

Date of Hearing: June 9, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 274 (Wieckowski) – As Amended April 5, 2021

SENATE VOTE: 38-0

SUBJECT: Local government meetings: agenda and documents.

SUMMARY: Requires local agencies to provide local agency meeting materials by email to persons who request it, if technologically feasible. Specifically, **this bill:**

- 1) Requires, if a local agency has an internet website, the legislative body or its designee to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if a person requests that the item or items be delivered by email.
- 2) Provides that, if the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or by other electronic means, the legislative body or its designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to the Ralph M. Brown Act (Brown Act).
- 3) Finds and declares that this bill furthers the purposes of specified provisions of the California Constitution as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to those provisions, the Legislature makes the following findings: By providing the public the right to receive local legislative body meeting agenda and documents constituting the agenda packet by email, this bill promotes greater public access to the writings of local public officials and local agencies in an economic and efficient manner.
- 4) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this bill would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill requires local agencies that have an internet website to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet for any meeting of the local agency's legislative body if a person requests that these documents be delivered by email.

If the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or

by other electronic means, the legislative body or its designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the Brown Act's mailing requirements. This bill is sponsored by the Los Angeles Sunshine Coalition.

According to the author, "SB 274 will make it easier for constituents to become informed about the actions under consideration by their local governments and to voice their concerns in a timely manner. The current law requires legislative bodies to send out agenda packets only by mail when people request them. The issue with this method is that sometimes mailed agenda packets arrive to the recipient after the meeting is over. My bill would allow people to receive those documents by email instead of mail, a faster, easier and more efficient way for both the governing bodies and constituents."

- 2) **Background.** The Brown Act was enacted in 1953 and has been amended numerous times since then. The legislative intent of the Brown Act was expressly declared in its original statute, which remains unchanged:

"The Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

The Brown Act generally requires meetings to be noticed in advance, including the posting of an agenda, and generally requires meetings to be open and accessible to the public. The Brown Act also generally requires members of the public to have an opportunity to comment on agenda items, and generally prohibits deliberation or action on items not listed on the agenda.

The Brown Act provides that any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person.

- 3) **Related Legislation.** AB 339 (Lee & Christina Garcia) requires, until December 31, 2023, all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. AB 339 is pending in the Senate.

AB 361 (R. Rivas) allows, in limited circumstances, a local agency to use teleconferencing without complying with the Brown Act's physical access and quorum requirements for teleconferenced meetings. AB 361 is pending in the Senate Governance and Finance Committee.

AB 703 (Rubio) alters in-person public access and quorum requirements for teleconferenced meetings under the Brown Act. AB 703 is pending in this Committee.

- 4) **Proposition 42.** Proposition 42 was passed by voters on June 3, 2014, and requires all local governments to comply with the Public Records Act and the Brown Act and with any subsequent changes to those Acts. Proposition 42 also eliminated reimbursement to local agencies for costs of complying with the Public Records Act and the Brown Act. Therefore, while this bill is a state-mandated local program, its costs would not be reimbursable.
- 5) **Arguments in Support.** The Los Angeles Sunshine Coalition writes, "...the Brown Act also requires local agencies to mail copies of agendas and associated documents to members of the public on request. Such requests are valid for an entire calendar year and serve as a way for interested people to be informed of and about upcoming meetings without having to remember to check multiple posting locations or web sites on a regular basis. In most cases agencies will send electronic copies of agendas and documents by email on request. Many agencies have automated systems to accomplish this. However, there are agencies that insist on using postal mail to deliver agendas and documents. In some cases they require requesters to pay postage and per-page copy charges, often in advance of sending materials. Occasionally they insist on mailing materials by methods which require the recipient's signature.
- "These measures, of course, delay notification, often until the actual date of the meeting is past. This effect is especially harmful with respect to special meetings, for which only 24 hours notice is required. When agencies require signatures to receive agendas it becomes even more difficult to receive them in a timely manner. People with full time jobs are rarely home when mail is delivered and are often unable to pick up materials at the post office immediately. SB274 would solve this problem by requiring agencies to email copies of agendas and associated documents on request. This change will allow interested members of the public to attend and monitor meetings much more efficiently and effectively than is now possible, will prevent people missing meetings because mailed agenda materials arrived late, and will eliminate per-agenda charges for postage and copying."
- 6) **Arguments in Opposition.** The Orange County Local Agency Formation Commission states, "...SB 274, as written, creates an unfunded state mandate for local government agencies and may result in significant fiscal impacts to all local public agencies, including Orange LAFCO."

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles Sunshine Coalition [SPONSOR]
 AFSCME, AFL-CIO
 Association of California Water Agencies (ACWA)
 CA Association of Local Agency Formation Commissions
 California Association of Realtors
 California Municipal Utilities Association
 California News Publishers Association Services, INC.
 California State PTA
 California Taxpayers Association
 Howard Jarvis Taxpayers Association (HJTA)
 League of Women Voters of California

Oakland Privacy
Santa Clara Valley Water District
Society of Professional Journalists, Northern California Chapter
Unrig LA
Water Replenishment District of Southern California

Opposition

Orange County Local Agency Formation Commission

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