



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

June 17, 2021

To: Superintendents, Member School Districts (K-12)
From: Carl D. Corbin, General Counsel *CDC*
Subject: **Brown Act Meeting Flexibilities to End September 30, 2021**
Memo No. 15-2021

As referenced in our Legal Update No. 18-2020, on March 17, 2020, due to the COVID-19 pandemic, Governor Newsom issued Executive Order (“EO”) N-29-20, which provided various flexibilities associated with Brown Act meetings such as meetings not needing to be physically accessible to the public, allowing public participation through electronic means, and not requiring a quorum of the local body to be physically present within the boundaries of the local body.

On June 11, 2021, Governor Newsom issued EO N-08-21¹, in which he announced timelines for the expiration of various Executive Orders he has issued over the past seventeen months. EO N-08-21 directs that the current Brown Act flexibilities will continue only **through September 30, 2021**.

As of October 1, 2021, local bodies subject to the Brown Act will again need to fully comply with all provisions of the Brown Act. We advise our clients to begin preparing and planning to return to “normal” in the conducting of board meetings.

Also, please be advised there is not any state prohibition on convening a Brown Act meeting in-person prior to September 30, 2021, and there is not a requirement or prohibition on a local body providing an option for remote participation by the public for meetings at which the local body is present in-person. That said, the Legislature has been considering various bills regarding increasing/mandating public participation through electronic means for Brown Act meetings, but at this point, the various bills have not yet been adopted into law.

¹ <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>.



Lastly, please be advised that the Brown Act does still allow for remote participation from a member(s) of the local body, but a quorum of the local body has to be present within the boundaries of the local body and the remote location(s) must have a meeting agenda posted at the location and be open to members of the public.²

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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² Government Code § 54953(b).