

AB 2449 – Teleconferencing Requirements

NOTE: The traditional Brown Act Teleconference option is still in place for an advanced publicly noticed teleconference location which is accessible to the public. Please see Brown Act Teleconference Options Memo for more information. AB 2449 provides these additional options:

“Just Cause”	“Emergency Circumstances”
<p><i>Timing and Procedure</i></p> <p>The member <u>notifies</u> the legislative body at the earliest opportunity possible (can be as late as the start of a regular meeting) of their need to participate remotely for “just cause,” including a general description of the circumstances justifying their need to appear remotely.</p> <p><i>Qualifying Reason</i></p> <p>“Just cause” means any of the following:</p> <ul style="list-style-type: none"> • 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 not otherwise accommodated for • Travel while on official business of the legislative body or another state or local agency <p>Note: A member is limited to two virtual attendances based on “just cause” per calendar year.</p>	<p><i>Timing and Procedure</i></p> <p>The member <u>requests</u> the legislative body as soon as possible to allow them to participate in the meeting remotely due to “emergency circumstances” and provides a general description of the circumstances justifying their need to appear remotely.</p> <p><i>and</i></p> <p>The legislative body takes action to approve the request. 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 in accordance with existing Brown Act provisions to add an item to the agenda.</p> <p><i>Qualifying Reason</i></p> <p>“Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person (does not require disclosure of any medical diagnosis or disability, or any personal medical information that is already exempt under existing law).</p> <p>Note: The member must make a separate request for each meeting in which they seek to participate remotely.</p>

Other Requirements

Under either “just cause” or “emergency circumstances”:

- The member must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individual(s).
- The member must participate through *both* audio and visual technology (cannot turn off camera).
- Teleconferencing by a member may not be 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
- The public must be able to participate remotely through either:
 - A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function); and/or
 - A two-way telephonic service *and* a live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.
- All votes must be by roll call.