

Brown Act Teleconferencing Guidelines

Grossmont College Academic Senate

Voted in support of on February 6, 2023.

Brown Act (AB 2449) - Sunsets on January 1, 2026.

Beginning January 1, 2023, [Assembly Bill 2449 \(AB 2449\)](#) allows individual board members to participate in meetings remotely during “**emergency circumstances**,” such as physical or family medical emergencies, or for “**just cause**,” including childcare or caregiving needs, contagious illness, a disability, or travel on official agency business. Unlike the traditional teleconference rules, AB 2449 allows a board member to remotely participate without as much pre-planning. The board member’s teleconference location does not need to be posted on the meeting notice or agenda, and does not have to be open to the public. However, **all** of the following requirements apply when a board member is using the new AB 2449 rules:

- At least a **quorum of the board must participate in the meeting from a single physical location** that is identified on the notice and agenda, is open to the public, and is located within the jurisdiction. This is different from the traditional teleconference rules where a quorum of the board must be within the jurisdiction but not necessarily all at one physical location.
- The agenda must **provide an option for members of the public to participate in the meeting remotely by phone and internet, e.g. a dial-in number and link**, in addition to public participation at the physical location. It is permissible for third-party website or internet platform providers to require the public to register/log-in. The public **must be able to comment in real-time**, and the board cannot require submission of comments in advance.
- The board member using AB 2449 must notify the agency at the earliest opportunity possible, even at the start of the meeting. A separate request and disclosure is required for each meeting. **The disclosure must include a general description of the need to participate remotely**, provided that they need not disclose any medical diagnosis or disability, or personal medical information. At the meeting before any action is taken, the board member **must publicly disclose whether any adults are present in the room with the board member**, and the general nature of the person’s relationship.
- The board member must participate remotely by **audio and video**.
- A board member may only participate remotely based on “just cause” for **three meetings per calendar year**.
- In addition, a board member **may not participate remotely under AB 2449 for more than three consecutive months, or for 20 percent of the regular meetings within a calendar year**. If the governing body meets 10 or fewer times per year, each board member may only use AB 2449 twice per year.
- If the broadcast of the meeting or the public’s ability to comment via call-in or internet-based options is **disrupted, the board cannot take further action until restored**. Any actions taken during disruption may be challenged.

Source: <https://www.procopio.com/brown-act-changes-starting-january-1-2023/>