



MEMORANDUM

DATE: April 22, 2022

TO: Governing Board
San Francisco Bay Restoration Authority

FROM: Amy Hutzler, Executive Officer
San Francisco Bay Restoration Authority

SUBJECT: Pending Bills Concerning Remote Meetings under the Brown Act

There are currently two pending bills that, if enacted, would permit the San Francisco Bay Restoration Authority to hold remote meetings without observing all of the existing Brown Act requirements for teleconference meetings. AB 1944 permits fully remote meetings in all circumstances. AB 2449 permits hybrid meetings if at least a quorum of a local agency board is present at a physical location. Because AB 1944 provides much greater flexibility for local agencies to meet remotely, staff recommend that the Governing Board approve a letter to the sponsors of AB 1944 expressing support for the bill.

AB 1944, introduced on February 10, 2022, by Assemblymembers Alex Lee and Cristina Garcia, would amend the Brown Act to allow the members of a legislative body to meet by teleconference without posting their locations on the agenda or making their locations accessible to the public. If one or more members of the legislative body do meet by teleconference, the legislative body must provide public access to a live video stream of the meeting and provide an opportunity for public comment through an “audio-visual or call-in option.”

AB 2449, introduced on February 17, 2022, by Assemblymember Blanca Rubio, would permit members of a legislative body to teleconference without posting their locations or making their locations accessible to the public if at least a quorum of the members of the legislative body participates from a single meeting location that is identified on the agenda, accessible to the public, and located within the agency’s jurisdiction. A legislative body using this hybrid meeting format would have to comply with several additional requirements, including the following:

- (1) Members of the legislative body appearing by teleconference must participate with both an audio and video connection;
- (2) The legislative body must provide an opportunity for members of the public to attend by a call-in or internet option, and also attend and address the legislative body at the primary meeting location;
- (3) The legislative body must provide an opportunity for the public to address the legislative body and provide comment in real time; and

- (4) If there is a disruption to the call-in or internet broadcast of the meeting, the legislative body shall take no further action on any items on the agenda until the call-in and internet access options are restored.

Conclusion

AB 1944 provides much greater flexibility for local agencies to meet remotely than AB 2449. Staff therefore recommend that the Board pass Resolution 95 approving a letter to the sponsors of AB 1944 expressing support for the bill.