

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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January 30, 2023

C/CAG Legislative Delegation
State Capital
Sacramento, CA
Transmitted via Electronic Mail

RE: Brown Act Amendment Request

Dear C/CAG Legislative Delegation Members:

On behalf of the City/County Association of Governments of San Mateo County, I write to respectfully ask that you please consider sponsoring a limited extension to the permissions granted in AB 361 (Rivas) [Chapter 165, Statutes of 2021) for the remote convening of legislative bodies. We are requesting the Legislature consider a bill that would allow the following to continue to meet remotely without having to follow the specific quorum, location notification, and accessibility requirements required by the Brown Act and/or AB 2449 (Rubio) [Chapter 285, Statutes of 2022]:

1. Advisory bodies that can take no action or establish policy on behalf of a local elected body.
2. Countywide or regional multi-jurisdictional organizations whose members are appointed rather than directly elected.

C/CAG, as you may know, employs several advisory committees to help guide its work, such as the Congestion Management Program Technical Advisory Committee and the Bicycle and Pedestrian Advisory Committee, which consist of local elected officials, city government employees, and members of the public, most of whom work outside jobs unrelated to the effort they put in for C/CAG to better San Mateo County. We believe this proposal will result in a much-needed cost-savings to local agencies without jeopardizing public participation.

C/CAG has one Board of Directors and nine standing advisory committees with a total of 146 seats or members from all points in the County. In the past, many members would travel significant distances to attend meetings. Prior to the current remote meeting flexibility, C/CAG Committee members that live on the Coast would have to drive across the Santa Cruz Mountains or members would have to drive the length of the County during commute hours for a 30-minute committee meeting.

Notably, allowing remote meeting flexibility for advisory bodies would further our goals to reduce trips, vehicle miles traveled, and greenhouse gas emissions. It will provide additional flexibility for these non-decision-making advisory bodies to continue to meet remotely while maintaining agenda notification requirements. Virtual public access will enable C/CAG and other local agencies to incentivize

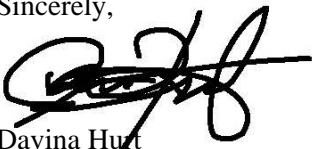
participation from well-qualified, interested individuals while allowing participating individuals to maintain unrelated commitments relating to work, school, and their families.

For these reasons, C/CAG respectfully asks that you please consider authoring this proposal and support these efforts during the 2023-34 Legislative Session.

In addition, many of our member agencies are requesting amendments to AB 2449 to improve the ability to provide flexibility in certain cases. We have also attached a representative letter from the City of San Carlos requesting remote meeting flexibility, which we are also supportive of for optimal public meeting participation.

Thank you for your consideration. Please contact Sean Charpentier, C/CAG Executive Director at scharpentier@smcgov.org if you have any questions.

Sincerely,



Davina Hunt
C/CAG Chair



Dear Assemblymember Rubio:

Thank you for your leadership in the State Assembly on critical issues ranging from pre-school education and safe drinking water, to continuous medical care for children under the age of five and transparency and flexibility in public meetings. We appreciate your inclusive approach to addressing the needs of all Californians and empowering communities to come together to create positive change for all.

We are writing to request that Assembly Bill ("AB") 2449 be amended to allow city councils, their standing committees, and regional boards more flexibility to establish their own teleconference requirements related to quorums, just cause and emergency requirements, and limitations on the number of remote meetings members may attend.

In March 2020, the Governor issued Executive Order N-90-20, giving local agencies more flexibility to deploy teleconferencing, and it was a monumental success. It protected the health and safety of civil servants and the public, while effectively and efficiently conducting the public's business.

Teleconferencing during the pandemic increased public participation, reduced single occupancy vehicle trips and travel costs, and decreased greenhouse gas (GHG) emissions.

We believe there are several unintended consequences of AB 2449 and respectfully request that the following requirements be considered for amendment:

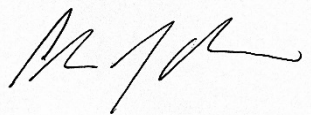
- 1. Just cause travel.** Local city councils and their standing committees are often comprised of individuals with full-time occupations. AB 2449's "just cause" requirement unfairly allows travel while on business "of the legislative body or another state or local agency," but not travel related to an individual's occupation. This raises an equity concern that participation in local and regional government would be limited to officials at a certain socioeconomic level. Travel for a member's occupation should be allowed under "just cause."
- 2. Cap on number of remote meetings allowed.** The limitation on the number of meetings that may be attended remotely appears arbitrary. The State could consider mandating a "floor" for in-person meetings, i.e. at least two meetings per year must be in person, and allow regional boards and standing committees maximum flexibility in determining the "ceiling" or "cap" on the number of remote meetings permissible. To contrast, local officials serve in the communities in which they live and the return to in-person meetings for local jurisdictions is not an issue. Nonetheless, local jurisdictions and their constituents are best suited to decide whether to host in-person or virtual meetings and to decide the limitations of those meetings.

3. **Quorum.** Requiring a quorum at a single physical location for regional boards and their subcommittees, and mandating that members of these bodies travel long distances to attend in-person meetings, contradicts the State's efforts to curb GHG emissions and seems arbitrary and particularly burdensome when regional boards are comprised of a geographically diverse membership of cities and counties. Regional boards, as well as standing committees of a city council should be allowed to stay 100% remote, with the option of deciding as a body, how many meetings should be attended in-person versus remote.
4. **Webcasting technology.** Unlike local city councils, regional boards meet in a variety of locations that often are not equipped with webcasting technology to enable hybrid meetings. Under AB 2449 regional boards will need to pivot from online meetings to in-person meetings.
5. **Disclosure.** The requirement to publicly disclose any individual in the room over the age of 18 is a privacy violation. For example, if a member is under the care of an at-home nurse, this should not need to be shared publicly.

We have serious concerns regarding AB 2449's measures to limit remote teleconferencing to a handful of emergency or restrictive just cause approvals. Without amendment, these measures will result in unnecessarily long travel times to meetings, suppressed attendance, and difficulty reaching quorum, which will in turn negatively impact the governing body's productive work.

We respectfully request that AB 2449 be amended to provide more flexibility to regional agencies and local governing bodies. The Brown Act ensures that officials and their constituents can have open and transparent meetings, which we now know can occur using modern technology. As representatives of local governments and regional boards, we believe in the benefit of increased access in our communities. We look forward to collaborating with you to promote greater flexibility and participation in the decision making process by incorporating the changes we have proposed. Thank you for your time and consideration of this important matter that impacts all of us.

Sincerely,



Adam Rak, Mayor, City of San Carlos
Sara McDowell, Councilmember, City of San Carlos

cc: Senator Josh Becker
Assemblymember Diane Papan