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Graham Knaus

March 12, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol Building
Sacramento, CA 95814

RE: Flexibility for Local Governments to Meet Existing State Law During an Emergency

Dear Governor Newsom,

On behalf of California's 58 counties, I want to thank you for your leadership during this unprecedented COVID-19 public health and economic crisis. I am writing as the leader of the California State Association of Counties (CSAC) to urgently request your assistance for local governments to help us protect the health of the public and properly implement the recent guidance from the Department of Public Health on mass gatherings of 250 people or more.

As the situation evolves, I must urgently share with you our request to relax three specific state Brown Act requirements for local governments:

- (1) Government Code 54953(b): This is the provision that allows members of public bodies to participate in meetings via teleconference. The law has many requirements, including that the location the member is teleconferencing from must be open to the public, and notice of the teleconferencing must be posted 72 hours in advance. We request that local government agencies be temporarily allowed to have a member of the body participate in the meeting remotely without having to disclose their location or allow members of the public at the site so that members who need to self-isolate or are quarantined can participate in meetings from home, hospitals, or other locations where public access would not be appropriate. Similarly, it may not always be known 72 hours in advance that self-isolation or quarantine is needed, so that requirement should also be waived as needed as well.
- (2) Government Code 54953(a): This section provides that all persons shall be permitted to attend any meeting of the legislative body. We suggest that this section be suspended, and that agencies be permitted to provide remote locations or allow for virtual public participation if necessary to comply with public health recommendations/guidelines/orders regarding public gatherings and social distancing, or to allow agencies to conduct screenings consistent with CDC guidelines for public meetings.
- (3) Government Code 54954.2: This section requires posting agenda materials at a location that is freely accessible to members of the public. We request the ability to waive the physical posting during this emergency and allow for compliance through online posting only.

Please note that we are requesting these modifications only during the time period of the current declared state emergency. Counties strive to meet or exceed the Brown Act standards for public open meetings and recognize the critical importance of communication with the public in these uncertain times. The above flexibilities will assist counties in protecting the health and safety of all residents, including the engaged public and elected officials. Thank you for your consideration of this matter.

Respectfully,



Graham Knaus
CSAC Executive Director