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## Coronavirus shifts the people's business online in California

By **DEBRA KAHN, KATY MURPHY** and **COLBY BERMEL** | 03/13/2020 08:28 PM EDT | Updated 03/13/2020 09:01 PM EDT

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SACRAMENTO — While the California Legislature debates whether to close due to the coronavirus, public agencies are already canceling meetings and shifting to webinars and phone calls, with uncertain effects on the policymaking process.

Gov. Gavin Newsom signed an executive order Thursday that frees agencies from having to comply with in-person portions of the Bagley-Keene Act and the Brown Act, which require state and local agencies to allow the general public to attend meetings in the nation's most populous state.

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Agencies have been quick to take advantage of it, with the High-Speed Rail Authority moving its board meeting scheduled for Tuesday in downtown Los Angeles to phone and web access. The agency's last meeting in February drew 35 people, a higher number than usual because it's currently soliciting comments on its new draft business plan to complete a rail line between Merced and Bakersfield.

"We took our direction from the executive order," said HSRA spokesperson Melissa Figueroa. "We're rolling with the technology available and we're grateful we have that opportunity."

Other agencies that typically attract bigger crowds are canceling meetings altogether, despite Newsom's order. The Air Resources Board canceled its upcoming Monday meeting that was also scheduled to take place at the Los Angeles County Metropolitan Transportation Authority's headquarters.

On the agenda were several local air pollution reduction plans mandated by [CA AB617 \(17R\)](#), the 2017 law that environmental justice advocates pushed through in exchange for their support to extend the state's cap-and-trade program. Area residents were expected to come out in force to argue the plans should be stronger.

"To be honest, CARB has been weak in terms of holding the air districts accountable to write stronger plans thus far, so it's unlikely they would've done much more on Monday, but it was an opportunity for communities to come in and try to let them know how important it is," said Julia May, a senior scientist with Communities for a Better Environment.

And the State Water Resources Control Board on Friday canceled its board meeting scheduled for Tuesday and Wednesday in Sacramento, saying it couldn't find a way to provide a "satisfactory experience for members of the public participating in the meeting."

Under Newsom's executive order, agencies still have to provide a physical location for the public to weigh in, including access under the Americans with Disabilities Act. The California Gambling Control Commission is encouraging attendees of its bimonthly meetings to call in and email their public comments for inclusion in the record, although it isn't preventing people from participating in person.

"The meetings will still be held in our hearing room, as regularly scheduled, and they will continue to be open to the public, but we really want to encourage people to use our teleconference option," GCC spokesperson Fred Castano said in a statement.

Groups that advocate for more public access to agency rulemaking meetings hope the exercise will result in a rethinking of the Sacramento-centric, often arcane process.

"All of this has actually shed a lot of light on the fact that it hasn't been accessible since the beginning," said Diana Vazquez, policy manager for the California Environmental Justice Alliance. "It's creating more of a sense of those gaps of how the political or legislative system is accessible or not to people."

But open-government advocates point to what is missing in the governor's executive order: a sunset date.

Glen Smith, litigation director for the First Amendment Coalition, said it's understandable that Newsom would allow boards and committees to meet remotely for now, given the extraordinary circumstances.

"What concerns me is the open nature of it," he said. "Who knows how long this emergency executive order will remain in effect?"

He added: "The Brown Act, the Bagley-Keene Act are critically important for public participation in the governmental process. Trying to participate by teleconferencing is a very poor substitute for that."

Smith said he wouldn't be surprised if some local governments take advantage of the waiver to avoid the public's watchful eye. "Look, outside of the speed limit, the Brown Act is probably the most often violated law in California," he said. "In general, I think local governments are hostile toward it and that some of them will use whatever excuse they can to make life easier for themselves."

In addition to board meetings, agencies are postponing and canceling a spate of workshops, community working groups and other smaller-scale meetings that aren't covered by open meeting laws.

The Department of Conservation's Geologic Energy Management Division is canceling community meetings across Southern California over the next month that were intended to shape a draft rule on public health and safety protections near oil and gas facilities.

The California Public Utilities Commission similarly canceled 16 public forums to collect comments on Southern California Edison's proposed rate increase.

Among the Department of Consumer Affairs' 37 boards, the Pharmacy Board's Licensing Committee and Professional Fiduciaries Bureau's Advisory Committee had canceled their March meetings as of Friday, as had the acupuncture and physical therapy boards.

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