This brief is being provided to inform the board, staff and public of the details of an agenda item that requires no action from the board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

**Date:** March 7, 2021

**Originator:** Rich McLaughlin

**Agenda Topic Title:** AB 992 changes to Open Meeting Rules

**Purpose of Brief:** Review and discuss AB992, Open Meeting Legislation, to advise the board on changes to the Open Meeting rules.

**Supporting Documents Included: No**

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**Agenda Topic Brief or Update:** AB 992, amends Government Code section 54952.2, clarifies what kind of communications a public official may have via social media and what kind of communications are prohibited.

**Anticipated Impacts to the District:**

New rules require increased attention and awareness of Board members to Open Meeting Laws and the potential pitfalls created by new legislation.

The Brown Act prohibits a majority of members of a legislative body from engaging in a “series of communications,” directly or through intermediaries, to “discuss, deliberate, or take action on an item” that is within the legislative body’s subject matter jurisdiction. Board Members could run afoul of the Brown Act if they communicate with their fellow Board members via social media under this Assembly Bill. Even giving a “thumbs up” to another official’s social media post on a topic within the legislative body’s subject matter jurisdiction could violate the law.

AB 992 clarifies that a public official may communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the legislative body’s subject matter jurisdiction. However, the latter types of communications are only allowed as long as a majority of the members of the legislative body do not use any social media platform to “discuss among themselves” official business. According to AB 992, “discuss among themselves” includes making posts, commenting, and even using digital icons that express reactions to communications made by other members of the legislative body.

AB 992 encompasses activity on many types of social media platforms, including, but not limited to, Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit.

**Anticipated Impacts to the Customer –** *Standby, Residential, Commercial***:** Further assurance of open communications in Board Meeting proceedings.

Link to AB992 full text:

<https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB992>