

**TOWN OF TRUCKEE
California**

RESOLUTION 2025-05

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE
UPDATING TELECONFERENCE POLICIES AND PROCEDURES FOR COMPLIANCE WITH
ASSEMBLY BILL 2302 RELATING TO TELECONFERENCE PARTICIPATION IN
LEGISLATIVE MEETINGS**

WHEREAS; Assembly Bill (AB) 2449, effective as of January 1, 2023, amended the Brown Act, California Government Code Section 54950 et seq., as it pertains to teleconference meeting participation by legislative body members; and

WHEREAS; on June 27, 2023, the Truckee Town Council adopted Resolution 2023-23 to establish the Teleconference Policy and Procedures for compliance with AB 2449; and

WHEREAS; AB 2302, effective on January 1, 2025, further amends California Government Code section 54953(f)(3), regarding remote participation in public meetings for local agencies, limiting the number of meetings a member can attend remotely based on how often the legislative body regularly meets;

WHEREAS; in order to be in compliance with AB 2302, the Truckee Town Council herein updates the Town of Truckee's Teleconference Policy and Procedures.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TRUCKEE DOES
RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. Resolution 2023-23 is hereby rescinded.

SECTION 2. The Town's hereby amends the Teleconference Policy and Procedures in compliance with AB 2302 to read as set forth in Attachment A.

SECTION 3. This Resolution shall sunset and be deemed rescinded on January 1, 2026, if not rescinded prior to that date. Notwithstanding the prior sentence, in the event that the teleconference provisions of Government Code Section 54953 are extended to apply to meetings after January 1, 2026, this Resolution shall be deemed to extend to conform to the extended date identified in any such extension.

The foregoing resolution was introduced by _____, seconded by _____, at a regular meeting of the Truckee Town Council, held on the 14th day of January, 2025 and adopted by the following vote:

AYES:

NOES:

ABSENT:

Jan Zabriskie, Mayor

ATTEST:

Kelly Carpenter, Town Clerk

Town of Truckee Teleconference Policies and Procedures
June 13, 2023 Updated January 14, 2025

I. Applicability.

When a legislative body member wishes to attend a legislative meeting by teleconference under the provisions of Assembly Bill 2449, codified at California Government Code Section 54953(f) et seq., the following policies and procedures shall apply. Nothing herein is intended to prevent a member's ability to attend a legislative meeting remotely if such attendance is otherwise authorized by Government Code Section 54953.

It is important to note that the long-standing Ralph M. Brown Act rules for remote participation requirements are still applicable. They require all locations posted at least 72 hours in advance of the meeting, that all locations where members are participating from be open and accessible to the public and Americans with Disabilities Act (ADA) compliant access is available. These policies and procedures address remote participation under Just Cause or Emergency Circumstances.

II. Terms.

"Chairperson" shall mean the Mayor or Chair of the legislative body, as applicable. "Vice-Chairperson" shall mean the Vice Mayor, or Vice-Chair of the legislative body, as applicable.

"Town" shall mean Town of Truckee.

"Description" shall mean a brief general description of a legislative body member's circumstances that warrant teleconference meeting attendance under the "Just Cause" exception or "Emergency Circumstances" exception, which need not exceed 20 words and need not to disclose any medical diagnosis, disability, or exempt personal medical information. (GC 54953(f)(2)(A)(i)-(ii))

"Disclosure" shall mean an announcement by the Member, made during the legislative meeting where the Member will attend by teleconference, disclosing the presence of other individuals over the age of 18 in the room at the Member's teleconference location, and the general nature of the individual's relationship to the Member. (GC 54953(f)(2)(B))

"Legislative body" shall have the same meaning as prescribed by Government Code Section 54952, i.e. a body that is subject to the Ralph M. Brown Act.

"Meeting" and "legislative meeting" shall have the same meaning as prescribed by Government Code Section 54952.2, i.e. a meeting of a legislative body that is required to be noticed under the Ralph M. Brown Act.

"Member" shall mean a member of a legislative body.

"Notification" shall mean a notification from a legislative body member of the Member's need to attend a meeting by teleconference under the "Just Cause" exception. Notifications

shall not require legislative body approval. (GC 54953(f)(2)(A)(i))

"Request" shall mean a request from a legislative body member that their legislative body actively approve their request to attend a meeting by teleconference under the "Emergency Circumstances" exception. (GC 54953(f)(2)(A)(ii))

"Teleconference" attendance at a legislative meeting, for purposes of this policy, shall be presumed to be accomplished by Zoom or the equivalent two-way audio-visual virtual software platform in use by the Town at that time. "Teleconference" attendance shall mean attendance solely by virtual platform and shall not include a Member who attends a meeting in person and secondarily views the meeting by virtual platform. Provisions of this policy shall apply only to teleconference attendance under AB 2449 and shall not constrain the Member's ability to attend by teleconference under other sections of the Brown Act.

III. Exceptions Available for Teleconference Attendance.

The Member shall be responsible for determining which of the two available exceptions is applicable to the Member's need to attend by teleconference. The Member's determination shall not be investigated by staff as to the veracity of any such request or claim. Such determination shall be subject to review by the legislative body alone. The available exceptions are:

1. "Just Cause" (GC 54953(f)(2)(A)(i))
2. "Emergency Circumstances" (GC 54953(f)(2)(A)(ii))

IV. Exceptions Defined.

1. Exception #1: "Just Cause" circumstances are defined as any one of the following:
 - Caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely.
 - A contagious illness that prevents the 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.
2. Exception #2: "Emergency Circumstances" are defined as a physical or family medical emergency that prevents a member from attending in person.
3. The foregoing definitions are set forth in this policy for convenience; in the event applicable law is changed to amend the nature of qualifying teleconference circumstances, the amended law shall supersede this section.

V. Limitation on Number of Uses.

1. Members may attend meetings by teleconference under AB ~~2449~~ 2302 no more than the following number of times per calendar year:
 - Town Council: ~~Four~~ Five (5) meetings per year
 - Planning Commission: Two (2) meetings per year

- Truckee Tax Measure Oversight Commission: One (1) meeting per tenure
- Public Art Commission of Truckee: Two (2) meetings per year
- Historic Preservation Advisory Commission: ~~Two-Five~~ (25) meetings per year

The above limitations shall factor in all meetings noticed under the Brown Act, whether Regular, Special, Closed, Joint, or otherwise. In the event a Member attends by teleconference multiple, contiguous meetings held on the same date, each meeting shall be counted separately.

2. Notwithstanding any other provision, a Member may utilize the "Just Cause" exception no more than one (1) times per calendar year.
3. Notwithstanding any other provision, a Member may not attend meetings solely by teleconference for a period of more than two consecutive calendar months.
4. In the event a Member attends meetings solely by teleconference for a period of two consecutive calendar months, or attends meetings by teleconference the maximum number of allowable times per year, the Member must either attend in person; attend by other permissible teleconference provisions; or be counted as absent, for the remaining meetings in that calendar year.

VI. Procedure for Legislative Body Members.

1. A Member wishing to avail themselves of the "Just Cause" exception shall adhere to the following:
 - A. Notification of the member's need to attend by teleconference, along with the required description of the circumstances creating the need, shall be made in writing prior to the meeting, and/or orally at the start of the subject meeting or during any prior meeting.
 - a. If the notification and description are delivered prior to the meeting, the Member shall submit the notification and description:
 - In writing by email;
 - To the entire legislative body, and staff, preferably to the body's email addresses; truckee@townoftruckee.com

Such communication to the entire legislative body shall be deemed to be not in violation of the Brown Act.

- b. If the notification and description are delivered during a meeting prior to the meeting where the Member wishes to attend by teleconference, the Member shall make the required notification and description during the Member Comments order of business.
- c. If the notification and description are delivered at the start of the subject meeting, the Member shall be present on the teleconference platform at the time the meeting is convened, and at the prompting of the Chairperson, shall

make the required notification and description during the meeting prior to the attendance roll call. (Refer to Section 3 below.)

- B. The Member shall disclose the presence of any other adults in the room at the teleconference location, and the general nature of their relationship to the member, during the subject meeting. This requirement shall apply regardless of the timing of the notification and description.
2. A Member wishing to avail themselves of the "Emergency Circumstances" exception shall adhere the following:
 - A. A request that the legislative body approve the Member's request to attend by teleconference, along with the required description of the circumstances creating the need, shall be made in writing prior to the meeting, and/or orally at the start of the subject meeting.
 - a. If the request and description are delivered prior to the meeting, the Member shall submit the request and description:
 - In writing by email;
 - To the entire legislative body, preferably to the body's email addresses;
 - With a copy to staff.

Such communication to the entire legislative body shall be deemed to be not in violation of the Brown Act, so long as there is no discussion of any item of business within the legislative body's jurisdiction. Regardless, the legislative body's action to approve or deny the teleconference request must be taken during a noticed meeting.
 - b. If the request and description are made at the start of the subject meeting, the Member shall be present on the teleconference platform at the time the meeting is convened, and at the prompting of the Chairperson, shall make the required request and description during the meeting prior to the attendance roll call. (Refer to Meeting Procedures, below.)
 - B. The legislative body must move to approve or deny the request during the meeting prior to the attendance roll call. (Refer to Meeting Procedures, below.)
 - C. The Member shall disclose the presence of any other adults in the room at the teleconference location, and the general nature of their relationship to the member, during the subject meeting. This requirement shall apply regardless of the timing of the request and description.
3. Notwithstanding any other provision, teleconferencing Member(s) shall participate through both audio and visual technology. Members may mute their microphone while not speaking, but Members shall be visible through the visual technology at all times

during the meeting. In the event a member is not visible, the member shall be noted as absent during that period.

VII. Recordkeeping.

1. The Member shall be responsible for assuring that any description, notification, request, and/or disclosure related to teleconference attendance are made in a manner that may be placed into the meeting record.
2. To the extent that the Member's notification, description and/or request is delivered prior to the meeting, staff shall archive the written communication as agenda correspondence along with the meeting record.
3. To the extent that the Member's notification, description, request, and/or disclosure is delivered during a legislative meeting, staff shall record the same in the minute record, along with record of the legislative body's action to approve or deny any "Emergency Circumstances" requests.
4. The legislative body's Minute Clerk shall keep data regarding each Member's use of teleconference attendance provisions under AB 2449, and apprise the Chairperson if any Member has reached their annual limit. (Refer to Limitation on Number of Uses, above.)

VIII. Meeting Procedures.

1. Business to be conducted by the legislative body relating to compliance with these regulations shall be conducted after the Call to Order, but prior to the attendance roll call, of the meeting where a Member will or may attend by teleconference. The Chairperson shall be responsible for the conduct of this portion of the meeting, with assistance from staff if needed. All related business shall be conducted in a manner that is evident to other meeting attendees and may be recorded in the meeting record. Such business to be conducted prior to attendance roll call shall include, and be conducted in substantially this form:
 - A. If any Member is not present in person and the Chairperson is not aware of the Member's planned absence, the Chairperson shall acknowledge that the Member either is, or may be, present on the teleconference platform.
 - B. If necessary, staff shall confirm whether the Member is present on the teleconference platform.
 - C. If the Member is present on the teleconference platform:
 - a. If the Member has made their notification or request in writing prior to the meeting: The Chairperson shall note for the record that the Member has submitted a notification and description of the need to attend the meeting by teleconference under the "Just Cause" exception; or made a request and description to be permitted to attend by teleconference under the "Emergency Circumstances" exception.

- b. If the Member has not made their notification or request in writing prior to the meeting: The Chairperson shall prompt the Member make their notification of the need to attend the meeting by teleconference, and description of the circumstances giving rise to the need under the "Just Cause" exception; or make their request to be permitted to attend by teleconference, and description of the circumstances giving rise to the need under the "Emergency Circumstances" exception.
 - c. If the Member makes a request to be permitted to attend by teleconference under "Emergency Circumstances" exception, whether before or during the meeting:
 - i. Any Member present in person may move to add an item of business to the agenda on an urgency basis to allow the legislative body to act on the Member's request. If no motion is forthcoming, the Chairperson shall so move. Such action shall comply with Government Code Section 54954.2(b).
 - ii. Thereafter, the Chairperson shall ask the remaining Members to either approve or deny the request. Any Member may move approval or denial, but if no motion is forthcoming, the Chairperson shall so move. Members shall consider the request in good faith and shall not capriciously deny the request. The request shall be deemed approved if at least a majority (at least 2 of 3, or 3 of 4) of the Members present in person consent.
 - iii. The Chairperson shall, finally, prompt the Member to disclose the presence of any other individuals over the age of 18 in the room at the Member's remote location, and the general nature of the individual's relationship to the Member. Notwithstanding any other provision, this disclosure shall be made on record during the meeting.
 - D. If the Member is not present on the teleconference platform; if the Member refuses to make the required requests or disclosures; or if the Member's request to attend under the "Emergency Circumstances" exception is made but not approved, the Member shall be recorded as absent. (Refer to Failure to Comply, below.)
 - E. This process shall be repeated for each Member not present in person who does, or may, wish to attend the meeting by teleconference.
 - F. The Chairperson shall then prompt the Meeting Clerk to proceed to attendance roll call.
2. In the event the Chairperson wishes to attend a meeting by teleconference, the Vice- Chairperson, if present in person, shall be responsible for performing the Chairperson's duties as outlined above. Thereafter, the teleconferenced Chairperson may chair the remainder of the meeting, or may ask that the Vice- Chairperson do so.

3. In the event both the Chairperson and Vice-Chairperson wish to attend the meeting by teleconference; or in the event the Chairperson wishes to attend by teleconference and the Vice-Chairperson is absent, an Acting Chairperson shall be selected from among the Members attending the meeting in person, in order to perform the Chairperson's duties as outlined above.
4. In the event three (3) or more Members attempt to join a meeting by teleconference; and/or in the event two (2) or fewer Members are present in person at the meeting location; staff shall announce that the meeting cannot be convened.

IX. Failure to Comply; Enforcement Measures.

1. In the event a Member attempts to attend a meeting by teleconference in excess of the allowable number of times per year; in excess of three consecutive months; without making the necessary notices, requests, or disclosures; or if the Member's request to attend under the "Emergency Circumstances" exception is made but not approved, the Chairperson shall, at the start of the meeting prior to the attendance roll call, ask the remaining legislative body members for concurrence to disallow the Member's attendance at the meeting.

After such concurrence, staff shall permit the Member to remain on the teleconference platform, but shall demote the Member to a passive attendee, and note the Member as absent for the attendance roll call, and in the meeting record.

2. Repeated inability or refusal to comply with the provisions of this policy, or related laws, may be grounds for consideration of dismissal of an Advisory Body Member by the Town Council.
3. In the event a Member's inability or refusal to attend a meeting by teleconference in compliance with this policy, or related laws, results in the Member being recorded as absent from the meeting, existing policies and laws regulating legislative body member absences (including Bylaw provisions for Advisory Body Members, and Government Code Section 36513 for Council Members) shall apply.

X. Other Compliance Measures.

In addition to the above provisions relating to the conduct of legislative body members, whenever at least one Member attends a meeting by teleconference under AB 2449, staff shall be responsible for other applicable compliance measures, including but not necessarily limited to the following:

1. Staff shall assure that each posted agenda provides, and describes, means by which all members of the public may observe or attend the meeting and offer public comment.
2. Staff shall assure that members of the public are allowed to make public comment in real time during all allotted public comment periods and shall give sufficient time for interested parties to indicate their interest in speaking.

3. All votes taken at a meeting where any Member attends by teleconference under the provisions of AB 2449 shall be taken by roll call vote.

XI. Conflict Between Law and Policy.

In the event this policy conflicts with applicable state law, as exists or may be amended in the future, state law shall control, and the validity of the remaining sections of this policy shall be unaffected.