

Livermore Area Recreation and Park District

Staff Report

TO: Chair Boswell and Board of Directors

FROM: Mathew Fuzie, General Manager

PREPARED BY: Rod Attebery and Tom Terpstra, Legal Counsel

DATE: February 22, 2023

SUBJECT: AB 2449 Amendments to the Brown Act Teleconferencing Requirements

RECOMMENDATION: None. This item is for the Board's information only.

SUMMARY:

Prior to the COVID-19 pandemic, the Brown Act required all local agencies running teleconferenced meetings to identify all teleconference locations in the agenda and make each location accessible to the public. Under the pre-COVID rules, at least a quorum of the legislative body had to be present within the boundaries of the local agency. These rules remain unaffected by the legislation discussed below and are still applicable today.

AB 361 was enacted in order to address the issues that agencies faced with complying with social distancing mandates while also conducting public meetings in compliance with the Brown Act. However, Governor Newsom has announced that he will lift the COVID-19 state of emergency on February 28, 2023. Thus, AB 361 meetings will no longer be available unless another state of emergency is implemented.

AB 2449 implements an exception that authorizes agencies to meet by teleconference without complying with the traditional notice and physical access requirements. However, AB 2449 is written to ensure that its provisions constitute an exception rather than the rule for directors or members.

Beginning January 1, 2023, the legislative body of a local agency can use teleconferencing without noticing each location or making it publicly accessible, in certain situations. To do so, at least a quorum of the body must participate in person at a single physical location that is identified on the agenda, open to the public, and within the boundaries of the agency. Teleconferencing board members must provide one of two acceptable reasons for their remote participation in the meeting: either "just cause" or "emergency circumstances." Each reason has specific criteria that determine

ITEM NO. 4.5

whether it is a “just cause” or “emergency circumstance.” The teleconferencing board member will also have to meet other statutory requirements based upon the reason invoked. Finally, AB 2449 cannot be used to teleconference for more than 3 consecutive months or more than 20 percent of the agency’s regular meetings per year.

Again, AB 2449 does not prohibit an agency like LARPD from conducting teleconferenced meetings under the pre-COVID Brown Act requirements (including noticing and providing physical access to each location).