

## Brown Act Teleconferencing Matrix – Calendar Year 2023

	<b>Standard Brown Act Teleconferencing</b> <i>Gov. Code § 54953(b)</i>	<b>AB 361 – Declared Emergencies / Social Distancing</b> <i>Gov. Code § 54953(e)</i>	<b>AB 2449 – Individual Emergency / Just Cause</b> <i>Gov. Code § 54953(f)</i>
<b>General Circumstances Necessary to Use Teleconferencing</b>	None.	Meeting is held: <ul style="list-style-type: none"> <li>• During a Governor-proclaimed state of emergency, and state or local officials have imposed or recommended social distancing measures;</li> <li>• During a Governor-proclaimed state of emergency and the meeting is held for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to health or safety of attendees; or</li> <li>• During a Governor-proclaimed state of emergency and the body has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to health or safety of attendees</li> </ul>	A legislative body member: <ul style="list-style-type: none"> <li>• Notifies the legislative body of their need to participate remotely for just cause. “Just cause” means: (1) childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires remote participation; (2) contagious illness that prevents attending in person; (3) a need related to a physical or mental disability not otherwise accommodated by the agency; or (4) travel while on official business of the legislative body or another state or local agency; or</li> <li>• Requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances <i>and</i> the legislative body takes action to approve the request. An “emergency circumstance” is a physical or family medical emergency that prevents a member from attending in person.</li> </ul>
<b>Agenda Requirements</b>	<ul style="list-style-type: none"> <li>• Post agendas at all teleconference locations</li> <li>• Identify each teleconference location on the agenda</li> </ul>	<ul style="list-style-type: none"> <li>• Identify and include an opportunity for members of the public to attend via a call-in option or an internet-based service option.</li> <li>• Provide notice of how members of the public may access the meeting and offer public comment.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify and include an opportunity for all members of the public to attend via a call-in option, via an internet-based service option, and at an in-person location.</li> <li>• Provide notice of how members of the public may access the meeting and offer public comment.</li> </ul>

<p><b>Meeting Format</b></p>	<p>Members of the public must be able to attend from the primary in-person meeting location stated on the agenda <i>and</i> from each teleconference location, which must be accessible to the public.</p>	<ul style="list-style-type: none"> <li>• Meeting may be fully virtual or hybrid of in-person / virtual.</li> <li>• The agency must provide an opportunity for members of the public to attend via call-in option or internet-based service option.</li> </ul>	<ul style="list-style-type: none"> <li>• Meetings <i>must</i> be hybrid, with in-person and virtual options.</li> <li>• The agency must provide an option for the public to attend remotely and hear and see the meeting. This can mean either: (a) two-way audiovisual platform; or (b) a two-way telephonic service and a live webcasting of the meeting.</li> </ul>
<p><b>Quorum of Legislative Body Must Participate from . . .</b></p>	<p>A quorum must participate from locations within the agency’s boundaries. This may include members participating in person at a location within the agency’s boundaries <i>and</i> members teleconferencing from within the agency’s boundaries.</p>	<p>N/A. No requirements about the location from which a quorum of the legislative body must participate.</p>	<p>A quorum must participate from a single physical location clearly identified on the agenda that is open to the public and located within the agency’s boundaries.</p>

<p><b>Public Comments</b></p>	<p>Members of the public participating from teleconference locations must have the opportunity to provide public comments from those locations</p>	<ul style="list-style-type: none"> <li>• Must allow opportunity for public comments in real time</li> <li>• May not require advanced submittal of public comments</li> <li>• If the agency provides a specific time during which it will receive public comments, the agency may not close the public comment period or opportunity to register with the online platform until the stated public comment period has elapsed.</li> <li>• If the agency does not include specific times for public comments on agenda items, the agency must allow reasonable time per agenda item for the public to provide public comment, including to register with the online platform or being recognized.</li> </ul>	<ul style="list-style-type: none"> <li>• Must allow opportunity for public comments in real time</li> <li>• May not require advanced submittal of public comments</li> </ul>
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<p><b>Specific Requirements the Teleconferencing Member(s) Must Satisfy</b></p>	<p>None required by Brown Act. But practical requirements are to:</p> <ul style="list-style-type: none"> <li>• Provide relevant information to the clerk/secretary so the agenda can be prepared and posted within time required by Brown Act</li> <li>• Ensure members of the public participating from the teleconference location can observe the meeting and provide public comment, if desired.</li> </ul>	<p>None.</p>	<ul style="list-style-type: none"> <li>• <u>Just Cause Circumstances</u>: The member must provide notice of the need to participate remotely as soon as possible, including the start of a regular meeting. They must also provide a general description of the circumstances of their need to attend remotely.</li> <li>• <u>Emergency Circumstances</u>: The member must provide a general description of the circumstances relating to the need to appear remotely. The general description generally need not exceed 20 words and does not require the member to disclose any medical diagnosis, disability, or confidential medical information. The member must make a request to participate remotely as soon as possible and must make a separate request for each meeting in which they seek to participate remotely. The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place the action on the agenda, the legislative body may take action at the beginning of the meeting without the item being listed on the agenda.</li> <li>• In addition, under all circumstances the member must: <ul style="list-style-type: none"> <li>○ Participate through both audio <i>and</i> visual technology (cameras on).</li> <li>○ Publicly disclose, before any actions are taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the</li> </ul> </li> </ul>
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<b>Disruption of Broadcasting During the Meeting</b>	No specific rules.	If a disruption prevents the agency from broadcasting the meeting to the public using the call-in option or internet-based service option, or if a disruption within the agency's control prevents the public from providing public comment remotely, the legislative body may not take any actions on agenda items until public access is restored.	If a disruption prevents the agency from broadcasting the meeting to the public using the call-in option or internet-based service option, or if a disruption within the agency's control prevents the public from providing public comment remotely, the legislative body may not take any actions on agenda items until public access is restored.
<b>Limitations on Use / Requirements to Continue Use</b>	No limits on the number of times / circumstances where this type of teleconferencing may be used.	For an agency to continue using AB 361 teleconferencing, a state of emergency must remain active <i>or</i> state or local officials must continue imposing or recommending social distancing measures. In addition, the legislative body must, not more than 30 days after teleconferencing for the first time and every 30 days thereafter, make the following findings by majority vote: (1) the legislative body has reconsidered the circumstances of the state of emergency; and (2) either (a) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (b) state or local officials continue to impose or recommend social distancing measures.	<ul style="list-style-type: none"> <li>• A legislative body member may not use the "just cause" provision to participate remotely for more than two meetings in a calendar year.</li> <li>• A legislative body member may not use AB 2449 teleconferencing to participate remotely for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.</li> </ul>
<b>Roll Call Votes Required?</b>	Yes.	Yes.	Yes.
<b>Expiration Date</b>	None.	January 1, 2024, unless extended by Legislature.	January 1, 2026, unless extended by Legislature.