

## MEMO

**To:** City of Santa Clara  
**From:** Townsend Public Affairs, Inc.  
**Date:** March 3, 2022  
**Subject:** Bill Analysis: AB 1944 (Lee)

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### **AB 1944 (Lee) Local government: open and public meetings.**

#### Bill Information

The official text of AB 1944 can be found [here](#).

#### Summary

This bill allows members of a local legislative body, upon majority vote, to waive the Brown Act requirements of publishing their private address on the meeting agenda and making this address open to members of the public. It also requires a remote participation option for members of the public to address the body, only during meetings when the legislative body elects to use teleconferencing.

AB 361 (R. Rivas, Statutes of 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without having to meet a quorum and other requirements of teleconference meetings under the Brown Act. Local legislative bodies may continue to meet virtually pursuant to AB 361 until the end of the current state of emergency and during any future state of emergency up until January 1, 2024. The legislative body is required to take a majority vote every 30 days in order to continue allowing members to participate virtually without meeting existing Brown Act requirements.

Under AB 361, members of a legislative body are only given modified Brown Act protections during a declared state of emergency. Further, in the case where there is no majority vote every 30 days, members who choose to teleconference are required to make private addresses publicly known and accessible, should they elect to participate remotely in a meeting.

AB 1944 would modify the Brown Act to allow members of a local legislative body to teleconference into a meeting without having to reveal private addresses or make private addresses accessible to the public, *whether there exists a state of emergency or not*. Whenever members of a local legislative body elect to use teleconferencing, the local agency must also ensure there are teleconferencing mechanisms in place for public participation.

## Status

AB 1944 has been referred to the Assembly Local Government Committee and is currently pending an official hearing date.

## Support

According to the author: *“Since there are many members of Brown Act bodies who have families that may be immunocompromised or may need to teleconference from a private location that cannot be made accessible to the public, there are still many concerns with existing legislation.*

*For example, if outside of the pandemic a local elected is teleconferencing from a hospital room after giving birth, she would be forced to either reveal the location she is teleconferencing from or make the room publicly available, or she would not be able to attend the meeting and partake in her official duties.”*

According to the author’s office, supporters of AB 1944 include: a dozen individual city council and school board members, primarily from the Bay Area. Additional support is anticipated once the committee analysis, with the official list of supporters, is released prior to the committee hearing.

## Opposition

Since AB 1944 has not yet been set for hearing, there is no list of official opposition available yet.

## TPA Staff Recommendation

### Support

AB 1944 aims to provide local agencies, and individual elected officials, a level of privacy by not requiring the disclosure of the address of the remote participation location is a location that is not open to the public. The measure balances privacy with public access by requiring local agencies who have members that elect to participate remotely to also provide teleconferencing options for public participation, as well as video streaming of the meeting.

AB 1944 also provides a level of discretion for local agencies, by only imposing the video streaming and public teleconference access requirements in instances where one or more members of a local agency elect to remotely participate in a meeting.