

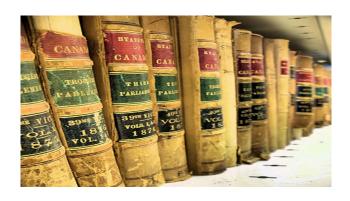
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New rules allowing an additional way for legislative body members to attend meetings remotely







## **Existing Rules – Brown Act & Remote Participation**

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



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





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





Remaining members can participate remotely in two situations:

- 1. Just Cause
- 2. Emergency Circumstances





#### 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.





#### 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





#### **Emergency Circumstances**

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





#### **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





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





- 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





 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





- 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





- https://www.bwslaw.com/news/new-brown-actprovisions-allow-additional-process-for-remotemeeting-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.





#### **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.





#### **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.





#### **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





# **Brown Act Update**



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