City of Long Beach
Working Together to Serve

Office of the City Attorney

MEMORANDUM

DATE: December 31, 2024

TO: Mayor and Members of the City Council

FROM: Dawn McIntosh, City Attorney
Anita Lakhani, Deputy City Attorney

SUBJECT: **Current Brown Act Teleconferencing Rules**

This memorandum provides a refresher of current[1] teleconferencing rules for public meetings under the Brown Act: (1) the traditional teleconferencing rules, and (2) the Assembly Bill (AB) 2449 and AB 2302 teleconferencing rules.

The traditional teleconferencing rules do not require any qualifying circumstances for legislative body members to teleconference. AB 2449, on the other hand, requires a member of a legislative body to have a qualifying "just cause" or "emergency" circumstance.

As of January 1, 2025, AB 2302 will be in effect. AB 2302 provides clarification on the number of times a member of a body may teleconference under the latest teleconferencing framework created by AB 2449. The cap is based on the frequency of how often the body meets.

Pursuant to AB 2302, a member of a legislative body may only teleconference from a remote location for the following number of meetings:

- Two meetings per year, if the body regularly meets once per month or less.
- Five meetings per year, if the body regularly meets twice per month.
- Seven meetings per year, if the body regularly meets three or more times per month.

For example, members of the City Council are allowed to teleconference under these rules no more than seven times, since the legislative body regularly meets three or more times per month.

---

[1] NOTE: this memo does not include the teleconferencing rules under Assembly Bill 361 which apply during a proclaimed state of emergency where state or local officials have imposed or recommended measures to promote social distancing and/or where meeting in person would present an imminent risk to the health or safety of attendees. Although AB 361 is still valid law until its relevant provisions expire on January 1, 2024, current circumstances do not authorize the City to hold meetings pursuant to said law.

The table included as Attachment 1 provides additional details via a comparison of the two sets of rules, including internal City of Long Beach reminders.

Please feel free to contact our office should you have any questions on teleconferencing under the Brown Act.

cc: Dawn McIntosh, City Attorney
Gary Anderson, Assistant City Attorney
Douglas Haubert, City Prosecutor
Laura Doud, City Auditor
Tom Modica, City Manager
Monique DeLaGarza, City Clerk
All City Boards, Commissions, and Committees

ATTACHMENT 1

	Traditional Teleconferencing	**AB 2449 Teleconferencing**
Qualifying Circumstances	A member may choose to teleconference for any purpose during any meeting.	A member may teleconference if they have one of the following circumstances: **Just cause** • caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; • a contagious illness; • a need related to a physical or mental disability that isn't otherwise accommodated; or • travel while on official business of the legislative body or another state or local agency). **Emergency** • a physical or family medical emergency that prevents them from attending the meeting in person.

ATTACHMENT 1

	Traditional Teleconferencing	**AB 2449 Teleconferencing**
Procedures to authorize remote participation	There are no requirements that the legislative body authorize any member's remote participation. *NOTE: A member should notify the Clerk as soon as possible if they intend to participate via teleconferencing for proper noticing and technology purposes.*	**Just cause** • Member must inform the body ASAP (could be at the start of the meeting) • Member must provide a general description of the circumstances justifying remote participation • At start of meeting, member must state whether anyone 18 years of age or older is in the room with them and general nature of their relationship • The body doesn't need to take formal action to authorize remote participation (i.e., no voting is required) **Emergency Circumstance** • Member must ask the body to participate remotely as soon as possible (separate request for each meeting), and the body must take action to approve the request (i.e., the body must vote) • Member must provide a general description of the circumstances (generally not to exceed 20 words and not including private medical information exempt under law)

ATTACHMENT 1

		• At start of meeting, member must state whether anyone 18 years of age or older is in the room with them and general nature of their relationship • The body can take action at the earliest opportunity. If there isn't enough time to include an item on the agenda, the body may approve it by a majority vote at beginning of the meeting after publicly identifying the request ***NOTE**: A member should notify the Clerk as soon as possible if they intend to participate virtually for noticing and technology purposes.*
Teleconference and/or in-person meeting locations	At least a quorum of members must participate from locations (which must be publicly noticed) within the body's jurisdictional boundaries.	The teleconference location of the member participating under a just cause or emergency circumstance does not need to be disclosed or fall within a specific jurisdictional area. The in-person meeting location must be within the jurisdictional boundaries of the legislative body as noticed.

ATTACHMENT 1

	Traditional Teleconferencing	**AB 2449 Teleconferencing**
Notice and agenda	Each teleconference and in-person location must be identified in the meeting's notice and agenda. Agendas must be posted at each teleconference and in-person location within the legally required timeframes. The agenda must provide the opportunity for members of the public to access each in-person and/or teleconference location and to provide public comment directly at each in-person and/or teleconference location. ***NOTE****: The Clerk's Office must receive confirmation that the correct agenda has been posted at each teleconference location within the posting requirement deadline. Photo proof would be best.*	The meeting agenda must notify the public of the time and single physical location at which the in-person meeting is being held. The agenda must identify and include an opportunity for the public to attend and address the body directly via a call-in option, an internet-based option, and in-person at the meeting.
Quorum participation	There is no limit on how many members may participate via teleconferencing, so long as at least a quorum of the members participate from locations within the body's jurisdiction.	At least a quorum of the members must participate in-person from the single physical location identified in the agenda which is open to the public and falls within the jurisdictional boundaries of the body.

ATTACHMENT 1

	Traditional Teleconferencing	**AB 2449 Teleconferencing**
Public access and public comment	Each teleconference location must be accessible to the public. Members of the public must be able to access the meeting and address the legislative body at each teleconference and/or in-person location identified on the agenda. ***NOTE****: Even if the teleconferencing member drops off the meeting, the teleconference location must remain accessible to the public for the duration of the meeting, as noticed.*	The body must provide to the public a two-way audiovisual platform and/or a two-way telephonic service and a live webcasting of the meeting. The public must have an opportunity to attend and address the body directly via a call-in option, an internet-based option, and in-person at the meeting. The body may not require the public to submit comments prior to the meeting.
Voting	All votes must be taken by rollcall during the entirety of the meeting.	This law is silent regarding the method of voting. ***NOTE****: the City may conduct votes via rollcall for consistency during all teleconferenced meetings.*

ATTACHMENT 1

	Traditional Teleconferencing	**AB 2449 Teleconferencing**
Technology requirements	The member participating remotely may appear via audio or video technology. ***NOTE****: City of Long Beach legislative body members won't be able to request to speak or make a motion digitally when on Zoom.* *Members should schedule a time before the meeting to test audio/video with the Clerk/TID.*	The member participating remotely must appear via audio and visual technology (i.e., they must be on videoconference). The legislative body must provide to the public a way to remotely hear or see the meeting and to remotely address the body via a two-way audiovisual platform and/or a two-way telephonic service and a live webcasting of the meeting. The public must be able to remotely hear, visually observe, and remotely address the body in real time. In the event of any technology disruption, the body shall take no further action on items on the agenda until public access to the meeting is restored. ***NOTE****: City of Long Beach legislative body members won't be able to request to speak or make a motion digitally when on Zoom.* *Members should schedule a time before the meeting to test audio/video via the Clerk/TID.*

ATTACHMENT 1

	Traditional Teleconferencing	**AB 2449 Teleconferencing**
Limitations on number of times a member teleconferences	None.	Pursuant to AB 2302, a member may only teleconference from a remote location for the following number of meetings: • Two meetings per year, if the body regularly meets once per month or less. • Five meetings per year, if the body regularly meets twice per month. • Seven meetings per year, if the body regularly meets three or more times per month. For purposes of counting meetings attended by teleconference under AB 2449, multiple meetings occurring on the same calendar day (e.g., open and closed sessions) count as one meeting. ***NOTE****: A member of a legislative body may not use the "just cause" exception for more than two meetings per calendar year. (Gov. Code Section 54953(f)(1)(A))*