



# THE RALPH M. BROWN ACT

California's Open Meetings Law:

Teleconferencing





## BROWN ACT: Basic Rule



- All meetings
  - Of a legislative body of a local agency
  - Shall be open and public
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- Exceptions are *few & narrowly construed*



# Regular Meetings



- Agenda must identify meeting time and place
- Held within body's jurisdictional boundaries
- Freely accessible to members of the public
- Rights of the public include:
  - ✦ Right to attend;
  - ✦ Right to address/comment;
  - ✦ Right to record;
  - ✦ Right to inspect/obtain materials;
  - ✦ ADA accessibility



# TELECONFERENCING



- “Traditional” teleconferencing rules
- COVID/Emergency teleconferencing rules
- New AB 2449 teleconferencing rules



# “Traditional” Teleconferencing Rules



- Legislative bodies may meet by teleconference, through audio or video or both, for all purposes, **IF**:
  - 1) All votes taken by roll call;
  - 2) Each location identified in agenda and agenda posted at each location;
  - 3) Rights of public protected at each location, including right to access and comment; and
  - 4) At least a quorum of members participate from within body’s jurisdictional boundaries



# COVID/Emergency Teleconferencing Rules



- Allows legislative bodies to conduct meetings via teleconference without adhering to most “traditional” rules, **IF**:
  - Declared state of emergency; and
    - ✓ Public health officer has recommended social distancing; or
    - ✓ Meeting in person would present imminent risks to the health or safety of attendees



# COVID/Emergency Teleconferencing Rules



- The legislative body reconsiders and makes findings within every 30 days on the need to continue to meet remotely
- Agency must provide notice and opportunity for public to participate remotely
- Physical meeting location not required
- Roll call vote still required



# New AB 2449 Teleconferencing Rules



- Authorizes less than a majority to participate remotely under limited “just cause” or “emergency circumstances”
- Quorum of the body must participate from a single physical location within body’s jurisdictional boundaries that is open to the public and identified in the agenda
- Agency must provide notice and opportunity for public to participate remotely



## “Just Cause”



- “Just cause” means (1) child care or other caregiving of immediate family; (2) a contagious illness; (3) need related to physical or mental disability; or (4) travel while on government business
- **Process:** The member notifies the legislative body at the earliest possible opportunity, including at the start of a regular meeting, of their need to participate remotely for “just cause,” including a general description of the relevant circumstances.



# “Emergency Circumstances”



- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person
- **Process:** The member requests the legislative body to allow them to participate in the meeting remotely due to “emergency circumstances,” and the legislative body takes action to approve the request
  - Request must be agendaized with general description of the relevant circumstances of request (excluding personal medical information) if time allows



# New AB 2449 Teleconferencing Rules



- Members participating through remote teleconferencing must:
  - 1) participate through both audio and visual technology; and
  - 2) disclose at the meeting whether any other individuals 18 years of age or older are present in the room at the remote location and the general nature of the member's relationship with the individual



# New AB 2449 Teleconferencing Rules



- Member may not use the “just cause” provisions for more than two meetings per calendar year
- Within each calendar year, a member may not participate in meetings by teleconference due to “just cause” **or** “emergency circumstances” for a period of more than:
  - three consecutive months; or
  - above 20 percent of the regular meetings for the local agency





**QUESTIONS?**