



Brown Act Update

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AB 2449 – Brown Act & Remote Participation

New rules allowing an additional way for legislative body members to attend meetings remotely



Existing Rules – Brown Act & Remote Participation

1. Traditional teleconferencing
2. During Governor's proclaimed State of Emergency with findings related to health and safety



AB 2449 – Brown Act & Remote Participation

Attend public meetings remotely without a state of emergency, identifying the remote site or ensuring it is accessible to the public



AB 2449 – Brown Act & Remote Participation

A quorum must participate in person from a physical location open to the public



AB 2449 – Brown Act & Remote Participation

Remaining members can participate remotely in two situations:

1. Just Cause
2. Emergency Circumstances



AB 2449 – Brown Act & Remote Participation

Just cause

- childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner;
- a contagious illness that prevents a member from attending in person;
- a need related to a physical or mental disability; or
- travel while on business of the legislative body or another state or local agency.



AB 2449 – Brown Act & Remote Participation

Just cause

- Must notify the legislative body at the earliest possible opportunity and give a general description of the reasons
- Only two meetings per calendar year



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Emergency Circumstances

A physical or family medical emergency that prevents a member from attending in person



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Emergency Circumstances

Must request that the legislative body allow them to participate in the meeting remotely and the legislative body must take action to approve the request



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If remote participation for either just cause or emergency circumstances then:

- Public must be able to attend remotely and in person
- Agenda must explain how public can participate remotely



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- Must allow “real time” public comment
- If disruption to meeting broadcast, no further action until fixed
- Member must participate through both audio and visual technology



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- Member must disclose if other individuals 18 or older are present in the room at the remote location and general nature of member's relationship with the individual



AB 2449 – Brown Act & Remote Participation

- May not participate in meetings remotely for more than three consecutive months or 20% of regular meetings within a calendar year
- If legislative body regularly meets less than 10 times a year, a member may not participate remotely for more than two meetings



AB 2449 – Brown Act & Remote Participation

- <https://www.bwslaw.com/news/new-brown-act-provisions-allow-additional-process-for-remote-meeting-attendance/>
- https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2449

Social Media – AB 992

- Amends Government Code section 54952.2 to add new provisions
- Applies from January 1, 2020 through January 1, 2026



Direct Response Prohibited

- AB 992 prohibits even one member of the legislative body from responding in any manner to any other member's social media posts.



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Direct Response Prohibited (cont'd)

- No exceptions.
- Applies to just one response, making it a violation of the Brown Act regardless of whether a majority of the legislative body reads the response.



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Emojis = Discussion

- AB 992 prohibits a majority of the members of the legislative body from using social media to “discuss among themselves” business of a specific nature that is within the subject matter jurisdiction of the legislative body.



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Emojis = Discussion (cont'd)

- Prohibits “communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.”
- The prohibition against members “discussing among themselves” specifically includes emojis



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