



LEGAL UPDATE 2022

City Attorney's Office

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December 2022

Teleconference Meetings of the Legislative Body

Brown Act Requirements

Traditional rules for teleconferencing are found in Government Code section 54953

1. Post agendas at all teleconference locations;
 2. Publish each teleconference location on the agenda;
 3. Make each teleconference location open to the public; and
 4. Take votes by roll call.
 5. At least a quorum shall participate in person.
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Teleconference Meetings of the Legislative Body

Brown Act Requirements

- While a state of emergency is in place, AB 361 relaxed these traditional rules and made it easier to teleconference. (no in-person quorum).
- Give notice and post the agenda as required by law.
- Provide the public virtual or telephonic access to address the body; and
- Not take any action during broadcast interruptions.
- Review the state of emergency every 30 days regarding health measures.
- ❖ AB 361 sunsets on January 1, 2024 or expires when the state of emergency is lifted.



Teleconference Meetings of the Legislative Body

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- From January 1, 2023, through January 1, 2024, a local agency may use the following procedures to hold public meetings:
 - Traditional Brown Act teleconferencing rules; or
 - AB 361 teleconferencing rules (state of emergency declared); or
 - AB 2449 new teleconferencing rules if the requirements are met.
 - However, if the state of emergency order is lifted by the Governor, local agencies will no longer be able to rely on AB 361 and will be left with Traditional Brown Act rules and AB 2449 rules.
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Teleconference Meetings of the Legislative Body

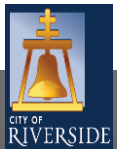
AB 2449 Amendments

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- Beginning January 1, 2023, AB 2449 will allow less than a majority of the legislative body to attend a meeting via teleconference for “just cause” or personal “emergency circumstances” when the majority meets from one location within the jurisdiction.
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Teleconference Meetings of the Legislative Body

AB 2449 Amendments

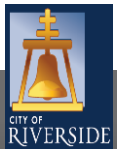
- The legislative body must be notified as early as possible of “Just Cause” and is defined as:
 1. Caregiving for a child, spouse, parent, grandparent, grandchild, or domestic partner that requires remote attendance;
 2. Contagious illness;
 3. Physical or mental disability; or
 4. Traveling for public business.
 - This exemption may not be used by a member more than 2 meetings within one calendar year.
- *Legislative body does not need to take action to allow member to attend virtually under these circumstances.



Teleconference Meetings of the Legislative Body

AB 2449 Amendments

- For personal “emergency circumstances” the member should submit a request for permission, as soon as possible, to attend via teleconference.
 - Physical or family emergency that prevents attendance in person.
 - Provide a general description of the circumstances for the need for virtual appearance (no longer than 20 words and does not need to disclose confidential medical information or personal information).
 - If there is insufficient time to publish the proposed action on the agenda for that meeting, the body may consider and vote at the beginning of the meeting.
- *Legislative body action required to approve remote attendance.
- AB 2449 sunsets on January 1, 2026.



Further Requirements of AB 2449 Amendments

- The member must participate through both audio and visual technology.
- Must disclose whether anyone over age of 18 is present in the room and general nature of relationship.
- Cannot teleconference more than 3 consecutive months or 20% of the regular meetings within the calendar year (if less than ten times per year, max teleconference is 2 meetings).

Notice and Agenda Requirements of AB 2449 Amendments

- Legislative body must provide a two-way audiovisual platform or two-way telephonic service and live webcasting of the meeting so that the public may remotely hear, observe, and address the legislative body during the meeting.
- The agenda does not need to be posted at all teleconferencing locations.
- Public access only needs to be assured of the physical location where there is a quorum.
- The locations of the members participating remotely do not need to be disclosed.



State of Emergency

- Traditional teleconferencing rules will remain in effect and utilized without adherence to the above requirements.
- AB 361 amendments will remain in place through the sunset date of January 1, 2024, or expires when the state of emergency is lifted.
- If the state of emergency is lifted, AB 361 will be repealed.
 - Local agencies may only rely on AB 2449 which takes effect no earlier than January 1, 2023 and the Traditional teleconferencing rules may still be utilized.

2022 TELECONFERENCING LEGAL UPDATE

QUESTIONS?