

To continue with teleconferencing, CAC has the following two options:

I. Traditional Rules under the Brown Act

- Post agendas at each teleconference location;
- Identify each teleconference location in the notice and agenda of the meeting;
- Make each teleconference location accessible to the public;
- Have at least a quorum of the CAC members participate from locations within District boundaries; and
- Provide means for the public to address the CAC at each teleconference location.

(Gov. Code § 54953(b)(3).) The teleconference meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties or public appearing before the legislative body. (*Id.*)

II. AB 2449 (Just Cause or Emergency Circumstances) (available until January 1, 2026)

Signed on September 13, 2022, AB 2449 amended existing requirements set forth in Government Code section 54953 and creates an opportunity for *less than a majority of the board* to attend via teleconference under certain conditions when the majority of the board (a quorum) participates from a single physical location open to the public.

When a quorum of the CAC participates in a physical location open to the public, the remaining board members may participate remotely under two specific circumstances: (1) just cause; or (2) emergency circumstances.

A. Just Cause. AB 2449 defines “just cause” as either:

- childcare or caregiving of certain family members
- a contagious illness
- physical or mental disability; or
- traveling for business

If a member of CAC cannot attend for just cause, the member must notify the CAC (President) at the earliest opportunity, including the start of the meeting. It is important to note that a member of CAC may not use this provision for *more than two meetings per calendar year*.

B. Emergency Circumstances. AB 2449 defines “emergency circumstances” as:

- “a physical or family medical emergency that prevents a member from attending.”

When a member of CAC uses this provision, the CAC (President) shall request a general description of the circumstances relating to the member's need to appear remotely at the given meeting (about 20 words).

C. Procedural Requirements and Restrictions

AB 2449 provides that a member may not participate in meetings solely by teleconference due to "just cause" or "emergency circumstances" for a period of *more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year.*

The member must make separate requests for each meeting that the member seeks to attend via teleconference for just cause or emergency circumstances.

If a member participates via teleconference under section 54953, then the following other requirements must be met

1. The public is provided a way to remotely hear, visually observe, and remotely address the governing board via a two-way platform;
2. The notice includes how members can participate remotely;
3. There is a procedure for receiving and resolved requests for reasonable accommodations, noticed in the agenda; and
4. Members participating remotely disclose at the beginning of the meeting whether any other adult is in the room at the remote location, and if so, the member's relationship to the individual.

If the Board elects to hold a teleconferenced meeting under the provisions of AB 2449, please be aware that in the event of a disruption of the streaming of the meeting that prevents remote public comment, the governing body **cannot** take action on an agenda item until the disruption is cured.