

## **PUBLIC MEETINGS AFTER END OF STATE OF EMERGENCY**

In order to use the teleconferencing rules established under AB 2449, the City must comply with the following meeting requirements: 1) a quorum of the members of the agency's legislative body must participate in person from a singular physical location open to the public and located within the City's jurisdictional boundaries identified on the agenda; 2) the legislative body must provide (a) a two-way audiovisual platform, such as Zoom, which allows the meeting to be viewed and heard from a remote location, and/or (b) a two-way telephonic service and a live webcasting of the meeting; 3) the agenda must give notice of the means by which members of the public may access the meeting and offer public comment; and 4) in the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comment via the call-in or internet-based option, the meeting must be paused and no action may be taken until public access to the meeting via the call-in option or internet-based service option is restored.

A member of a legislative body who wishes to participate remotely under the AB 2449 procedures may only do so based on "just cause" or an "emergency circumstance" as further described below:

### **1. Remote Participation based on Just Cause**

The member must notify the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of the member's need to participate remotely for "just cause", including a general description of the circumstances related to the member's need to appear remotely at the given meeting.

"Just cause" is defined as any of the following: 1) a childcare or caregiving needs of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely; 2) A contagious illness that prevents a member from attending in person; 3) a need related to a physical or mental disability as defined by statute, or 4) travel while on official business of the legislative body or another state or local agency. Each member of the legislative body is permitted to invoke the "just cause" provisions to participate remotely a maximum of two times per calendar year. The permission of the legislative body is not required for a member to participate remotely based on just cause.

### **2. Remote Participation based on Emergency Circumstance**

A member may participate remotely if the legislative body approves the member's request to allow them to participate in the meeting remotely due to "emergency circumstances". The request must be made as soon as possible and must include a general description (generally not to exceed 20 words) of the circumstances related to their need to appear remotely at the given meeting. The member must make a separate request for each meeting in which they seek to participate remotely. "Emergency circumstance" is defined as a physical or family medical emergency that prevents a member from attending in person. When making a request to appear remotely, a member need not disclose confidential or private medical

information. The legislative body must take action on the request at the earliest opportunity, which would normally be at the beginning of the meeting.

### **3. Additional Requirements of AB 2449**

A member participating remotely pursuant to AB 2449 must participate through both audio and visual technology. Additionally, the member must disclose whether any other individuals 18 years of age or older are present in the room at the remote location and describe the general nature of the member's relationship to those individuals. A member's remote participation may not exceed 1) three consecutive months, or 2) 20% of the legislative body's regular meetings within a calendar year. If the legislative body regularly meets fewer than 10 times per calendar year, a member's participation from a remote location may not exceed two meetings, including any remote participation for "just cause".

To provide opportunity for notification and consideration of requests made under AB 2449, staff is revising all agenda templates to include a standing agenda item entitled "AB 2449 Notifications and Consideration", which will be used to comply with the legislation by giving written notification of any legislative body member's remote participation.

Following implementation of AB 2449, the traditional teleconference procedures will remain available in the event that legislative body members and the City wish to comply with the full teleconference and noticing requirements set forth under the Brown Act. The AB 361 teleconferencing procedures used during the COVID 19 state of emergency cannot be used once the Governor's state of emergency is lifted, and the legislation will expire on January 1, 2024.