



CITY OF DEL REY OAKS

650 CANYON DEL REY BLVD., DEL REY OAKS, CALIFORNIA 93940

PHONE (831) 394-8511 FAX (831) 394-6421

DATE: February 28, 2023
TO: Honorable Mayor and City Council
FROM: John Guertin, City Manager
SUBJECT: Receive and Update and Overview of the Brown Act

CEQA: This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it will not result in direct or indirect physical changes in the environment.

Recommended Action

That the Council receive information regarding updates to the Brown Act.

Discussion

This Agenda Item and presentation will provide an overview of the Brown Act including new changes adopted in 2022. These changes went into effect January 1, 2023. Staff will work closely with Council in coming months to ensure compliance with these new obligations.

Brown Act Changes:

AB 2449: Brown Act teleconference for just cause and emergency.

Starting in March 2023, cities will no longer be able to use AB 361 to hold fully remote meetings due to the State of Emergency expiring. AB 2449 will allow individual council members to participate remotely for “just cause” or due to “emergency circumstances.”

“Just cause” is defined as one of the following: (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (ii) a contagious illness that prevents a member from attending in person; (iii) a need related to a physical or mental disability as defined by statute; or (iv) travel while on official business of the legislative body or another state or local agency. “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

The following requirements apply: A quorum of the legislative body must be established in a physical location in the jurisdiction; the public must be able to participate through a call-in option, via an internet-based service option, and at the in-person location of the meeting. Members may only participate remotely under AB 2449 a maximum of three consecutive months or 20% of the regular meetings within a calendar year.

SB 1100: Open meetings: orderly conduct.

Under the Brown Act, legislative bodies may enact reasonable regulations governing public participation at open meetings, but governing bodies are forbidden from prohibiting “public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.”

This bill sets forth a process to remove individuals when they are disrupting the meeting. A governing body must warn them that their behavior is disruptive and that if they do not stop their behavior, the governing body may remove them from the meeting. If the member of the public does not promptly cease their behavior, the governing body’s presiding member or their designee may order their removal.

Fiscal Impacts

None.

Respectfully Submitted,

John Guertin
City Manager