

## **AB 2449 Policy for City Councilmembers and Certain Commissioners**

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### **Overview:**

AB 2449 creates an exception to allow a member to appear by teleconference at a meeting due to “just cause” or “emergency circumstance” without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public, if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency’s jurisdiction.

Assumes no proclaimed (state or local) state of emergency.

### **What qualifies as just cause:**

- Childcare or caregiving of child, parent, grandparent, sibling, spouse, or domestic partner that requires them to participate remotely.
- A contagious illness prevents them from attending in person.
- A need related to a disability not otherwise accommodated.
- Travel while on official business of the legislative body or another state or local agency.

### **What qualifies as emergency circumstance:**

- Physical or family medical emergency that prevents member from attending in person.

### **Who may participate through teleconference under AB 2449:**

- City Council members and members of the Business License, Historic Preservation, Planning, and Rent Stabilization Commissions. Members of the Business License, Historic Preservation, Planning, and Rent Stabilization Commissions may only use AB 2449 if there is a Public Hearing on the agenda for consideration.

### **What a member must do for just cause:**

- Notify the legislative body as soon as possible of need to participate remotely.
- Provide legislative body general description of the circumstances relating to need to appear remotely (see below)
  - General description need not exceed 20 words and must not require the member to disclose medical diagnosis or disability; or any personal medical information exempt under law.
- Approval of legislative body not required.

### **What a member must do for emergency circumstance:**

- Make Request to legislative body as soon as possible to participate remotely.
- Provide legislative body general description of the circumstances relating to need to appear remotely.
- Approval of legislative body required:  
Place on agenda; OR If no time to place on agenda vote at beginning of meeting (majority required) as an urgency item added to the agenda that requires immediate action and came to the city's attention after the posting of the agenda. The urgency item will be taken after calling the meeting to order and before any other items of business.

#### *Limitations:*

- Just Cause: Councilmembers may participate in meetings by teleconference under this exemption no more than 2 meetings per year.
- Councilmembers or Commissioners may participate in meetings by teleconference under AB 2449 for no more than three consecutive months or no more than 20% of regular meetings of the legislative body within a calendar year. For legislative bodies that meet fewer than 10 times per year, no more than 2 meetings per calendar year.

### **Requirements for Remote Participation:**

- The agenda must clearly identify the opportunity for the public to attend via call-in, internet-based service, and in-person (i.e., it must provide the appropriate phone numbers, web addresses, and physical addresses to view/attend the meeting). This information should also be included in the City's online calendar of events for each City Council meeting so that the public sees the call-in option.
- A quorum of the body must participate in person in the meeting location listed on the posted agenda.
- Councilmember or Commissioner must participate through both audio and visual technology. This means the individual's camera must be on throughout the entire meeting. Staff presentations must be shown in a manner that the remote participant is visible throughout the entire meeting.
- All votes must be by roll call.
- Publicly disclose if someone over 18 years of age is in the room and the relationship to the Councilmember or Commissioners.
- In the event of a disruption that prevents members of the public to participate using a call-in or internet-based option, the legislative body may take no further action until public access is restored.
- Must allow reasonable time for the public to register and have the opportunity to provide public comment. Be mindful of delays in webcast and be sure to provide adequate time for the public to request to speak before taking action on any item. Resolve technology issues, feedback, echoes, and other technical glitches that will disrupt the proceedings before starting with the official business, even if a recess is required.

## Process:

- Confirm at least a quorum of the legislative body is present at the meeting location as identified on the agenda.
- Confirm a two-way audio-visual platform, or a two-way telephonic service and a live webcasting of the meeting, to allow the public to participate remotely is active and was identified on the meeting agenda.
- Address remote attendee and ask the reason for absence:
  - “Just Cause” and provide general description of the circumstances relating to need to appear remotely.
  - “Emergency Circumstances” and provide general description of the circumstances relating to need to appear remotely.
- Confirm with the City Clerk or Commission secretary the number of times the specific member has appeared remotely within the calendar year.
- Address body for a roll call vote:
  - If request is received more than 72 hours before the meeting (or 24 hours for a special meeting), add a request to participate by teleconference as the first item of business on the posted agenda.
    - Pass a motion to accept the virtual participation of [insert name] due to a “just cause” reason.
    - Pass a motion to accept the virtual participation of [insert name] due to an “emergency circumstance”. This motion must be approved by a majority vote of the body.
  - If request is received after the posting of the agenda and within 72 hours of the meeting (or within 24 hours for a special meeting), the following procedure applies.
    - For Emergency Circumstance, announce that the body will act on this request to participate remotely under Government Code Section 54954.2(b)(4).
      - Pass a motion to accept the virtual participation of [insert name] due to an “emergency circumstance”. This motion must be approved by a majority vote of the body.
    - For Just Cause, staff must first ask the body to make a finding to add this request to the agenda as an urgency item under Government Code Section 54954.2(b)(2). The body must pass a motion and make findings that the request came to the attention of the city after the posting of the agenda and requires immediate action for the member to participate at the meeting. This first motion must be approved by two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present,
      - Pass a motion to accept the virtual participation of [insert name] due to a “just cause” reason.
  - Ask the member if any individual over the age of 18 is present at the remote location with them. If yes, they must identify them and their

relationship to the member.

- Remind member to keep camera on throughout the entire meeting (except on recess).

If a Councilmember or Commissioner seeks to participate due to a specified “emergency circumstance” or “Just Cause” and the legislative body **votes not to accept** the basis for virtual attendance under AB 2449, then the member may only participate/watch as a general member of the public and cannot vote on any action item.

Minutes should reflect:

- The name and position of the member who appeared remotely under AB 2449's procedures.
- Number of times each member has appeared remotely within the calendar year.
- Motion to allow (or not allow) remote participation read into the record and vote recorded in the minutes.