



Brown Act Remote Meeting Exceptions: Update, Potential Policy and Legislative Position



Board of Directors | January 4, 2023

Background

Brown Act permits teleconference participation

- At published, open and public locations, with agenda posted
- By phone and/or video conference
- Quorum within jurisdiction
- Votes by roll call

Board Meetings Pursuant to AB 361

- During state of emergency, no need to publish or open remote locations
- In effect through 2023
- COVID-19 state of emergency expected to end February 28, 2023

Options After AB 361

- Attend in person
- Follow teleconference rules
- Participate remotely under new law: AB 2449 (until January 1, 2026)

Remote Participation Under AB 2449

Participate without publishing or opening location if:

- Quorum of members at single, public location
- Public can hear, see, and address meeting and remote locations
- Members notify of “just cause” or get approval for “emergency circumstances”
- Disclose other adults present

Just Cause and Emergency Circumstances

- “Just cause”
 - Care for child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
 - Contagious illness
 - Physical or mental disability
 - Travel on official government business
- Physical or family “emergency circumstances”

Limits Under AB 2449

- “Just cause” exception: 2 times per year
- “Just cause” + “emergency circumstances”:
 - 3 months in a row
 - 20% of regular meetings per year
 - 2 total if only 10 regular meetings per year

Process for Notifying/Requesting AB 2449 Exception

- For “just cause”:
 - Notify Board Chair and Authority Secretary
 - Include general description of circumstances
- For “emergency circumstances”:
 - Submit request to Board Chair and Authority Secretary
 - Board action even if not noticed

Responding to AB 2449 Notice/Request

- If quorum will be present, staff can update agenda
- If quorum will **not** be physically present:
 - Secretary will alert Board that AB 2449 requests must be rejected
 - Option: Directors can use traditional teleconference if all requirements met
- If still no quorum, meeting will be canceled/rescheduled

Quorum Examples

- In-person attendance of a quorum
 - Traditional teleconference OK from anywhere
 - AB 2449 participation OK
- In-person attendance of **less** than a quorum
 - Traditional teleconference to reach quorum if within jurisdiction
 - Additional teleconference OK from anywhere
 - No participation under AB 2449

Potential Legislative Position

- Monitor related legislation
- Support Brown Act amendments to increase flexibility, equity, privacy, participation

Exhibit: City of San Carlos Letter

- “Just cause” travel: Expand to cover any occupation
- Change cap on remote participation, add flexibility
- Change rules for location of quorum
- Address lack of webcasting technology/infrastructure
- Consider privacy of adults present



Thank You



Please email SvanHofTen@hansonbridgett.com with any questions.