



City Attorney's/City Prosecutor's Department – Civil Division

City Attorney Mini-Briefing

Update on Brown Act Meeting Rules

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Brown Act

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- 1953 – passed by California Legislature
 - > Ensures the public's right to attend meetings of local public agencies
 - > Requires that all “meetings” of a “legislative body” be open and public
- 1990's – amended to allow teleconference meetings
 - > Requirements for teleconference meeting:

Quorum participate from within City	Each teleconference location identified in notice and agenda	Agenda posted at each teleconference location
Teleconference location accessible (open) to the public	Public comment must be permitted at each teleconference location	All votes taken by roll call



Teleconference Rules During COVID-19 State of Emergency

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- Executive Orders by Governor and AB 361 (passed in 2020) allowed for relaxing and/or suspension of Brown Act requirements for remote public meetings, to protect public health during COVID-19 state of emergency
- State of emergency has terminated; requirements of Brown Act now control



Requirements for Remote Meetings Under AB 2449 - Passed in 2022 (effective until January 1, 2026)

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- Quorum must participate from single physical, public location within City
- Technology requirements (posting of agendas, public comment, etc.)
- All votes must be taken by roll call
- Remote attending member
 - > May only teleconference for publicly disclosed "just cause" or, if approved by the legislative body, "emergency circumstances"
 - > Must publicly disclose (before any action is taken at the meeting) whether anyone over 18 years old is in the room at the remote location
 - > If closed session, no one over 18 can be in the room
 - > Must participate using both audio and video means
 - > May only participate remotely for a limited number of meetings (specified in statute, details follow)



“Just Cause” and “Emergency” Circumstances

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- **Government Code Section 54953(j) definitions:**
 - > “Just cause” if prevents them from attending in person, limited to: childcare/care giving need; contagious illness; physical/mental disability; travel on official city or state business
 - > “Emergency” is a physical or family medical emergency that prevents them from attending in person
- **Government Code Section 54953(f) requirements:**
 - > “Just cause”: No more than 2 meetings/year; notify body at earliest opportunity, with general description
 - > “Emergency”: Member makes request of body, with general description, at earliest opportunity, and body must approve



Key Differences Between Traditional Teleconference Rules and AB 2449

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Traditional Brown Act Teleconference Rules	AB 2449 (Effective 1/1/2023)
No limit to usage	<ul style="list-style-type: none">• Member cannot participate remotely for more than three consecutive months or 20 percent of the regular meetings in a calendar year• No more than two meetings in calendar year if “just cause” or if body meets fewer than 10 times per calendar year
Quorum – needed within the City	Quorum – needed at single, physical location within the City
No requirement to participate via video	Member required to participate using audio and video
Teleconference location must be accessible to the public	Remote location not required to be publicly accessible – but member must disclose whether anyone over 18 years old is in the room



Questions?

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