

AB 2449, SHORT SUMMARY

Currently, any Board of Supervisors created Committee, Commission or Board must comply with the same set of Brown Act requirements to which the Board of Supervisors is bound. The County is currently operating meeting under AB 361 which allows for remote participation from voting members of committees, commissions, and boards. The Governor's declaration of emergency which has allowed for meetings under AB361 is set to expire on February 28, 2023. Remote participation will then be governed by AB2449. Your committee, commission, or board will need to comply with AB 2449 beginning March 1st. In order to assist this transition, we have created the following. Please review the summary below.

Voting members of any committee, commission or board must meet in person in an open meeting. You may allow public comment or participation from remote locations, but the voting members must be in person. There are a few exceptions as spelled out below:

Per AB 2449, when other criteria (i.e. state of emergency) do not apply, there must be just cause or emergency circumstances for the member to participate remotely. There must also be a quorum in person for the meeting to take place. The following must be applied:

Just Cause:

- Can only be used two times per calendar year.
- Member notifies the legislative body at the earliest opportunity, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances related to their need to appear remotely. (No action of legislative body needed.)
- “Just cause” means any of the following:
 - (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.
 - (B) A contagious illness that prevents a member from attending in person.
 - (C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).
 - (D) Travel while on official business of the legislative body or another state or local agency.

Emergency Circumstances:

- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.
- Member must provide a general description regarding the need to appear remotely.
 - This description does not need to exceed 20 words, no medical diagnosis, disability, or personal medical info exempt under the law required to be disclosed.
- Member makes request as soon as possible. Member must make a separate request for each meeting they intend to appear remotely.

- The legislative body must take action at the earliest opportunity to approve the request (agendize if possible, vote to approve. If no time to agendize, take action at the beginning of the meeting per GC 54954.2).

A member may participate remotely for just cause or for an emergency (combined) only for three consecutive months, or for 20 percent of regular meetings in a calendar year.

In both circumstances, the member must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

Member must participate via AUDIO and VISUAL technology (i.e. camera must be on).

A roll call vote will be required for all items when any member is participating remotely.

Each committee, commission, and board must create a spreadsheet to track the attendance for each meeting so that it can capture absences and remote participation for just cause or due to an emergency. Each committee, commission, and board must ensure that the absences allowed per AB2449 are not exceeded, and that the requirements in AB2449 for remote appearances are met. These spreadsheets will be collected by the Clerk of the Boards office at the end of the calendar year. If you need assistance in creating this, please let me know.

If your meeting location does not allow for a remote connection to accommodate the public, it would be helpful to state such on the posted agenda by stating **IN PERSON PARTICIATION ONLY**.

Please let me know if you have concerns or questions.

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