



**MEETING DATE:** May 8, 2023

**SUBJECT:** Teleconferencing Guidelines

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**REVIEWED BY:** Aida Fairman, Director of Environmental Services and Utilities

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## **BACKGROUND**

Starting March 1, 2023, City Council and Commissions in the City were required to attend meetings in person due to the end of the COVID-19 State of Emergency. On April 11, 2023, the City Council approved to amend the Commissioner Handbook to allow Commissions to attend meetings via teleconference.

## **STATUS UPDATE**

Commission members may participate in meetings via teleconference in accordance with State law (Gov. Code sec. 54953 and AB 2449). Commissioners may choose either option depending on their circumstance. Members participating via teleconferencing under AB 2449 must have a “Just Cause” or “Emergency Circumstance” as defined below:

“Just cause”:

- Child care 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.
- Travel while on business of the legislative body or another state or local agency.

“Emergency circumstance”:

- Physical or family medical emergency that prevents a member of a legislative body from attending in person.

## **From the Commission Handbook:**

Commission members may participate in meetings via teleconference in accordance with State law (Gov. Code sec. 54953 and AB 2449). Members participating via teleconferencing under AB 2449 (Just Cause or Emergency Circumstances) must participate via audio and visual methods. In all other circumstances, members participating via teleconferencing shall participate via audio and visual methods, when practical. **Members may participate via teleconference in no more than 20% of meetings in a calendar year (January to December), whether utilizing provisions of the traditional Brown Act or Just Cause or Emergency Circumstances.** All meetings of the Commission must have a majority of members present in the physical meeting location within the City.

At the beginning of a meeting in which a member is participating via teleconference, the Chair, or the Vice Chair if the Chair is participating remotely, will ask the member(s) participating via teleconference to confirm the teleconference location was properly noticed according to State Law, the teleconference location is accessible to members of the public and whether anyone is present in the teleconference location besides the member.

**Key Differences Between the Traditional Brown Act Teleconferencing Provision and AB 2449**

<i>Traditional Brown Act Teleconferencing</i>	<i>AB 2449</i>
Location Commissioner is teleconferencing from <u>must be open</u> to the public.	Location Commissioner is teleconferencing from is <u>not open</u> to the public.
Commissioner participating remotely may participate through <u>audio, video, or both</u> .	Commissioner participating remotely must participate via <u>audio and video</u> .
Commission does not have to provide public with any additional ways to participate remotely.	Public must be able to participate both via <u>audio and video</u> ; and <u>in person</u> .
No <u>limit</u> on number of times a Commissioner can teleconference.	Commissioner may not participate remotely for <u>3 consecutive months</u> or <u>20% of meetings</u> . Only <u>two "just causes"</u> can be provided in one year.
A Commission <u>elects</u> to use teleconferencing.	A Commissioner <u>provides</u> a "just cause." A Commissioner <u>requests</u> to participate remotely due to an "emergency circumstance."
Quorum of Commissioners must participate from within the City.	Quorum of Commissioners must participate in <u>one physical location</u> within the City.
Votes <u>must be</u> taken by rollcall.	Votes <u>not required</u> to be taken by rollcall.
Public must have the opportunity to address a teleconferencing Commission directly.	