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AB 557: Updates to Teleconference Attendance by Legislative Bodies

On October 8, 2023, Governor Gavin Newsom signed Assembly Bill (“AB”) 557 into law. AB 557 amends sections of the Brown Act which already allow legislative bodies to meet by teleconference in certain situations to make changes to some of the procedural and timing requirements for conducting a teleconferenced meeting during a proclaimed state of emergency and removes or extends certain sunset dates for prior Brown Act legislation.

Current Requirements for Teleconferenced Meetings During Proclaimed State of Emergency

A local agency’s legislative body may use teleconferencing for a public meeting without having to follow the Brown Act’s requirements to post agendas at each teleconference location, identify each teleconference location in the notice and agenda, make each teleconference location accessible to the public, and require at least a quorum of the legislative body to participate from within the local agency’s jurisdiction during the following circumstances:

1. A legislative body holds a meeting during a proclaimed state of emergency to determine whether meeting in person would present imminent risks to the health and safety of attendees.
2. A legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 557: Amends the Brown Act’s Teleconference Meetings Rules

AB 557 makes the following changes to the Brown Act’s rules on meeting by teleconference:

- Removes the sunset date from AB 361, which promulgated rules on meeting by teleconference during a state of emergency;
- Removes a provision from the Brown Act—added by AB 361—which arguably permitted local agencies to continue to meet by teleconference after a governor declared state of emergency ended if the agency cited social distancing recommendations imposed;

- Extends the time period to make findings to continue to meet by teleconference during a governor declared state of emergency from 30 days to 45 days; and
- Extends the sunset date for a provision in the Brown Act that permits meetings by teleconference for either “just cause” or “emergency circumstances” (when there is no governor declared state of emergency) from January 1, 2024 to January 1, 2026.