



THE BROWN ACT

California's Open Meeting Law

Office of the City Attorney
2021

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MEETINGS DURING EMERGENCIES

- When a legislative body holds a meeting
 - during a proclaimed state of emergency and social distancing measures are recommended or imposed by local or state officials, **or**
 - for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees because of the emergency, **or**
 - during a proclaimed state of emergency and has already determined that meeting in person would present imminent risks to the health and safety of attendees,
 the legislative body must comply with the requirements of 54953(e)(2).



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MEETINGS DURING EMERGENCIES

- Requirements for meetings under Gov. C. 54953(e)(1):
 - Still give **notice and post the agenda** as usual
 - Allow public to **access** meeting **and** must give **opportunity** for public **to address the body directly**
 - Agenda must state **method of access and public comment**
 - Agenda must identify and give opportunity for all persons to attend via **call-in option or an internet-based service**
 - (physical public access to the meeting is not required)



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MEETINGS DURING EMERGENCIES

- Protect the **statutory and constitutional rights** of the parties and the public
- **No actions taken** on any items **during a disruption** preventing broadcast of the meeting, or if a disruption in local agency's control prevents the public from offering public comment using the call-in option or internet-based service, **until public access** to the meeting via the call-in option or internet-based option **is restored**.
- Public must be allowed to address the body **in real time** (cannot require public comments to be submitted in advance of the meeting)



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PUBLIC PARTICIPATION

- Timed public comment on specific agenda items
 - Shall allow a reasonable amount of time per agenda item to allow the public to provide public comment, including time to register or log in, and be recognized to give public comment
- General timed public comment period
 - Shall not close public comment period the opportunity to register or log in, until the timed general public comment period has elapsed

(cannot open and close without giving sufficient time for viewers or callers to dial in and indicate they wish to speak)



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FINDINGS EVERY 30 DAYS

- Every 30 days, the legislative body must make findings that
 - (1) the body has reconsidered the circumstances of the state of emergency, and
 - (2) the state of emergency continues to directly impact the ability of its members to safely meet in person

or

that state and local officials continue to recommend or impose social distancing measures.



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CONCLUSION



**Discussion, Questions,
& Answers**



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