



TOWN OF ATHERTON

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TO: Committees & Commissions
FROM: Deputy City Manager / City Clerk, Anthony Suber
DATE: November 23, 2022
SUBJECT: In-Person Committee & Commission Meetings in 2023

The Governor has indicated he will be rescinding the COVID-19 State of Emergency declaration on February 28, 2023. As a result, starting on March 1, 2023, the City Council and all Town Committees and Commissions are required to meet according to the standard Brown Act Rules that require in-person attendance unless specific guidelines are met to allow remote participation. Additionally, a majority of the legislative body must participate in person. The following provide the two options for a council or board member to participate remotely:

Government Code section 54953(b) (Traditional Teleconferencing)

Under this approach, which was an option even before the COVID-19 pandemic, participation may occur by telephone or Zoom. If this option is utilized then:

- All votes taken at the meeting must be by roll call;
- A copy of the agenda must be posted at the teleconference location;
- The teleconference location, and the member participating by teleconference, must be identified on the agenda and at least 72 hours before a regular meeting or 24 hours before a special meeting;
- The location must be stationary (cannot participate from a moving vehicle) and open to the public.

[AB 2449 – Limited Teleconference in Specified Scenarios \(click to read full bill\):](#)

AB 2449 reiterates the standard Brown Act teleconference rules, re-codifies the rules set out in AB 361 for times of declared emergency, and also provides for relaxed teleconferencing rules when a member of the legislative body (a Town Committee or Commission) needs to attend remotely for an emergency, or other reasons supported by “just cause.”

Newly Added Teleconference Rules Available Jan. 1, 2023

Under the new teleconference rules, a legislative body may hold a “hybrid” (partial teleconference, partial in-person) meeting without having to comply with certain procedural requirements (post agendas at teleconference locations, identify teleconference locations in the agenda, make all teleconference locations open to the public) in the following limited circumstances:

- One or more members of the legislative body (but less than a quorum) have “just cause” for not attending the meeting in person (childcare or family caregiving need, contagious illness, physical or mental disability need, or travel while on official public business); or
- One or more members of the legislative body (but less than a quorum) experience an “emergency circumstance” (a physical or family medical emergency that prevents in-person attendance).

Members of legislative bodies who wish to use one of the above exceptions must contact staff before attending a meeting remotely. “Just cause” cannot be used by an official for more than 2 meetings per calendar year. Members must request the legislative body *approve the request to participate remotely* under the emergency circumstances and the legislative body is required to take action on 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 by majority vote on the emergency circumstances request at the beginning of the meeting. A description of the circumstances relating to the member’s need, not to exceed 20 words, must be provided. The member is not required to disclose any medical diagnosis or disability, or personal medical information currently exempt under existing law.

If a member is participating remotely, they must participate through both audio and video technology; and, when action is being taken on any item, they must publicly disclose if someone over the age of 18 is in the room with them and their general relationship to that person.

A quorum of the body must still be meeting in-person, and the body must meet the following relaxed remote access rules:

- Provide either a two-way audio-visual system or a two-way phone service in addition to live webcasting;
- Identify a call-in or internet-based access option on the agenda, in addition to the in-person meeting location;
- Ensure that if a disruption to the online meeting occurs, the body takes no further action on agenda items until public access is restored; and
- Avoid requiring public comments to be submitted in advance and provide a real-time option for the public to address the body at the meeting.

These provisions are only required if a member of the legislative body is participating due to “just cause” or “emergency circumstances.” Legislative bodies may always meet via teleconference by following the traditional Brown Act rules of identifying, posting, and opening up their teleconference locations.

Sincerely,

Anthony Suber
Deputy City Manager / City Clerk

cc: City Manager, George Rodericks
City Attorney, Mona Ebrahimi
City Council
Town Committees & Commissions