

1 [Supporting California State Assembly Bill No.1944 (Lee) - Brown Act Revisions;
2 Teleconferencing]

3 **Resolution supporting California State Assembly Bill No. 1944, authored by Assembly**
4 **Member Alex Lee, which would amend the Brown Act and allow local legislative bodies**
5 **the ability to permit members to teleconference without having to publish their private**
6 **address or to make their private location available to the public; and require a remote**
7 **participation option for members of the public to address the body when the body opts**
8 **to teleconference.**

9
10 WHEREAS, The Ralph M. Brown Act (Brown Act), passed in 1953, requires local
11 government business to be conducted at open and public meetings with certain limited
12 exceptions; and

13 WHEREAS, The Brown Act allows for meetings to occur through teleconference
14 subject to specific requirements, including that each physical location in which members are
15 teleconferencing from must be identified in the public meeting and agenda of the meeting, as
16 well as be accessible to the public; and that at least a quorum of the legislative body
17 participate from locations within the boundaries of the local agency’s jurisdiction; and

18 WHEREAS, New state law provides that during the current declared state of
19 emergency or in other situations related to public health, local agencies may use
20 teleconferencing without complying with existing requirements within the Brown Act until
21 January 1, 2024 as long as legislative bodies take a majority vote every 30 days to allow for
22 members to participate virtually without meeting existing Brown Act requirements; and

23 WHEREAS, Teleconferencing offers the ability for members of a public body and
24 members of the public to participate in meetings without having to physically be in the same
25

1 location, which has proven to be possible and successful during the pandemic and the
2 ongoing state of emergency; and

3 WHEREAS, There are circumstances other than a declared state of emergency which
4 warrant the need for a member of a local body to teleconference from their home residence or
5 medical facility, including, but not limited to, following quarantine or isolation guidance due to
6 exposure of an infectious disease, adhering to bedrest as advised by a medical professional
7 for treatment, or caring for a newborn child during parental leave; and

8 WHEREAS, The requirement to disclose members' teleconferencing location and be
9 made accessible to members of the public may not be practical or safe if a member is
10 teleconferencing from their home or medical facility due to privacy and security concerns; and

11 WHEREAS, The Brown Act teleconferencing provisions have been a source of concern
12 due to its limitations on allowing members of a body on medical leave or parental leave the
13 ability to continue participation during meetings; and

14 WHEREAS, In 2006, the voters of San Francisco passed a Charter Amendment
15 authored by Supervisor Alioto-Pier to require the Board of Supervisors to adopt parental leave
16 policies for its members and for members of other boards and commissions, which included
17 authorization to participate in meetings by teleconferencing when the member is physically
18 unable to attend due to pregnancy or childbirth as long as it met Brown Act requirements; and

19 WHEREAS, The existing Brown Act provisions requiring disclosure and public access
20 of the physical locations in which members are teleconferencing deterred anyone going on
21 parental leave from utilizing this option and resulted in members opting to take leaves of
22 absences instead; and

23 WHEREAS, The restrictive nature of the Brown Act's teleconferencing requirements
24 impacts the ability for persons physically unable to attend meetings due to pregnancy,
25 childbirth, or other medical conditions, which has the unintended consequence of hindering

1 representation of voting members that are elected or appointed to serve their constituents;
2 and

3 WHEREAS, Assembly Member Alex Lee authored Assembly Bill No. (AB) 1944, along
4 with Assembly Member Cristina Garcia, in February 2022 to address these concerns with the
5 Brown Act by allowing local bodies to vote on allowing members to teleconference into a
6 meeting and further specify that if a member of a legislative body elects to teleconference
7 from a location that is not public, the address does not need to be identified in the notice and
8 agenda or be accessible to the public; and

9 WHEREAS, If a legislative body elects to use teleconferencing, AB 1944 would also
10 require that all open and public meetings provide a video stream accessible to members of
11 the public and an option for members of the public to address the body remotely during the
12 public comment period through an audio-visual or call-in option; and

13 WHEREAS, The San Francisco Board of Supervisors historically supports the
14 expansion of access to public meetings through teleconferencing for both members of local
15 bodies and members of the public; now, therefore, be it

16 RESOLVED, That the San Francisco Board of Supervisors supports Assembly Bill No.
17 1944, which would amend the Brown Act and allow local legislative bodies to vote on allowing
18 teleconferencing without the need to disclose the private locations of members, provided that
19 they livestream the meeting and offer an opportunity for the public to participate remotely; and

20 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
21 the Clerk of the Board of Supervisors to transmit a copy of this Resolution to Assembly
22 Member Alex Lee; Assembly Member Cristina Garcia; Assembly Member Phil Ting, Senator
23 Scott Wiener; Assembly Member Cecilia Aguiar-Curry, Chair of the Local Government
24 Committee; Assembly Member Tom Lackey, Vice Chair of the Local Government Committee;
25 and the State Lobbyist upon final passage.