compliance with all Brown Act notice and access rules
- Otherwise, all members of the public and all board members attend in-person

Option 2: Virtual board meetings (AB 361 Option)

All members of the public and all board members attend virtually

Option 3: Hybrid Model (Not explicitly permitted by AB 361)

- Board meets in person, attendees participate virtually
- Some board members meet in person, some virtually, attendees participate virtually

In-Person Board Meetings: General Brown Act Teleconferencing Requirements

<i>Notice</i>	Identify each teleconference location in meeting notice and agenda
<i>Agenda</i>	<ul style="list-style-type: none">• Post agendas at all board member teleconference locations• Agenda provides an opportunity for members of the public to address the board directly at each teleconference location
<i>Jurisdiction</i>	Quorum of the board participates within the District's boundaries
<i>Public Comment</i>	Members of the public are allowed to address the board at each teleconference location
<i>Location Access</i>	Each teleconference location is accessible to the public

Teleconference: a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both (Gov. Code, § 54953(b)(4).)

AB 361 At a Glance: New Virtual Board Meeting Requirements

	Required Under AB 361	Not Required Under AB 361
<i>Circumstances/Findings</i>	<ul style="list-style-type: none">• State of emergency• 30-day findings by majority vote	
<i>Agenda</i>	Identify call-in option or internet-based service option to attend	<ul style="list-style-type: none">• Post at all teleconference locations• Identify each teleconference location
<i>Jurisdiction</i>		Quorum of board members participate from within territorial bounds of the local agency's jurisdiction
<i>Public Comment</i>	Accept comments virtually in real-time	
<i>Location Access</i>		Make each teleconference location accessible to the public
<i>Disruption</i>	No further action on items appearing on the agenda until public access to meeting is restored	

AB 361 Findings

Local agencies may utilize the more “relaxed” Brown Act teleconferencing requirements in any of the following circumstances:

1. There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote *social distancing*; or
2. 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; or
3. 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*.

30 Day Renewals

To continue to rely on the relaxed teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, *every 30 days*:

- The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing



AB 361 Brown Act Requirements:

Notice and Agenda



- Must give notice of meeting and post agendas as otherwise required by Brown Act
- Must give notice of means for public access and comments
- Agenda must identify and include opportunity to attend via call-in option or internet-based service option



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