

## Agenda – Overview of AB 2449

- AB 361 – Emergency Teleconferencing Options
  - Will end relative to COVID-19 Emergency on February 28, 2023, at the end of the State of Emergency
  - Would revert to old rules — teleconferencing allowed, but required posting of each Board members location and option for public to attend in-person at that location
- AB 2449
  - Effective January 1, 2023
  - Will allow relaxed (though complex) teleconference options on an individual, rather than global, basis

## Prerequisites to Use AB 2449

- Requires at least a quorum of the members of the legislative body be participating (1) in person; (2) from a singular, physical location clearly identified on the agenda; (3) that is open to the public; and (4) situated within the District's boundaries.

**If "YES," AB 2449 meeting procedures may be used**

**If "NO," AB 2449 meeting procedures may not be used.**

## Prerequisites to Use AB 2449

- District must have on its agenda offered and planned to provide remote public access using either:
  - A two-way audiovisual platform (e.g., Zoom, Microsoft Teams, Google Meet)
  - A two-way telephonic service AND a live webcasting of the meeting (e.g., live-streaming on Youtube while making a landline available for the public to dial-in to provide comments)

- Board member participating remotely must qualify either through “just cause” or an “emergency circumstance”

### “Just Cause”:

- Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
- A contagious illness that prevents member from attending in person
- A need related to a physical or mental disability
- Travel while on official business of the legislative body or another state or local agency

### “Emergency Circumstances”:

- A physical or family medical emergency that prevents a member from attending in person

### Procedures for Use of “Just Cause”

- The Board must be notified at earliest opportunity possible time of need to participate remotely (including at start of a regular meeting), and be provided a general description of why the Board member needs to participate remotely

**NOTE: The “just cause” exception cannot be used by any member of the legislative body for more than two meetings per calendar year.**

### Procedures for Use of “Emergency Circumstance”

- Board member must request approval from Board to participate remotely, with request made as early as possible (including beginning of meeting). Board must take action to approve the request at beginning of meeting.
- Board member must provide general description of why the remote participation is necessary, but need not exceed 20 words, and shall *not* require the disclosure of any medical diagnosis or disability, or any personal information that is already exempt from disclosure under existing law.

## Limits on Use

- A member of the legislative body cannot participate remotely due to “just cause” or “emergency circumstances” for more than 3 consecutive months or 20% of the regular meetings within a calendar year (or more than 2 meetings if the agency meets few than 10 times per year). *Thereafter, standard rules must be used.*
- The member must:
  - Make a request to participate remotely as soon as possible, and Board must taken action on request at earliest opportunity (i.e., beginning of a meeting). Item may be added to agenda for “emergency circumstance” if not sufficient time to add to agenda; and
  - participate using both audio and visual technology; and
  - Disclose at the meeting before any action is taken whether any other individual 18 years of age or older is present in the room at the remote location with the member, and the general nature of the member’s relationship with such individuals

## Emergency Teleconferencing (AB 361)

- Provides for Alternative Teleconferencing Procedures When:
  - Governor has proclaimed State of Emergency
  - Either:
    - State or local officials have imposed or recommended social distancing measures; or
    - The Agency’s Governing Body finds that physical attendance at meetings would present imminent threats to health and safety of attendees
- To utilize procedures, Governing Body must adopt findings that conditions exist within 30 days of initial use, and every 30 days thereafter

## Emergency Teleconferencing (AB 361)

- If AB 361 is implemented, agency must:
  - Give notice of the meeting and post agendas as otherwise required by Brown Act;
  - Allow members of the public to access the meeting and agenda, and provide an opportunity for members of the public to address the legislative body directly
  - Provide notice as to the means by which the public may access the meeting and offer live comment, either by telephone or videoconference;
  - Pause any meetings in the event of a disruption to the broadcast, no action can be taken during such time;
  - Allow comment through either the end of a timed public comment period (if provided for on the agenda) or for a reasonable amount of time per agenda item.