



AB 817-OPEN MEETINGS: TELECONFERENCING: NON-DECISION-MAKING BODIES

SUMMARY

AB 817 builds on pandemic-era rules to boost accessibility to local civic leadership opportunities.

BACKGROUND

Local governments across California face an ongoing challenge to recruit and retain members of the public on advisory bodies, boards, and commissions. Challenges associated with recruitment have been attributed to time and location of meetings, physical limitations, conflicts with childcare, and work obligations.

Diversification in civic participation at all levels requires careful consideration of different protected characteristics as well as socio-economic status. The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations, including seniors, persons with disabilities, economically marginalized groups, and people who live in rural areas and face prohibitive driving distances.

The COVID-19 global pandemic drove a hyper-awareness about the spread of infectious diseases, but also removed barriers to local civic participation by allowing for remote participation. This embrace of teleconferencing has enabled individuals who could not otherwise accommodate the time, distance, or mandatory physical

participation requirements to engage locally.

Participation in local advisory bodies and appointed boards and commissions often serves as a pipeline to local elected office and opportunities for state and federal leadership positions.

Existing law (Stats. 1991, Ch. 669) declares “a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees.”

Under the Local Appointments List, also known as Maddy’s Act, this information must be publicly noticed and published. However, merely informing the public of the opportunity to engage is not enough. We also must address barriers to entry to achieve diverse representation in leadership and further the Legislature’s declared goals of equal access and equal opportunity.

EXISTING LAW

Senate Bill 544 (Stats. 2023, Chapter 216) until January 1, 2026, authorized **state**

advisory bodies to withhold the location of their members during meetings by teleconference to promote equity and public participation while balancing the protection of participants and their families and preserving the public's right to access.

Assembly Bill 557 (Stats. 2023, Chapter 534) eliminated the sunset date on provisions of law allowing local agencies to use teleconferencing without complying with specified Ralph. M Brown Act requirements during a proclaimed state of emergency, indefinitely authorizing the full legislative body to participate remotely without posting physical locations when the Governor has issued a specified state of emergency.

Assembly Bill 2449 (Stats. 2022, Chapter 285) until January 1, 2026, permits members of a Brown Act legislative body of a local agency to participate remotely, for just cause or emergency circumstances, without identifying each teleconference location.

AB 931 (Stats. 2019, Chapter 819) sought to ensure equal gender representation on local boards and commissions. While provisions were invalidated by the court, the legislative declarations recognize that these local bodies establish a pathway to other governmental leadership positions and that California must take affirmative steps to remedy the injustices resulting from underrepresentation in leadership.

PROBLEM

No law exists that governs Brown Act Bodies specific to advisory legislative subcommittees, boards, and commissions. Current law treats state advisory bodies differently, eliminating barriers to access and promoting equity in participation while local advisory body provisions continue to perpetuate inequities in who gets a voice at the table.

SOLUTION

AB 817 provides a narrow exemption under the Brown Act for non-decision-making bodies governed by the Act to participate in two-way virtual teleconferencing without posting physical location of members, while aligning teleconferencing provisions to create one statewide standard for state and local advisory bodies.

AB 817 removes barriers to entry for appointed and elected office and promote equal access to civic participation by allowing advisory body members to participate virtually as long as they do not have the ability to take final action on legislation, regulations, contracts, licenses, permits, or other entitlements. The bill will sunset January 1, 2026, the same date as other remote participation statutes, to allow for further discussion.

SUPPORT

- California Association of Recreation and Park Districts (CARPD)
- League of California Cities (CalCities)
- Urban Counties of California (UCC)
- Rural County Representatives of California (RCRC),
- California State Association of Counties (CSAC),
- California Association of Public Authorities for In-Home Supportive Services (CAPA-IHSS) – **(Sponsors)**

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