



## AGENDA ITEM 7.A.

**MEETING:** October 18, 2022  
**TO:** Trinity LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer & Kathy Bull, Administrator/Clerk  
**SUBJECT:** Teleconference Access Options - AB 361 and AB 2449

### **BACKGROUND**

The Legislature approved as an urgency matter AB 361, which was signed by the Governor on September 16, 2021, which amends the Brown Act to allow continued public meetings flexibility following the Governor's Executive Orders expiration<sup>1</sup>. AB 361 modified meeting rules allowing remote meeting access can only be used in the event there is a Governor issued state of emergency.

AB 2449 was recently signed into law and goes into effect on January 1, 2023<sup>2</sup>. AB 2449 allows the use of teleconferencing under AB 361 until December 31, 2023. It also allows less than a majority of members to participate remotely based on "just cause" or "emergency circumstances" if a majority of the legislative body conducts the meeting in-person from a location open to the public.

### **DISCUSSION**

AB 361 allows legislative bodies to continue to utilize remote/virtual platforms for meetings during a declared state of emergency by the Governor via Government Code § 54953(e) et seq. Since the beginning of the COVID-19 pandemic, the Commission has chosen to meet remotely and/or a hybrid combination of in-person and remote participation, and has been adopting a resolution at every meeting in accordance with AB 361. If the Commission so desires, this practice can continue for as long as a state of emergency exists as declared by the Governor or until December 31, 2023. Once AB 361 is no longer applicable, the Commission will need to follow the regulations set forth under AB 2449.

Under AB 2449, the Commission will need to continue to meet in person at a publicly accessible location. Members may participate remotely if there is "just cause" or "emergency circumstances" as defined below. However, a majority of members must still be meeting in person at the same publicly accessible location and there must be a method for the public to participate remotely by either 2-way video conference or 2-way teleconference, which is in place

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<sup>1</sup> Text of AB 361: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB361](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB361)

<sup>2</sup> Text of AB 2449: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2449](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2449)

at the Weaverville Library Meeting Room. Additional regulations as outlined in AB 361, such as conducting all votes by roll call, will also still apply.

- “Just cause” includes childcare or caregiving need for an immediate family member, contagious illness, a need related to physical or mental disability, or travel while on official business of a legislative body or another state or local agency.
  - Member must disclose if there is anyone over the age of 18 present in the room.
  - Can only be used by the member twice per calendar year.
- “Emergency circumstances” includes a physical or family medical emergency that prevents a member from attending in person.
  - Member must request approval to appear remotely and provide a general description of the emergency but shall not be required to disclose any medical diagnosis or disability.
  - Commission must approve the request to attend remotely at the beginning of the meeting by motion.
  - Member must disclose if there is anyone over the age of 18 present in the room before any action is taken.

Under AB 2449 the Commission may still provide options for remote public access whether or not Commissioners are attending remotely. This may allow for broader public participation as it will allow members of the public to access the meeting without having to travel to the in-person location. Additionally, staff may still attend remotely if there is a means to do so. This would require that technology and staff be available in person to run the remote meeting option for the Commission.

## **RECOMMENDATION**

It is recommended that the Commission receive this report, deliberate on what type of meeting format should be pursued for the 2023 calendar year, and provide direction to staff.