


Office of the County Counsel
1025 Escobar Street, 3rd Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 655-2200
Fax: (925) 655-2263

Date: December 27, 2024

To: Staff to Advisory Bodies

From: Thomas L. Geiger, County Counsel
By: Hannah M. Shafsky, Deputy County Counsel 

Re: **Revised Limits for Meeting Participation Using an Alternative Remote Teleconferencing Option (“Just Cause” or “Emergency Circumstances”)**

This memo describes a change in the Brown Act rules that allow advisory body members to participate in meetings remotely for a “just cause” reason or due to “emergency circumstances.” “Just cause” includes a need to care for a family member, a contagious illness that prevents in person attendance, a need related to a disability not otherwise accommodated for, and travel while on official business of the body or other public agency. “Emergency circumstances” is a physical or family medical emergency that prevents a member from attending the meeting in person.

Assembly Bill 2302, effective January 1, 2025, revises the limits on the number of remote appearances a member can make for “just cause” reasons or under “emergency circumstances.” The law now prohibits using one of these alternative remote teleconferencing options for more than a specified number of meetings per year, based on the regular meeting schedule of the legislative body.

Under the revised rules for these alternative teleconferencing options, a member of a body may not participate via teleconference from a remote location for more than the following number of meetings:

- 2 meetings per year, if the body regularly meets once per month or less.
- 5 meetings per year, if the body regularly meets twice per month.
- 7 meetings per year, if the body regularly meets three or more times per month.

The existing restriction that limits a member’s remote participation for “just cause” to no more than 2 meetings per calendar year remains in place.

Below are some examples of how many meetings per year a member of an advisory body may attend remotely under the alternative teleconferencing rules if the body regularly meets twice per month:

The member may attend:

- 2 meetings for a just cause reason and 3 meetings under emergency circumstances.
- 5 meetings under emergency circumstances and 0 meetings for a just cause reason.

The member may not attend:

- 3 meetings for a just cause reason and 2 meetings under emergency circumstances.

Otherwise, the rules regarding the alternative teleconferencing option remain unchanged, including the requirement that a quorum of the body must meet in person when a member is attending remotely using one of the alternative teleconferencing options. There are no changes to the rules regarding the traditional teleconferencing option.

The attached chart provides a detailed summary of the requirements for traditional teleconferencing and teleconferencing for “just cause” or due to “emergency circumstances.”

The new law on the two alternative teleconferencing options will remain in effect until January 1, 2026.

HMS:

Attachment: Teleconference Meeting Options Comparison Chart

cc: Board of Supervisors
Monica Nino, County Administrator
Jami Morritt, Chief Assistant Clerk of the Board

Teleconference/Remote Meeting Options

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, § 54953(f))
Applicable Timeframe	<ul style="list-style-type: none"> Available anytime. 	<ul style="list-style-type: none"> Available between <u>January 1, 2025</u> and <u>January 1, 2026</u>.
Who May Appear Remotely and Quorum Requirements	<ul style="list-style-type: none"> Individual board members, if at least a quorum of the members of the body participate from locations within the jurisdictional boundaries of the body. 	<ul style="list-style-type: none"> Individual board members if: <ol style="list-style-type: none"> a quorum of the members of the body participates in person; and the quorum meets in a single, physical location clearly identified on the agenda that is open to the public and situated within the agency's jurisdiction.
Bases for Remote Appearance	<ul style="list-style-type: none"> Applies when a board member is unable to attend in person. 	<ul style="list-style-type: none"> A member may appear remotely for "Just Cause" or "Emergency Circumstances": <ul style="list-style-type: none"> ► "Just cause" is any of the following: <ol style="list-style-type: none"> A need to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; A contagious illness that prevents a member from attending in person; A need related to a physical or mental disability that is not otherwise accommodated for; or Travel while on official business of the body or another state or local agency. ► "Emergency circumstances" is a physical or family medical emergency that prevents a member from attending in person.
Notification and Approval Requirements	<ul style="list-style-type: none"> No additional requirements. 	<ul style="list-style-type: none"> To attend remotely for: <ul style="list-style-type: none"> ► "Just Cause" <ul style="list-style-type: none"> The member must notify the body at the earliest possible opportunity, including at the start of a regular meeting, of the need to participate remotely.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, § 54953(f))
		<ul style="list-style-type: none"> ▪ The member must provide a general description of the circumstances necessitating the remote appearance. ▪ The body need not take action in response. <p style="text-align: center;">► “Emergency Circumstances”</p> <ul style="list-style-type: none"> ▪ The member’s request to appear remotely must include a general description of the need to appear remotely, which need not exceed 20 words, and need not include any personal medical information. ▪ The member must make the request to participate remotely as soon as possible and must make a separate request for each meeting. ▪ The body must take action on the request at a public meeting. ▪ If there is insufficient time to include the item on a posted agenda, the body may take action at the beginning of the meeting. ▪ Approval must be by majority vote.
Agenda and Public Access and Comment Requirements	<ul style="list-style-type: none"> ▪ The teleconference location must be open to the public. ▪ The agenda must be posted at all meeting locations, including the teleconference location. ▪ The agenda must identify all meeting locations, including the teleconference location. ▪ The agenda must provide for public comment at all meeting locations, including the teleconference location. 	<ul style="list-style-type: none"> ▪ Must provide notice and post agendas as otherwise required under the Brown Act and must indicate on the notice how the public may access the meeting and offer comment. ▪ The agenda must include an opportunity for all persons to attend and address the body via a call-in option, an internet-based service option, and at the in-person location. ▪ The law does not require that the agency post an agenda at the remote location, include the address of the remote location, or provide for public access to the remote location.

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, § 54953(f))
		<ul style="list-style-type: none"> ▪ The body may not require public comments to be submitted in advance and must allow the public to address the body and comment in real time. ▪ An individual may be required to register for public comment before being allowed to comment, where the body uses a third-party platform (like Zoom) for the meeting.
Voting Requirements	<ul style="list-style-type: none"> ▪ Members must vote by rollcall. 	<ul style="list-style-type: none"> ▪ Members must vote by rollcall.
Technological Requirements		<ul style="list-style-type: none"> ▪ The public must be able to remotely hear and visually observe the meeting, and remotely address the body. Thus, the body must provide either: <ol style="list-style-type: none"> (1) a two-way audiovisual platform; or (2) a two-way telephonic service and a live webcasting of the meeting.
Other Requirements		<ul style="list-style-type: none"> ▪ If a member participates remotely, the member must also: <ol style="list-style-type: none"> (1) Publicly disclose at the meeting before any action is taken, whether any other individuals 18 years or older are in the room at the remote location with the member and the general nature of the member's relationship with such individuals; and (2) Participate through both audio and visual technology. ▪ If the broadcasting of the meeting to the public by phone or internet service is disrupted, or a disruption within the local agency's control prevents members of the public from commenting using the phone or internet service, the body shall not take any action at the meeting, until public access to the meeting via the phone option or the internet service option is restored. Actions

	Traditional Teleconferencing (Gov. Code, § 54953(b).)	Alternative Teleconferencing (Gov. Code, § 54953(f))
		<p>taken on agenda items during a disruption that prevents the body from broadcasting the meeting may be challenged pursuant to Section 54960.1.</p> <ul style="list-style-type: none"> ▪ The body must have and implement a procedure for receiving and quickly resolving reasonable accommodation requests for individuals with disabilities. Any doubt should be resolved in favor of accessibility.
Limitations on Frequency of Remote Appearances	<ul style="list-style-type: none"> ▪ None. 	<ul style="list-style-type: none"> ▪ A member may participate remotely for “just cause” no more than two times per calendar year. ▪ A member may not participate remotely for more than the following number of meetings: <ol style="list-style-type: none"> (1) 2 meetings per year, if the body regularly meets once per month or less; (2) 5 meetings per year, if the legislative body regularly meets twice per month; and (3) 7 meetings per year, if the body regularly meets three or more times per month.