BROWN ACT UPDATE

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STANDARD TELECONFERENCE REQUIREMENTS

- The Brown Act authorizes and applies to teleconference meetings.
 - This includes teleconference through audio and video conferencing through Zoom, Teams, etc.
- For a teleconference meeting:
 - The agenda must list each teleconference location.
 - The agenda must be posted at each teleconference location.
 - Each teleconference location must be ADA accessible and accessible to the public.
 - At least a quorum of the members of the legislative body must participate from within the District's boundaries.
 - Votes must be conducted by roll call.

2023-01-23

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NEW RULES UNDER AB 2449

- AB 2449 is effective January 1, 2023.
- Under AB 2449, board members may attend a meeting by teleconference without identifying the location on the agency's agenda or making the location accessible to the public if the following procedures are followed:
 - (1) A quorum of the board must participate in person from a singular physical location clearly identified in the agenda, which is open to the public and within the agency's boundaries; AND
 - (2) The remaining board members participate remotely either (a) for "just cause," or (b) in "emergency circumstances."

2023-01-23

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JUST CAUSE

- "Just cause" is defined as any of the following:
 - Childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely;
 - A contagious illness that prevents a member from attending in person;
 - A need related to a physical or mental disability; or
 - Travel while on business of the legislative body (i.e., board) or another state or local agency.
- A member can only participate remotely for "just cause" 2 times per calendar year.

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EMERGENCY CIRCUMSTANCES

- "Emergency circumstances" include physical or family medical emergencies that prevent a board member from attending in person.
- A board member requesting to meet remotely must provide a general description of the "emergency circumstance" to the board and the board must approve the request in order for the board member to participate and count towards the quorum.
 - This description does not need to be more than 20 words and the board member does not need to disclose personal medical information.
- If the board member does not make the request in time for inclusion on the agenda, the board may take action at the beginning of the meeting by majority vote.

2023-01-23

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WHICH RULES APPLY

- From Now Until January 1, 2023:
 - 1. Traditional Brown Act teleconferencing rules; or
 - 2. AB 361's abbreviated teleconferencing rules.
- From January 1, 2023 Until February 27, 2023:
 - 1. Traditional Brown Act teleconferencing rules; or
 - 2. AB 361's abbreviated teleconferencing rules; or
 - 3. AB 2449's new teleconferencing rules
- From February 27, 2023 Onward:
 - 1. Traditional Brown Act teleconferencing rules; or
 - 2. AB 2449's new teleconferencing rules

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