



**S.B. 707:  
Teleconferencing  
Rule Changes to the  
Ralph M. Brown Act**

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# BROWN ACT GENERALLY:

- ❖ The key to the Brown Act is its requirement that virtually all local government meetings shall be ***noticed, open and public*** .
- ❖ In addition to requiring the People's business be conducted in open, noticed meetings, the Brown Act also extends to the public the right to ***participate***.

# “LEGISLATIVE BODY” DEFINED

❖ Under the Brown Act, “legislative body” means, in relevant part:

“(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. . . .”

Cal. Govt Code § 54952(a)-(b)



# S.B. 707 CATEGORIES: THREE TRACKS

- ❖ Miscellaneous changes for all Brown Act meetings
- ❖ “Eligible Legislative Body” Changes
- ❖ Clarification and expansion of Teleconferencing Rules
  - Traditional Application (Govt Code § 54953(b))
  - Reasonable Accommodation for members of the body (Govt Code § 54953(c))
  - Emergency Situations (Govt Code § 54953.8.2)
  - Just Cause accommodations for members of the body (Govt Code § 54953.8.3)
  - City subsidiary bodies that are eligible (Govt Code § 54953.8.6)

# TRADITIONAL TELECONFERENCING

(Govt Code § 54953(b))

	NEW RULE
Requirement:	Identify each teleconference location; Post agenda at teleconference location; Each location must be accessible to the public
Limit	None
Quorum	Remote member participant <b>does not</b> count toward quorum
Vote	Roll Call
Method	Call-in or internet-based service
Disclosure	None
Public Access	Two-way audiovisual platform; or two-way telephonic service and a live webcasting of the meeting



# REASONABLE ACCOMODATION TELECONFERENCING

(Govt Code § 54953(c))

	NEW RULE
Requirement:	Available to members of a legislative body who have some type of Americans with Disabilities Act related disability that the City must reasonably accommodate
Limit	None
Quorum	Remote member participant <b>does</b> count toward quorum
Vote	Roll Call
Method	Two-way audio-visual platform
Disclosure	Anyone present in the same room as the member 18 years old or older and the member's general relationship with any of the individuals present.
Public Access	Not required to make remote public participation available under this provision, unless the body is the City Council.



# TELECONFERENCING GENERAL PROVISION

(Govt Code § 54953.8)

- ❖ Emergency Circumstances, Just Cause and Eligible Subsidiary Bodies  
Teleconferencing, in addition to specific code provisions, are all required to:
  - Allow public to remotely hear and visually observe the meeting, and address the legislative body by either:
    - a two-way audiovisual platform; **or**
    - a two-way telephonic service and live webcasting of the meeting.
  - Give notice of the means by which members of the public access the meeting and offer public comment on the posted agenda, including identifying how all persons can attend via call-in option or internet-based service option.
  - If a disruption occurs during the meeting that prevents the broadcast of the meeting or prevents remote users to participate in the meeting, the legislative body cannot take any further action on the agenda items until the broadcast and/or ability to participate remotely is restored.

# STATE OF EMERGENCY/LOCAL EMERGENCY TELECONFERENCING

(Govt Code § 54953.8.2)

	NEW RULE
Requirement	Finding must now include state of emergency or a local emergency
Limit	No Limit
Quorum	Remote member participant <b>does not</b> count toward quorum
Vote	Roll Call
Method	Two-way telephonic or two-way audiovisual platform
Disclosure	Anyone present in the same room as the member 18 years old or older and the member's general relationship with any of the individuals present.
Public Access	No need to provide a physical location from which the public may attend or comment; May choose to use two-way telephonic service without live webcasting of the meeting for public participation.



# JUST CAUSE TELECONFERENCING

(Govt Code § 54953.8.3)

	NEW RULE
Requirement	<p>1) Physical or family medical emergency; 2) Childcare or caregiving need; 3) contagious illness; 4) Travel while on official business of legislative body; 5) Immunocompromised family member; 6) Military service obligations that requires the member to be at least 50 miles outside the City's boundaries; 7) Physical or mental condition not subject to ADA reasonable accommodations</p> <p>Requesting member must disclose reason to legislative body at earliest opportunity; Reason must be recorded in the minutes.</p>
Limit	5 meetings/year if <b>legislative body</b> meets 2 times per month
Quorum	Remote member participant <b>does not</b> count toward quorum
Vote	Roll Call
Method	Two-way telephonic or two-way audiovisual platform
Disclosure	Anyone present in the same room as the member 18 years old or older and the member's general relationship with any of the individuals present.
Public Access	Singular physical location identified on the agenda within the boundaries of the legislative body



# ELIGIBLE SUBSIDIARY BODIES TELECONFERENCING

(Govt Code § 54953.8.6)

Eligible Subsidiary Body means: “A commission, committee, board or other body of a local agency, whether permanent or temporary ... created by charter, ordinance, resolution or formal action of a legislative body”

Govt. Code 54952

That:

- “Serves exclusively in an advisory capacity.”
- “Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants or allocations of funds.”
- “Does not have primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the [City Council] that focuses on elections, budgets, police oversight, privacy, removing from or restricting access to, materials available in public libraries, or taxes or related spending proposals..”



# ELIGIBLE SUBSIDIARY BODIES TELECONFERENCING

(Govt Code § 54953.8.6)

For “eligible subsidiary bodies” to meet ***entirely remotely*** via teleconference, the **City Council** must authorize the use of teleconferencing for each such body, and renew that authorization via vote every six months, by finding:

- In consideration of the circumstance of the eligible legislative body, teleconference meetings would enhance public access to the eligible subsidiary body’s meetings; and
- The public has been made aware of the type of remote participation, including audio-visual or telephonic, that will be made available; and
- The public has been provided the opportunity to comment at an in-person meeting of the City Council where they authorized the eligible subsidiary body to meet ***entirely*** remotely.



# ELIGIBLE SUBSIDIARY BODIES TELECONFERENCING

(Govt Code § 54953.8.6)

If the **City Council** authorizes an eligible subsidiary body to meet ***entirely remotely***, then:

	NEW RULE
Requirement	Finding and authorization adopted by City Council and renewed every 6 months
Limit	No Limit
Quorum	Remote member participant <b>does</b> count toward quorum
Vote	Roll Call
Method	Two-way audiovisual platform
Disclosure	Anyone present in the same room as the member 18 years old or older and the member's general relationship with any of the individuals present.
Public Access	Physical location shall be designated within the City's boundaries where subsidiary body members who are not participating remotely must be present and where members of the public may physically attend; At least one staff member shall be present at the physical location; Agenda shall be posted at the physical location but need not be posted at the remote locations.



# ELIGIBLE SUBSIDIARY BODIES TELECONFERENCING

(Govt Code § 54953.8.6)

- ❖ If an elected official serves on the eligible subsidiary body that is allowed to meet via this provision, that elected official **cannot** utilize this provision and **must appear** in person at the designated physical location for each meeting.
- ❖ If the City Council allows any eligible subsidiary bodies to take advantage of this provision, the City Council must then establish and adopt procedures for acting on any recommendations coming from the eligible legislative body.





# QUESTIONS/ COMMENTS