

Date of Hearing: July 7, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

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

Policy Committee: Local Government

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill requires each local agency to provide the agenda packet of any meeting of its legislative body 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) Requires, if the local agency determines it is technologically infeasible to comply with the requirements described above, the legislative body or its designee to 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).

FISCAL EFFECT:

No state costs. Local costs to establish procedures to create website links and email meeting materials to interested individuals are likely minor and are not reimbursable by the state per Proposition 42, passed by voters on June 3, 2014. Proposition 42 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 those acts. Therefore, while this bill imposes a state-mandated local program, its costs are not reimbursable by the state.

COMMENTS:

- 1) **Purpose.** This bill is intended to provide an easier and more efficient way for constituents to be informed of, and engaged in, the actions of their local governments.
- 2) **Background.** Existing law, the Brown Act, requires all meetings of local legislative bodies be open and public, and requires local agencies to post hearing notices and provide the public with copies of materials distributed during open meetings. Any member of the public can request a local agency mail them a copy of meeting materials. Upon receiving this request, the local agency must mail the meeting materials when it publicly posts a meeting agenda or distributes the meeting materials to a majority of its legislative body, whichever occurs first. Members of the public must renew their request for meeting materials each year. The local

agency can charge a fee for this service, which must not exceed the cost of providing the service.

This bill requires a local agency that has a website to email a copy of, or provide a link to, the agenda packet, if an individual requests the local agency to deliver these items by email. If the local agency determines it is not technologically feasible to comply with these requirements, the local agency must mail a copy of the agenda, or send a link to the agenda, and mail all other documents, pursuant to existing law.

3) **Related Legislation.**

AB 339 (Lee), of this legislative session, requires, until December 31, 2023, city councils and boards of supervisors in jurisdictions over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. AB 339 is pending in the Senate Governance and Finance Committee.

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

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081