

# Ask the Experts



## Decoding Meeting Requirements of AB 2449

*By Kristin Withrow, CSDA Communications Specialist; adapted from the presentation “Brown Act in a Modern World” by Nicholas R. Ghirelli, Richards Watson & Gershon at the 2023 CSDA Board Secretary/Clerk Conference*

In the ever-evolving landscape of governance, staying abreast of legal amendments is paramount for the smooth functioning of any board. Special districts in California, in particular, need to acquaint themselves with the recent modifications to the Brown Act, specifically the introduction of AB 2449. This legislation, signed into law, ushers in a new (optional) set of teleconferencing regulations for board meetings. Originally implemented as urgent legislation in response to the COVID-19 pandemic, AB 361 provided a lifeline for board meetings to persist during states of emergency. However, when the pandemic state of emergency concluded on February 28, 2023, the need for AB 361 subsided. Enter AB 2449, the successor that seeks to bring flexibility to remote meeting options - but it's not without its intricacies.

### Key Considerations for Special District Meetings

AB 2449 introduces a set of guidelines for local agency legislative bodies, presenting an alternative teleconference

option until January 1, 2026. Under AB 2449, meeting agendas carry additional responsibilities:

- The agenda must specify how the public can access the meeting and participate in public comments.
- Public attendance and comments to the board must be feasible through call-in options, internet-based services, and in-person attendance.
- Members participating by teleconference must have both video and audio operational.
- In case of disruptions to the online link, hindering the broadcast or public comment options, the legislative body is precluded from further action on agenda items until the link is restored.
- The public cannot be required to submit comments in advance of the meeting.
- Real-time opportunities for the public to address the board are required.
- A quorum must participate from a designated physical location within the jurisdiction which must be disclosed on the agenda with public access.

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## Nuances and Limitations of AB 2449

Limitations exist on how often a member may use the teleconference option, restricted to situations of “just cause” or “emergency circumstances.”

### Teleconference “Just Cause”

Members can teleconference under “just cause” for reasons such as childcare, illness, physical or mental disability, or official travel. Notification to the legislative body, including a general description of circumstances, is mandatory, and the notification can be made up to the start of the meeting.

### Teleconference “Emergency Circumstance”

In the event of a physical or medical emergency preventing attendance, a member may teleconference with the approval of the legislative body. The Board Secretary/Clerk must note a brief description of the circumstances in the minutes (it is not necessary to divulge medical information).

### How Often Can a Member Teleconference under AB 2449?

Members can use “Just Cause” teleconferencing for only two meetings annually.

In no case may a member participate remotely for more than three consecutive months, 20% of regular meetings, or a maximum of two meetings for bodies convening fewer than 10 times annually.

Navigating the intricacies of AB 2449 is imperative for special districts in California as they conduct their board meetings in 2024. Understanding the nuanced requirements, agenda stipulations, and limitations on teleconferencing occurrences will ensure compliance and foster transparent governance in the ever-evolving landscape of remote meetings. As special districts adapt to the post-pandemic era, embracing these legislative changes will be key to the lawful operation of board meetings in California. For a more thorough explanation of changes to the Brown Act and other laws taking effect in 2024, please see the CSDA *New Laws of 2024* publication.

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