



FACT SHEET
REMOTE PARTICIPATION IN PUBLIC MEETINGS
BY MEMBERS OF A LEGISLATIVE BODY – AB 2449

- *Can a member of City Council or an appointed board still appear remotely at public meetings after the end of the COVID state of emergency?* Yes. Remote participation is possible, but the member must comply with the provisions of AB 2449.
- *What is AB 2449?* AB 2449 took effect on January 1, 2023. It allows members of a legislative body (ie. City Council members and members of appointed boards and commissions) to appear remotely at public meetings without having to post agendas at their remote location or make their remote location open to the public.
- *How does it work?* A member of a legislative body can appear remotely under two circumstances: (1) for “just cause” or, (2) due to “emergency circumstances.” The member must have both video and audio when they appear remotely. The member must disclose if anyone over age 18 is in the room with them and describe the general nature of their relationship.

1. Just Cause Remote Appearance

- *What is just cause?* Just cause means the following types of situations that require the member to participate remotely: a childcare or caregiving need; contagious illness; circumstances related to physical or mental disability; travel while on official business.
- *What is the process for remote appearance for just cause?* The member must notify the legislative body as soon as possible that they need to appear remotely for just cause and provide a general description of the circumstances. The notification can be made at the beginning of the meeting.
- Practice Tip - The member should advise the staff liaison to their board and the City Clerk’s Office as soon as possible so that arrangements can be made for remote participation.
- *Is council/commission/board approval necessary to allow a just cause remote appearance?* No. The member does not need approval to appear remotely due to just cause circumstances.
- *How often can a member make a just cause remote appearance?* No more than twice per calendar year.

2. Emergency Circumstances Remote Appearance

- *What are emergency circumstances?* Emergency circumstances means a physical or family medical emergency that prevents a member from attending a meeting in person.
- *What is the process for remote appearance due to emergency circumstances?* As soon as possible, the member must request the legislative body to allow them to participate remotely for the meeting. The member must provide a general description (no more than 20 words) of the circumstances but need not disclose private medical or health information.
- Practice Tip - The member should advise the staff liaison to their board and the City Clerk's Office as soon as possible so that arrangements can be made for remote participation.
- *Is council/commission/board approval necessary to allow a remote appearance due to emergency circumstances?* Yes. The legislative body must take action to approve the request at the earliest opportunity. Majority approval is necessary.
- *Does the request need to be placed on the agenda?* Yes, if the request is made with enough time to include it with the published agenda.
- *What if the request is made after the agenda is published?* If the request is made after publication of the agenda, AB 2449 allows the legislative body to take action on the request at the beginning of the meeting.
- *How often can a member make a remote appearance due to emergency circumstances?* No more than three (3) consecutive months or 20 percent of meetings in a calendar year, or not more than two (2) meetings if the board/commission meets fewer than 10 times in a calendar year. A separate request is needed for each meeting that the member wants to attend remotely.

Dated: February 7, 2023