



City of Long Beach
Working Together to Serve

Memorandum

Office of the City Attorney

DATE: March 26, 2020

To: Mayor and Members of the City Council

FROM: Charles Parkin, City Attorney 
Taylor M. Anderson, Deputy City Attorney

SUBJECT: **Revised Brown Act Regulations Regarding Briefings in a Declared Emergency**

As discussed in our memorandum dated March 21, 2020, the Governor of California has waived certain requirements of the Ralph M. Brown Act ("Brown Act") temporarily in light of the spread of the Coronavirus Disease 2019 ("COVID-19"), an ongoing public health emergency. No changes have been made to the portions of the Brown Act discussed in our previous memorandum.

On March 21, 2020, the Governor of California issued Executive Order N-35-20 ("Governor's Order"), which, among other things, temporarily suspends the Brown Act to allow for a local, state, or federal official ("Official") to provide informational briefings to the entire legislative body at once, so long as the informational briefings are relevant to the declared emergency. Informational briefings considered relevant to the declared emergency include, but are not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency.

During these informational briefings, members of the legislative body may ask questions of such officials for purposes of staying updated on emergency operations and any impact to their constituents related to the declared emergency. However, the Governor's Order **does not** authorize members of the legislative body (1) deliberate, (2) discuss, or (3) take action or give direction to the City Manager either individually or collectively on any matter falling within the purview of the body.

With that said, **members must be cautious to only ask clarifying questions and not discuss or make policy during these briefings.** If actions are to be considered or even discussed by the legislative body, the City must first call an open and public Brown Act meeting.

Please contact us should you have any questions or concerns.

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cc: Michael Mais, Assistant City Attorney
Tom Modica, Acting City Manager
Rebecca Garner, Acting Assistant City Manager