



LEAGUE OF
CALIFORNIA
CITIES



September 8, 2021

***** SENATE FLOOR ALERT *****

AB 339 (Lee) – Local government: open and public meetings

As amended September 3, 2021

OPPOSE

The organizations above respectfully oppose AB 339 by Assemblymember Alex Lee, which will require, instead of allow, city councils and boards of supervisors in jurisdictions with populations over 250,000 to provide both in-person and teleconference options for the public to participate in meetings.

Affected local agencies are concerned about their ability to conduct a Brown Act-compliant meeting if a teleconferencing service fails, even if the failure only affects some callers, as happens during the Legislature's own hearings. By not including any limits on participation or length of testimony, this bill will allow a relatively small group of people from anywhere in the world to disrupt a local government meeting. While this might sound farfetched, it is a situation that has been occurring since last March.

While the Legislature's committee chairs have the ability to cut off testimony after thirty minutes or an hour, or to limit speakers to stating their name and position so they can eventually get to the matter at hand, such clear authority is not included in the Brown Act and is frequently the subject of litigation. These lawsuits result in judgements or settlements that vary from place to place. For example, in one jurisdiction, a Brown Act lawsuit resulted in the governing board being disallowed from asking for names before members of the public speak at public hearings, a limitation not included in the Brown Act and not in force anywhere else.

AB 339 also explicitly requires in-person meetings during declared states of emergency, at least for members of the public, even when providing an in-person location is unsafe for the public and for any staff required to attend. This undercuts the safety-oriented provisions of AB 361 by Assemblymember Robert Rivas and unnecessarily endangers the lives of local agency workers.

Collectively, we share the author's commitment to access and transparency and recognize how key those values are to local democracy. However, AB 339 fails to consider the practical impacts of unlimited remote public comment on local agencies ability to both deliberate and act on agenzized items. We support comprehensive conversations to modernize the Brown Act, but it is crucial we take the time to find the right policy solution based on consensus and learned experiences.

For these reasons, we oppose AB 339 and respectfully request your 'no' vote.