



**STAFF REPORT**  
Board Meeting of November 23, 2022

**AGENDA ITEM:** 4-I

**PREPARED BY:** Patricia Taylor, Executive Director

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**SUBJECT:**

Assembly Bill 2449 Brown Act Updates

**Enclosure:** No

**Action:** Information and Discussion Only

**SUMMARY:**

On September 13, 2022, Governor Newsom signed Assembly Bill 2449 ("AB 2449") to modernize existing teleconferencing requirements under the Brown Act by temporarily allowing less than a quorum of a legislative body to attend public meetings remotely without posting their location and removing the requirement for public participation in a nonpublic location, provided certain requirements are met. AB 2449 takes effect January 1, 2023.

I. Bullet-point summary of the changes made by AB 2449

- A. AB 2449 Amends the Brown Act to add alternative teleconferencing provisions, in addition to the existing traditional teleconferencing rules ("Traditional Rules") and AB 361.
- Traditional Rules under Gov't § 54953(b)(3) require that members can participate by teleconference, provided that: at least a quorum of the members participate in- person from a single public location identified on the agenda within the local agency's jurisdictional boundaries; each teleconference location be accessible to the public; posting of an agenda at each teleconference location; and identification of such location in the meeting notices and agenda.
  - AB 361 will remain in the Brown Act until January 1, 2024. However, once the Governor lifts the emergency order, likely February 28, 2023, these rules cannot be used to hold remote meetings as was done during Covid.
  - New teleconferencing rules. Members can teleconference into meetings without meeting the requirements of the Traditional Rules only for just cause or due to emergency circumstances. These provisions expired January 1, 2026.

- “Just cause” includes: (i) necessary caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) having a contagious illness, (iii) having a physical or mental disability that is not otherwise accommodated; or (iv) traveling on official business of the local agency or another state or local agency. This can only be used twice in one year by each member.
- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.
- Cannot use these provisions to attend remotely for more than 3 months out of the year, or 20% of the meetings.
- AB 2449 has requirements for how a member can notify the body that they need to teleconference without complying with the Traditional Rules and provides a process for how to address the request if it comes after the time for publishing the agenda.

These provisions also have a number of requirements for remote participation by the public, including the type of platform and the ability to comment in real time during the meeting, and noticing on the agenda how the public can participate.

**FISCAL IMPACT:**

No fiscal impact to the approved 2022-23 Overall Work Program and Budget.