

Amendment to the Brown Act Provides for New Website and Agenda Requirements

On January 1, 2019, local agencies will be required to comply with new requirements for posting agendas on their websites (AB 2257). The California Brown Act requires that any local agency must post an agenda 72 hours in advance of a regular meeting. If an agency has a website, then the agency is required to post the agenda on their website. The purpose of this requirement is two-fold: (1) so the public can easily access the agenda and (2) so the public has advance notice of the meeting location and the items to be discussed.

AB 2257 amended Government Code section 54954.2 to require agencies with websites to post a prominent, direct link on their primary webpages to the current agenda for all meetings which occur on and after January 1, 2019. The direct link must be standalone and cannot only be part of a "contextual" menu which would require users to search for the link on the website. If a direct link is provided, then a second link can be provided in a contextual menu. If an agency uses an integrated agenda management platform that is specifically for posting board agenda meetings, then the agency does not have to comply with this requirement if: (1) the agency posts a direct link to the platform which contains the agency agenda on its primary website; (2) the current agenda is the first available at the top of the platform; and (3) the agency complies with specific open format requirements.

Finally, an agenda must be in a format that is retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications. It also must be platform independent, machine readable, and in a form that is available free of charge to the public so that they may reuse or redistribute the agenda.

To meet these new requirements by January 1, 2019, local agencies that have a webpage will need to coordinate with their IT departments. Hanson Bridgett is available to assist with any questions regarding compliance with AB 2257.

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Client Alert.

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