

# Brown Act Teleconferencing

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AB 361 sunsets on February 28, 2023.

## Option 1

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### Brown Act (Pre-COVID Teleconferencing)

- [California Government Code 54953](#). Here is a brief summary:
  - Basic Provisions. The Brown Act allows a city council to use any type of teleconferencing in connection with any meeting. (Gov't Code § 54953(b).) "Teleconference" is defined as "a meeting of a individuals in different locations, connected by electronic means, through either audio or video, or both." In addition to the specific requirements relating to teleconferencing, the meeting must comply with **all** provisions of the law otherwise applicable. (Id.) Section 54953(b) contains the following specific requirements:
    - Teleconferencing may be used for all purposes during any meeting.
    - **At least a quorum** of the city council must participate from teleconferencing locations **within the city's (El Cajon) jurisdiction**.
    - **Each teleconference location** (home addresses) must be identified in the **notice and agenda** of the meeting.
    - Agendas must be posted at each teleconference location.
    - **Each location** must be **accessible to the public**.
    - The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
    - All votes must be by rollcall.

## Option 2

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

Beginning January 1, 2023, [Assembly Bill 2449 \(AB 2449\)](#) also 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/login. 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.