11/2/22 7:21AM

Fr: Yolo County Kim Villa

Subj: AB2449 - New Brown Act rules limiting virtual/teleconference options for Committee/Board Members

Hello Advisory Committee Chairs,

Please see below a message I received from our County Council.  For some advisory committees, this won’t be a problem as they are already back in person, but for some we need to express the message that in person is returning.  It appears, the hybrid option is difficult as we still need a quorum in one physical location.  Additionally, the hybrid option has been less than successful for the online participants in hearing all parties present to the meetings.

Here is a brief summary of AB 2449, the bill I mentioned earlier that revises the Brown Act requirements regarding the ability of Committee or Board Members to hold virtual or teleconference meetings.  As you may know, prior to the COVID-19 pandemic, the Brown Act had very stringent rules on when an official could participate remotely via teleconference.  Those rules were significantly loosened via the Governor’s Executive Orders during the pandemic, and AB 361 went into effect last year to allow continued remote meetings so long as the legislative body made certain findings.  But AB 361 requires findings based upon the existence of a “proclaimed state of emergency” and the Governor has announced that the official COVID-19 State of Emergency will end on February 28, 2023.  So, this means we’re left with the more stringent Brown Act meeting rules, effective March 1, 2023, that will likely make remote meetings impractical for a lot of advisory committees.  Here are the highlights of AB 2449:

* At least a quorum of the members of the body must participate in person from one physical location identified on the agenda, which location must be

open to the public and within the boundaries of the body;

* A member may only participate in the meeting remotely for publicly disclosed "just cause" or in "emergency circumstances;"
* A member may only participate remotely for a limited number of meetings (likely no more than 2 meetings for most advisory committees but it depends on the meeting schedule of each body);
* The remote member must participate via both audio and visual technology; and
* The legislative body must also provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting and remotely address the legislative body.  Members of the public must be allowed to participate and attend the meeting in person or via a call-in or internet-based service option and these options must be identified on the agenda.