



September 15, 2021

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

RE: Assembly Bill 339 (Lee) – REQUEST FOR VETO

Dear Governor Newsom:

The Rural County Representatives of California (RCRC) respectfully urges your veto of Assembly Bill 339. AB 339, authored by Assembly Member Alex Lee, would 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. RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of one elected county supervisor from each member county.

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 it 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-

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oriented provisions of Assembly Bill 361 by Assembly Member Robert Rivas and unnecessarily endangers the lives of local agency workers.

RCRC shares the author's commitment to access and transparency, and recognizes how important 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 agenized 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 respectfully request your veto of AB 339.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", written in a cursive style.

STACI HEATON
Senior Regulatory Affairs Advocate

cc: The Honorable Tim Grayson, Member of the State Assembly