

Date of Hearing: May 10, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 428 (Ridley-Thomas) – As Introduced February 9, 2017

SUBJECT: Local government: the Ralph M. Brown Act.

SUMMARY: Eliminates a January 1, 2018, sunset date in existing law that allows county health authorities to establish a quorum pursuant to the Ralph M. Brown Act (Brown Act) when meeting via teleconference if at least 50% of the board members constituting the quorum are physically present within the boundaries of the authority's jurisdiction and other conditions are met, thereby extending this provision indefinitely.

EXISTING LAW:

- 1) Requires, pursuant to the Brown Act, all meetings of the legislative body of a local agency to be open and public, and requires all persons to be permitted to attend any such meetings, with specified exceptions.
- 2) Allows the legislative body of a local agency to use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law, and requires teleconferenced meetings or proceedings to comply with all requirements of the Brown Act and all applicable laws.
- 3) Requires the legislative body of a local agency that uses teleconferencing to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body.
- 4) Requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference location to be accessible to the public.
- 5) Requires, during a teleconferenced meeting, at least a quorum of the members of the legislative body to participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.
- 6) Grants county health authorities, until January 1, 2018, an exception to the quorum requirements of a teleconferenced meeting by providing that, if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if the following conditions are met:
 - a) At least 50% of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction;
 - b) The authority provides a teleconference number, and any associated access codes, that allows any person to call in to participate in the meeting; and,

- c) The number and access codes are identified in the notice and agenda of the meeting.
- 7) Authorizes specified counties, as well as counties selected by the Director of the Department of Health Care Services (DHCS) with the concurrence of the county, to establish health authorities in order to meet the problems of delivery of publicly-assisted medical care in each county, and to demonstrate ways of promoting quality care and cost efficiency.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill eliminates a January 1, 2018, sunset date in existing law that allows county health authorities to establish a quorum under the Brown Act when meeting via teleconference if at least 50% of the board members constituting the quorum are physically present within the boundaries of the authority's jurisdiction, and other specified conditions are met, thereby extending this provision indefinitely. This bill is sponsored by LA Care Health Plan.
- 2) **Author's Statement.** According to the author, "Local Health Authorities (also known as Local Health Plans) consists of 16 plans that serve approximately 10 million Medi-Cal patients, which consists approximately 70 percent of beneficiaries throughout California. The Local Health Plans are public, not-for-profit organizations with governing boards consisting of representatives from hospitals, labor unions, consumer advocates, county supervisors, community clinics, safety net providers and county health departments.

"As many of the governing board members of the Local Health Authorities frequently travel outside the jurisdiction, some boards have found it difficult to meet quorum requirements. As a result, the boards are restricted from meeting on a regular basis and addressing the needs of the public they serve."

- 3) **Background.** The Brown Act requires local governments' meetings to be "open and public," in order to promote citizen involvement in and oversight of their local legislative bodies. Local officials must post agendas 72 hours before their regular meetings and they are prohibited from discussing or making decisions about topics that are not on the agenda.

The Brown Act allows local governments' legislative bodies to use teleconferencing for their meetings as long as they post agendas at all teleconference locations, take all votes by roll call, and accommodate persons wishing to address the governing body. Each teleconference location must be identified in the notice and agenda of the meeting and must be accessible to the public.

In 1998, the Legislature added a requirement for local government meetings conducted with teleconferencing. SB 139 (Kopp), Chapter 260, Statutes of 1998, required teleconferenced meetings to have at least a quorum of the members of the governing body participating from locations within the boundaries of the local government's jurisdiction. The aim was to require a sufficient number of board members to remain in the physical jurisdiction during the meeting in order to ensure that at least one physical teleconference site was available for members of the public to participate more easily.

In 2005, the Legislature created an exception to this quorum requirement for teleconferenced meetings. AB 1438 (Salinas), Chapter 540, Statutes of 2005, allowed county health authorities to reach a teleconference meeting quorum by counting members not physically within the authority's boundaries as long as those outside members constituted a minority of the quorum. AB 1438 contained a January 1, 2009, sunset date that went into effect until SB 475 (Wright and Emmerson), Chapter 209, Statutes of 2012, re-established the special authorization for health authorities to meet their quorum requirement for teleconferenced meetings. SB 475 contained a January 1, 2018, sunset date, which this bill eliminates.

- 4) **Arguments in Support.** LA Care Health Plan, sponsor of this measure, states, "Local health plans' governing boards consist of...representatives (who) have full-time jobs outside of their board duties and very demanding schedules. Even with regularly scheduled monthly or bi-monthly meetings, local health plan boards find it challenging to meet quorum requirements...By allowing half of the members necessary to establish a quorum to call in from outside the board's jurisdiction during teleconferenced meetings, AB 428 will allow local health plan boards to meet and conduct business on a regular basis with the benefit of the continued participation by their highly qualified – and busy – board members."

- 5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

LA Care Health Plan [SPONSOR]
Local Health Plans of California

Opposition

None on file

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