



Teleconferencing under the Brown Act

Current Teleconferencing Rules

Under traditional teleconferencing rules, individual board members who are unable to attend a meeting in person can appear remotely if the agenda notifies the public of the location of the telecommuting member, and the meeting agenda is both posted at their telecommuting location and the location is open to the public (i.e. if you are in a hotel room, the agenda has to list your hotel room location, post the agenda on the door, and open your room to the public....) Therefore, it is recommended that if you need to utilize this option, the location of the remote member should not be a personal residence or other location that would cause a security concern if posted publicly.

AB361

Under AB 361 if there is *any* state of emergency (wildfire, flood, etc.) **and** there is a recommendation from state or local officials to promote social distances or that a meeting in person would present eminent risks to attendees, then members can still meet remotely. In those cases, the notice and agenda must specify the means by which members of the public may access the meeting and offer public comment but *does not* have to be posted at each teleconference location or identify the locations.

AB2449

AB 2449 provides a “just cause” allowance for individual members to appear remotely if they have a dependent caregiving need that requires them to appear remotely, has a contagious illness that prevents them from attending in person, has needs related to a physical or mental disability that cannot otherwise be accommodated or is traveling for official business of the board or another state or local agency. The notice and agenda must specify the means by which members of the public may access the meeting and offer public comments and an opportunity for all persons to attend and address the body directly through either a call-in option, an internet-based option, or in-person at the location of the meeting. The agenda does not have to be posted at each teleconference location, nor does the teleconference location need to be identified. Just cause can be used twice a year for each individual member.

AB 2449 also provides an “emergency” provision that allows remote appearance for any member when a physical or medical emergency prevents them from attending in person, AND the board takes action to approve the member’s request to appear remotely. In such cases, the board member must notify the board “at the earliest opportunity possible” and describe the circumstances relating to their need. The Board **must** approve the request to appear remotely, and the member must use both audio and visual technology to appear remotely. The emergency provision cannot be used for more than 20 percent of the regular meetings or more than 3 consecutive months.