

BOARD MEMBER ATTENDANCE BY TELECONFERENCE

	The Brown Act	AB 361	AB 2449
Effective dates	Current/Ongoing	October 1, 2021–January 1, 2024	January 1, 2023–January 1, 2026
Overview	Board member attendance by teleconference permitted if Board quorum, location, and agenda/notice requirements.	Provides abbreviated procedures for telephonic appearances by Board members as permitted in specified circumstances relating to public and safety emergencies.	Provides relaxed teleconferencing rules when a member of the Board needs to attend remotely for an emergency or just cause.
Permissible when...	Authorized by Gov. Code section 54954(b) or (c) ¹	There exists a proclaimed state of emergency, and - State or local officials recommend social distancing; and/or - Meeting in person would present imminent health risks to health and safety of attendees.	- With “just cause,” defined as (a) a family childcare or caregiving need; (b) a contagious illness; (c) a need related to a physical or mental disability that is not otherwise accommodated; or (d) travel while on official public business. - Under “emergency circumstances,” defined as a physical or family emergency that prevents a member from appearing in person.
Quorum requirements	A quorum must participate within District boundaries	Any and all Board members may appear remotely	A quorum must participate within District boundaries
Limitation on Number of Meetings	Not addressed	Board must make a finding to renew remote meetings at least every 30 days	- For “just cause” – No more than 2 meetings per calendar year, per Board member - For either reason - no more than 3 consecutive months or 20% of the regular meetings within a calendar year, per Board member
Public Participation	Teleconference location must be accessible to public (free of charge), including persons with disabilities,	- Board must ensure that if a disruption in the online meeting occurs, the Board takes no further action on agendized items until public access is restore - Avoid requiring public comments in advance, and provide a real-time option for public to provide comment to the Board	- Must provide either a two-way audio-visual system or a two-way phone service in addition to live webcasting (e.g., you Tube) - Must ensure that if there is a disruption to the online meeting, the Board takes no further action on agendized items until public access is restored - Avoid requiring public comments to be submitted in advance and provide a real-time option for the public to address the Board at the meeting
Notice to Board / Public	Prior to 72-hour deadline to post agenda	In accordance with Agenda requirements	- Board member must notify the Board at the earliest opportunity possible, including the start of the regular meeting, of their need to participate remotely including a general description of the circumstances relating to their need to appear remotely at that meeting (not required to disclose diagnosis or medical information) - The Board will take action on that request (even if there was no time to put it on the agenda) - Board member must make a separate request for each meeting in which they seek to participate remotely
Agenda Requirements	- Must identify location of teleconference - Must be posted outside the teleconference location (e.g., hotel room) - Must indicate that members of the public may address the Board from the teleconferencing location	Must provide public with notice on how to access the meeting and offer public comment	Must identify a call-in or internet-based access option, in addition to the in-person meeting location

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- ¹ (b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:
- (1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.
 - (2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.
 - (3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.
 - (4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.
 - (5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
 - (6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.
 - (7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.
- (c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:
- (1) Attend a conference on nonadversarial collective bargaining techniques.
 - (2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.
 - (3) Interview a potential employee from another district.