



Distribution of Documents to Legislative Bodies Prior to Meetings

The Brown Act (Government Code section 54957.5(b)) currently requires that writings that are public records and distributed to all, or a majority of the members of the governing board relating to an agenda item for an open session of a regular meeting less than 72 hours before that meeting must be made available for public inspection at a public office or location at the same time the writing is distributed to a majority of the legislative body. AB 2647 becomes effective January 1, 2023 and will modify those requirements for disclosure of public records relating to an agenda item. This new law provides an option for the situation when a new writing is distributed to a majority of the legislative body when agency offices are closed and the new writing cannot be made available at a physical location at the same time prior to a meeting.

AB 2647 amends Government Code section 54957.5(b)(2)(B) to provide an alternative to making the writing available for public inspection at a public office by posting the writings on the agency's website, but only if the agency can meet all of the following requirements:

- A staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or designated location at least 72 hours before the meeting.
- The agency immediately posts any writing on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.
- The agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.
- The local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at a public office or location that the agency shall designate for this purpose. This requirement is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

Writings that are public records and distributed during a public

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meeting must still be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings must also be made available in appropriate alternative formats upon request by a person with a disability as required by the Americans with Disabilities Act.