

# AB 2449 – New Teleconferencing Option



## New Teleconferencing Option

- Signed by the Governor on September 13, 2022; effective on January 1, 2023
- Amends the Brown Act teleconferencing rules to allow relaxed teleconferencing requirements for members' personal **emergencies** and for **just cause**
- Allows teleconferencing without any obligation to
  - Identify the teleconferencing location on the agenda
  - Allow public access to the teleconferencing location
- Member must participate through both audio and visual technology

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Teleconferencing is available under these rules where one of the following circumstances applies:

- The member notifies the governing board at the earliest opportunity possible, up to the start of a regular meeting, for **just cause** up to twice per calendar year
- The member requests to participate in the meeting remotely due to **emergency circumstances** and the governing board takes action to approve the request.
  - A general description of an item generally need not exceed 20 words (no need to disclose medical diagnosis or disability, or any personal medical information that is already exempt under existing law)

# AB 2449 – New Teleconferencing Option



“**Emergency circumstances**” means a physical or family medical emergency that prevents a member from attending in person.

“**Just cause**” means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability as defined in law and not otherwise accommodated
- Travel while on official business of the governing board or another state or local agency.

# AB 2449 – New Teleconferencing Option



Teleconferencing based on an **emergency** requires that:

- The member shall make a request to participate remotely as soon as possible.
- The member must make a separate request for each meeting in which they seek to participate remotely.
- If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting.

# AB 2449 – New Teleconferencing Option



- Under no circumstances can a member participate in meetings solely by teleconference from a remote location for a period of more than:
  - three consecutive months;
  - 20 percent of the regular meetings within a calendar year;  
or
  - more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

# AB 2449 – New Teleconferencing Option



## Other requirements:

- At least a quorum of members must participate in person from a singular physical location clearly identified on the agenda and which is open to the public and situated within the local agency's jurisdiction.
- Members of the public must be provided a means to “remotely hear and visually observe the meeting, and remotely address” the governing board, ” i.e., a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.
- Agenda must provide notice of how members of the public can access the meeting and provide public comment. Cannot require public comments to be submitted in advance.

# AB 2449 – New Teleconferencing Option



- If the broadcast is disrupted, the board may not take action until remote access to the meeting is restored.
- Board cannot require public comments to be submitted in advance.
- The member shall publicly disclose before any action is taken, if any 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 any such individuals.