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AB 2449 Eases Rules On Remote Meetings Under Brown Act—But In A Complex Manner

On September 13, 2022, Governor Newsom signed Assembly Bill 2449 (“AB 2449”) to modernize existing teleconferencing requirements under the Brown Act by allowing *less than* a quorum of a legislative body to attend meetings remotely without posting their location and removing the requirement for public participation in a nonpublic location, provided certain requirements are met. AB 2449 becomes effective Jan. 1, 2023.

October 7, 2022 -- Under AB 2449, legislative bodies would be authorized to participate in remote public meetings without disclosing or providing access to their non-public teleconference location(s) *if at least a quorum meets in person from a single location identified on the agenda*. The location must be open to the public and situated within the local agency’s jurisdiction. All other members would be able to participate remotely, but only if the agenda provides a brief description (under 20 words) regarding their need to appear remotely at a given meeting or, if the need to participate remotely arose after the agenda was posted, the reason must be disclosed at the start of the meeting. The need must be for just cause or an emergency circumstance.

- “Just cause” includes: (i) necessary caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (ii) having a contagious illness, (ii) having a physical or mental disability that is not otherwise accommodated; or (iv) traveling on official business of the local agency or another state or local agency. A member of the legislative body who participates remotely for just cause is limited to two such remote meetings per calendar year.
- “Emergency circumstance” includes a physical or family medical emergency that prevents a member from attending in person. A member may request that the legislative body approve their remote participation due to an emergency circumstance. Remote participation due to an emergency circumstance must be approved by the legislative body at each meeting.
- Remote participation for each member is limited to three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year.

Members participating remotely will be required to (i) use **both** audio and visual technology during the meeting, and (ii) disclose whether any person 18 years or older is present in the room with that member and the general nature of the member’s relationship with that person.

Additionally, when a meeting is held with remote participation by members of the legislative body, there must also be live video and/or audio stream that also allows members of the public to participate remotely through the audio/visual platform or telephonic service. In the event of a broadcasting disruption (i.e., disconnection of call-in or internet-based service option) or other event that prevents members of the public from offering public comments, the legislative body must pause the meeting and take no further action until remote public access to the meeting is restored.

This bill will sunset on January 1, 2026.

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