



AGENDA – BOARD RETREAT

Board of Library Trustees | Altadena Library District
Virtual – Zoom – February 3, 2023 – 9:00 am

IMPORTANT NOTICE REGARDING FEBRUARY 3, 2023 SPECIAL MEETING

This meeting will be conducted in a hybrid fashion, utilizing teleconference, electronic, and in-person means consistent with the **State of California Executive Order N-29-20** dated March 17, 2020, regarding the COVID-19 pandemic and Altadena Library District Board of Trustees' Resolution 2021-05. The live stream of the meeting may be viewed by visiting the Altadena Library District's YouTube channel at the following URL

<https://www.youtube.com/c/AltadenaLibrary>

SUBMISSION OF PUBLIC COMMENT: For those wishing to make Public Comments at the February 3, 2023 Meeting, please submit your comments by email to be read aloud at the meeting. If multiple comments are submitted, only the first comment will be read aloud during the meeting. Email and Electronic Comments submitted online will be accepted up to two (2) hours prior to the start of the meeting. Email comments can be submitted to hello@altadenalibrary.org with the subject line: "Public Comment". Electronic Comments may also be submitted online at www.altadenalibrary.org/publiccomment. If you wish to make your public comment during the live meeting, please state so in your email or select "Yes – I want to provide this comment in real-time and need the Zoom link" in the online form. www.altadenalibrary.org/publiccomment.

Email and Electronic Comments will be submitted to the legislative body and shall become part of the record of the meeting.

If you are unable to submit via email or online you can call (626) 798-0833 ext. 103, during the corresponding item of the agenda. For public comment on any non-agenda item, please plan to call at 9:00 am..

PUBLIC REQUESTS FOR DOCUMENTS: The District provides a public inspection copy of all materials included in the agenda packet distributed to the Board members. Members of the public who wish to obtain a copy of any document may do so by completing a Request for Public Document form and submitting it to Administration who will arrange for the documents to be copied at a charge of 15¢ per page. Request forms are available at the District Administration offices.

In compliance with the Americans with Disability Act, if you need special assistance to participate in the meeting, please contact Library Administration at (626) 798-0833 x103 at least 48 hours prior to the meeting so the Altadena Library District may make reasonable arrangements to ensure accessibility to the meeting.

LAND ACKNOWLEDGEMENT: The Altadena Library District acknowledges its presence on the traditional, ancestral, and unceded land of the Gabrielino Tongva peoples. Altadena is located on the stolen homelands of the Xaxaamonga (Hahamongna) tribal band. The traditional territory of the Gabrielino Tongva is referred to as Tovaangar, which includes the areas currently known as Los Angeles County, Riverside County, West San Bernardino County, parts of Orange County as well as the four southern Channel Islands. Entities such as the U.S. government and non-Native settlers have subjected the Gabrielino Tongva peoples to historic and continuing injustices, including genocide, forced displacement, and cultural and linguistic erasure. Altadena Library commits to learning, educating, and informing its staff and residents of present-day Altadena about

the rich histories, vibrant communities, and culture of Gabrielino Tongva people, present and past, through our collection development, resources, and program offerings.

- I. Call to Order
 - a. Land Acknowledgement
- II. Open Session
 - a. Roll Call
 - b. Approval/Reordering of Agenda Items
 - c. Adoption of Agenda
 - d. Public Comment on Non-Agenda Items
- III. New Business
 - a. Resolution 2023-02 Delegating Signature Authorization to the District Director (Action)
- IV. Annual Brown Act Refresher
- V. Welcome & Opening Activity
- VI. Altadena Library District Strategic Plan Facilitated Discussion with Consultant Danielle Milam
- VII. Announcements & Planning
 - a. Correspondence
 - b. Proposed Future Agenda Items
 - c. Form 700 – Spring Due Date
- VIII. Adjournment

RESOLUTION NO. 2023-02

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE ALTADENA LIBRARY DISTRICT AUTHORIZING SIGNING AUTHORITY TO THE DISTRICT DIRECTOR.

WHEREAS, the Altadena Library District Board of Trustees is permitted to grant signing authority to certain person(s) described hereunder.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE ALTADENA LIBRARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Signing Authority Granted to the District Director. The Altadena Library Board of Trustees is hereby authorized and approved to empower the following individual to make, execute, endorse and deliver in the name of and on behalf of the District, but shall not be limited to, any and all written instruments, agreements, documents, execution of deeds, powers of attorney, transfers, assignments, contracts, obligations, certificates and other instruments of whatever nature entered into by this District, for as long as employed by the District. This authorization may be revoked at any time at the sole discretion of the Board of Trustees.

Name: Nikki Winslow

Position/Title: Altadena Library District Director

The undersigned certifies that he/she is the properly designated and qualified individual to be an authorized signer on behalf of the District.

I, Nikki Winslow, as authorized by the Altadena Library District Board of Trustees, hereby certify and attest that all the information above is true and correct.

Signature: _____

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until such time the Board of Trustees rescinds the signing authority of the District Director.

PASSED AND ADOPTED by the Board of Trustees of the Altadena Library District, this

3rd day of February, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Kameelah Waheed Wilkerson, Board Secretary

Jason Capell, Board President

APPROVED AS TO FORM:

Richard Egger, General Counsel

What is the Brown Act?

The Big Picture – Intent of the Brown Act

The Rule

- **All meetings** of the **legislative body** of a **local agency** shall be **open and public**, and all persons shall be permitted to attend any **meeting** of the legislative body of a local agency, **except as otherwise provided in this chapter**. - Gov. Code § 54953

The Purpose

- Facilitate public participation in local government and curb misuse of democratic process by avoiding secret legislation by public bodies (i.e., no backroom deals)
- CONSTITUTIONAL RIGHT: CA Constitution requires that meetings of public bodies and writings of public officials and agencies be open to the public.
- Brown Act has been liberally interpreted by the courts in favor of public participation and governmental transparency.
- Public agencies exist to aid in the conduct of the people's business. The intent of the law is that **actions** and **deliberations** be conducted openly.

Legislative Bodies & Members

“Examples of Legislative Bodies”

- The governing body of a local agency or any other local body created by state or federal statute (Board of Directors, City Council, Board of Supervisors)
- Commissions, committees, boards, or other bodies of a local agency, whether permanent or temporary, decision-making or advisory, **created by resolution or some other formal action** of a legislative body.
 - Advisory Committees, comprised of less than majority of Board, are NOT legislative bodies, unless established as a standing committee with continuing subject matter jurisdiction or fixed meeting schedule (e.g., ad hoc committee potentially not, standing committee is)
- Boards of Private Corporations Established by Elected Governing Body, Receives Funding From Public Agency, and has a voting Board member from Agency

Not Legislative Bodies

- **Advisory** committees composed **solely** of the members of the legislative body which are less than a quorum of the legislative body.

Gov. Code, § 54952(b)

- E.g., Ad hoc committee comprised solely of less than a quorum of the board created for the purpose of advising the full board on the qualifications of candidates for appointment to a vacant position is not a legislative body.
- Except: **Standing committees** of a legislative body, irrespective of their composition, which have a **continuing subject matter jurisdiction**, or a meeting schedule fixed by resolution or other formal action of a legislative body, **are legislative bodies** for purposes of the Brown Act.

Members



- “Member of a legislative body” includes: any person elected to serve as a member of a legislative body who has not yet assumed the duties of office.
- Such persons must conform their conduct to the requirements of the Act as if they had already assumed office.

Gov. Code, § 54952.1

- A legislative body may require that each member and/or any person who has been elected to serve, but has not yet assumed office, be given a copy of the Act.
- But when is a candidate declared elected? Based on the rule of liberal construction: when election results are known.

What is a Meeting?

What is a Meeting?



- “Meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

Gov. Code, § 54952.2(a)

- “Deliberate” includes the collective acquisition and exchange of facts preliminary to an ultimate decision.
- “Action taken” means a collective decision by a majority of the members of the legislative body, a collective commitment or promise by a majority of the members of a legislative body, to make a positive or a negative decision, or an actual vote of the body.

What is a “Serial Meeting”?

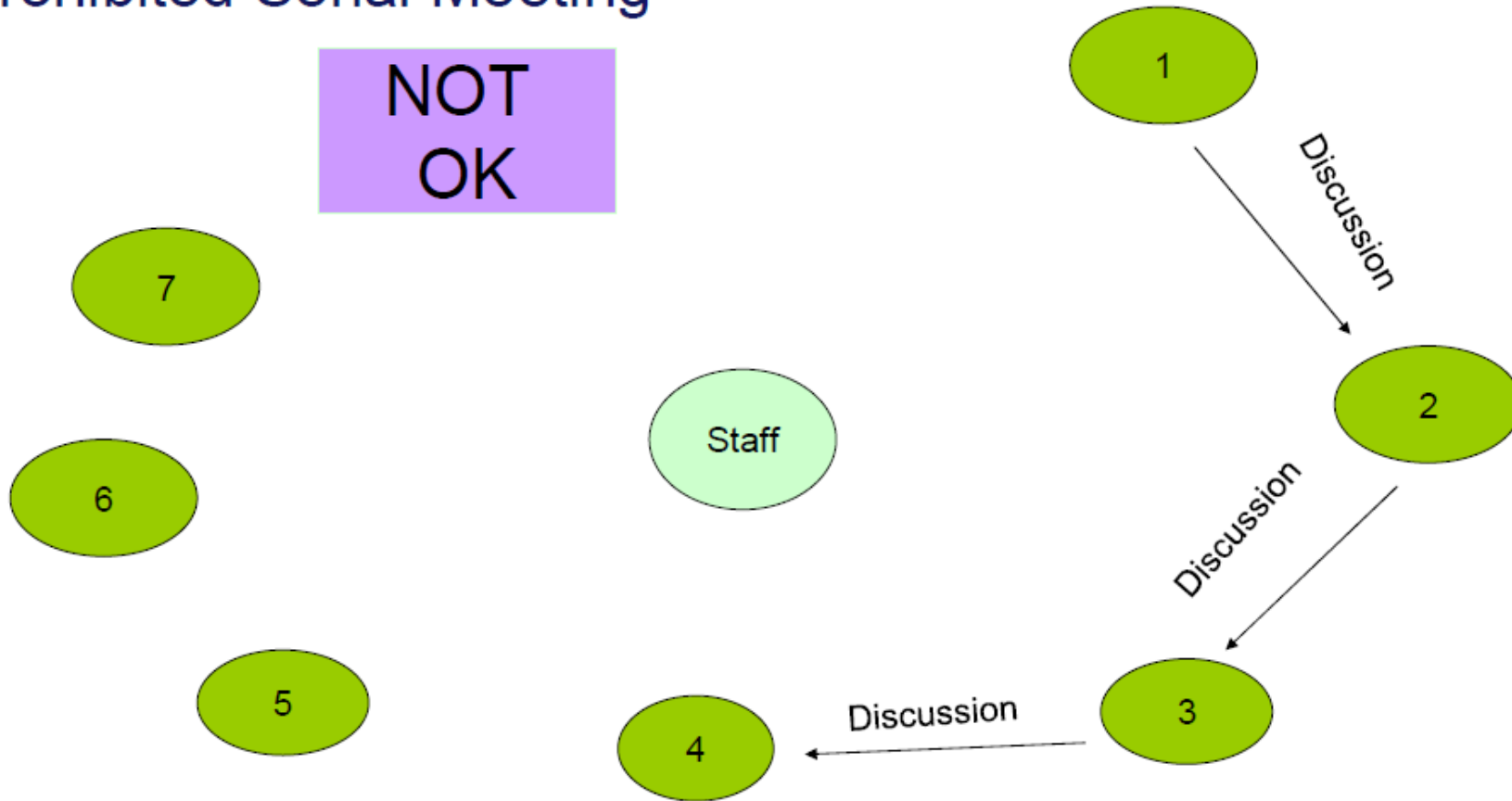


- A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

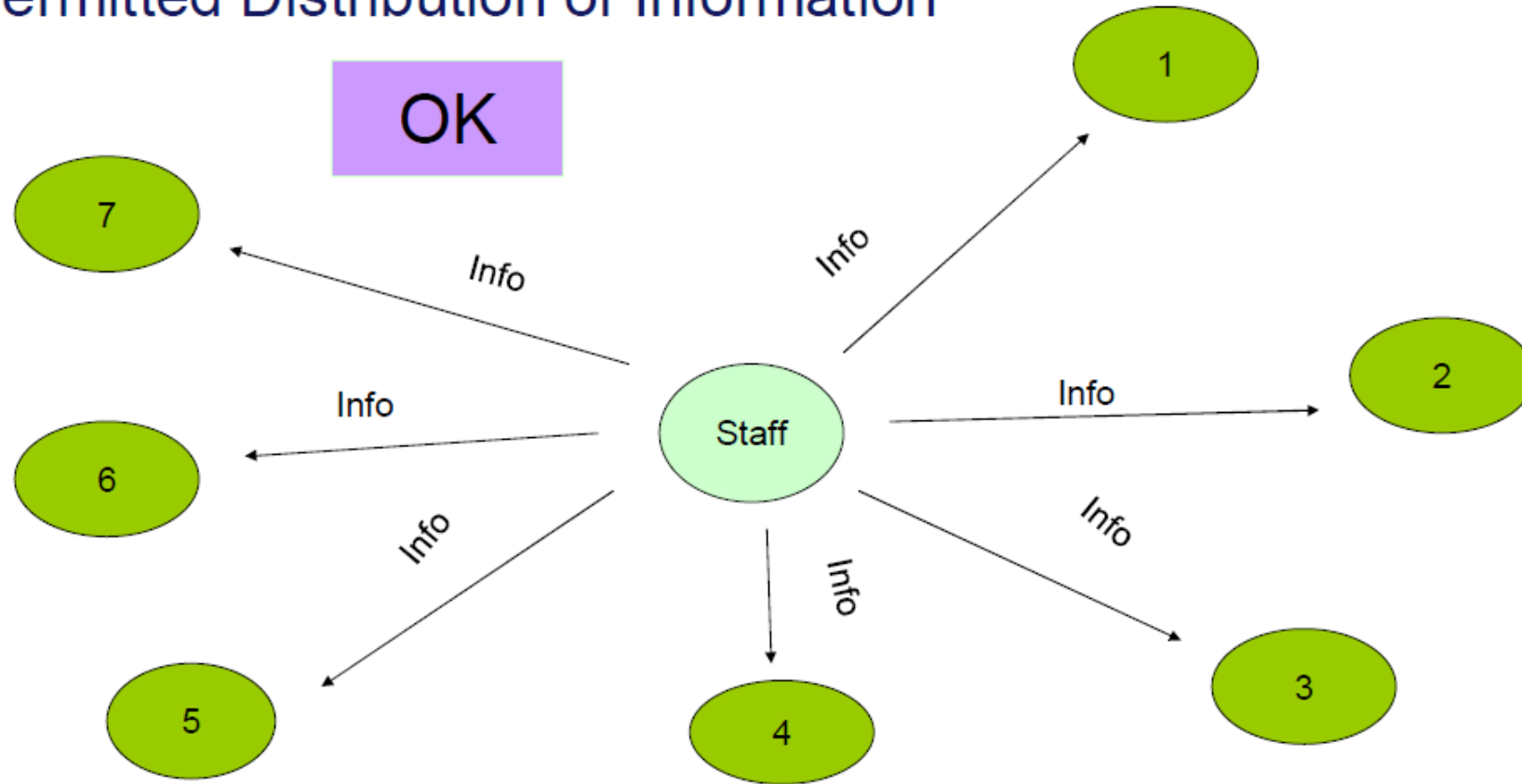
Gov. Code, § 54952.2(b)(1)

Prohibited Serial Meeting

NOT
OK

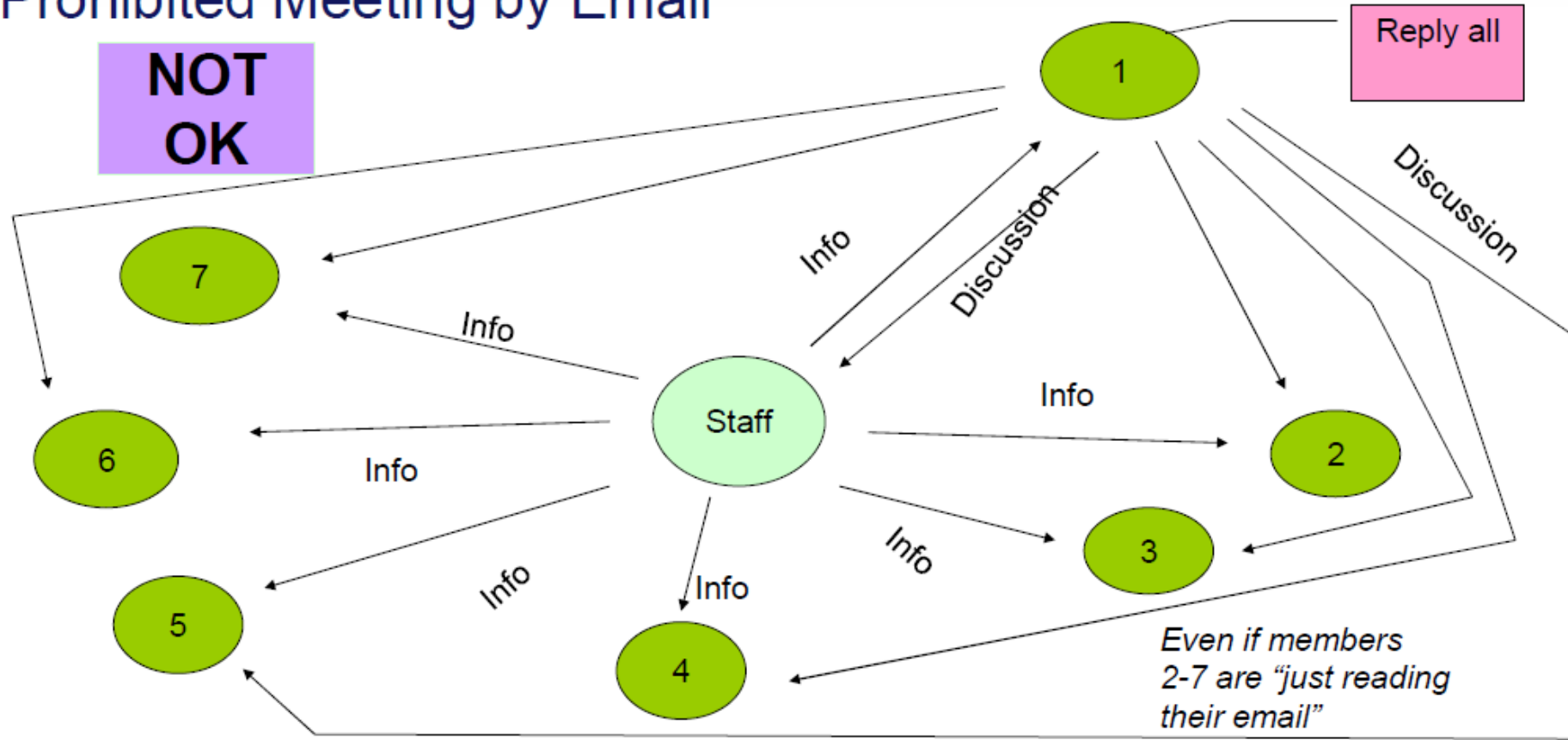


Permitted Distribution of Information



Prohibited Meeting by Email

NOT OK



Social Media Use



- Board members may communicate via social media:
 - *to answer questions,*
 - *provide information to the public, or*
 - *solicit information from the public* regarding a matter within the subject matter jurisdiction of the board.

Social Media Use

- Board members *may not* use social media to “**discuss among themselves**” official business.
 - “A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is **made, posted, or shared** by any other member of the legislative body.”
 - “Discuss among themselves” means communication made, posted, or shared on social media, including **comments or digital icons that express reactions**, aka “emojis,” to communications made by other board members.
 - THRESHOLD CHANGE: This is as to any other Board member



Public Meeting Procedures & Public Participation

Public Meeting Procedures



- Certain boards must meet at least monthly and must, by rule, fix the time and place for their regular meetings.

Gov. Code, § 54954

Meeting Location

- Meeting must be held within the boundaries of the agency, except:
 - To meet at the closest meeting facility, or principal office of the agency, if none exists within the jurisdiction of the agency
 - When necessary to comply with State or Federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party;
 - To inspect property or facility over which the agency has control, provided the only topic of meeting is related to the property;
 - Participate in multi-agency meetings, provided the meeting is properly noticed by all agencies and the meeting is in the jurisdiction of one of them;
 - To visit legal counsel to discuss pending litigation when to do so would reduce fees;
 - Meet with United States or California officials when a local meeting would be impractical, solely to discuss legislative or regulatory issue affecting the agency and over which the federal or state official have jurisdiction
 - Some agencies to meet on a variety of labor and employment matters.

Miscellaneous Meeting Practices

- Meeting location must be accessible to all members of the public
 - No fees may be charged for admission
 - Registration of one's name or any other condition of admission is prohibited
- Cameras, both still and video, and tape records are permitted, as long as they do not interfere or disrupt with public viewing of the meeting. Must allow broadcast of meeting under same condition
- Any recording of a meeting by an agency is a public record
- Records distributed at meeting are public records
- The board must publicly report any action taken and the vote or abstention on that action of each member present for the action for public session items. Gov. Code § 54953(c)(2).
 - No action may be taken by secret ballot.
 - Minutes must reflect how each member voted

Meeting Material – The Agenda

- Any person may request that a copy of the agenda or the documents constituting the agenda packet be mailed or e-mailed to that person.
- If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to person with a disability as required by the ADA, 42 USC §12132.
- Upon receipt of the written request, the legislative body, or its designee, shall cause the requested materials to be mailed or e-mailed at the time the agenda is posted, or upon distribution to all, or a majority of all, of the member of a legislative body, whichever occurs first.

Gov. Code, § 54954.1

Meeting Material – Public Records

- **NEW LEGISLATION ALERT!**
- Agendas of public meetings and ~~any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body,~~ are disclosable public records under the California Public Records Act and shall be made available upon request without delay.
- This and the following requirements do not apply to records made exempt from disclosure by the Public Records Act.

Gov. Code, § 54957.5(a)

Meeting Material – Public Records

- **NEW LEGISLATION ALERT!**
 - Writings that are a public record related to an agenda item for an open session of a regular meeting and are distributed to all, or a majority of all, of the legislative body by a person less than 72 hours before that meeting, the writing must be made available for public inspection at the time the writing is distributed.
- Gov. Code, § 54957.5(b)(1)
- The organization must make any writing described above available for public inspection at a public office or location that the agency designates for this purpose.

Meeting Material – Public Records

- **NEW LEGISLATION ALERT!**
- Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency.
- The local agency also may post the writing on the local agency's Internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

Meeting Material – Public Records

- **New** Alternative – No need to comply with the general rule if ALL of the following are met:
- A staff report with a summary/recommendation for the agenda item is available for inspection at the office/location at least 72 hours before the meeting
- The local agency immediately posts the writing on its website in a position & manner making it clear that the writing relates to an agenda item for an upcoming meeting
- The local agency lists its website on all agendas for all meetings
- Physical copies are available for public inspection beginning the next regular business hours for the local agency at the designated office

Meeting Material – Public Records

- **New** exception to the **new** alternative:
- Can only use the “new alternative” if the next regular business hours commence at least 24 hours before the meeting.
- Documents distributed during a meeting and prepared by the district (including board member) must be made available for public inspection at the meeting
- Documents distributed during a meeting and prepared by any other person must be made available after the meeting.

Meeting Material – Public Records

- Nothing in the Act prevents the district from charging a fee or deposit for a copy of a public record as authorized by the Public Records Act.

Gov. Code, §§ 54957.5(d) and 6253

- No additional charge may be imposed on persons with disabilities in order to make these documents available in appropriate alternative formats.

Gov. Code, § 54957.5 (b)(2) and (d)

Notice of Meetings and Agendas

- Regular Meetings: Agenda posted 72 hours before meeting
 - Posted in Public Location freely accessible to public (24 hours day/7 days week)
 - Website Posting – Direct Link on Main Page to Agenda or Platform
 - Mailed to anyone requesting a copy
 - NOTE: Regular meetings are only those held at a time, place, and location fixed by official action (e.g., ordinance, resolution, etc.)
- Special Meetings: Agenda posted 24 hours before meeting
 - Posted in Public Location freely accessible to public (24 hours day/7 days week)
 - Website Posting – Direct Link on Main Page to Agenda or Platform
 - Notice to each local newspaper of general circulation, radio, or television that has requested in writing such notice
 - Notice to each Board Member
- Emergency Meetings: Specific and Drastic Circumstances (work stoppage, crippling activity, or activity that severely impairs public health, safety, or both)
 - 1-Hour Notice to Media if possible
 - Website Posting – Direct Link on Main Page to Agenda or Platform

Notice of Meetings and Agendas

- A regular meeting agenda may ***not*** be ***changed*** within the 72 hours preceding the meeting, ***unless***:
 - A majority determines that an emergency exists pursuant to Gov. Code, § 54956.5; or
 - Two-thirds of the board members present determine that there is a need for immediate action and the need to take action came to the district's attention after the posting of the agenda; or
 - The item was previously posted for a meeting occurring not more than five days prior and the item was continued to the next meeting.
- Gov. Code, § 54954.2(b)
- If no exception applies, the board must either postpone consideration of the item for at least 72 hours, or call and notice a special meeting.

Notice of Meetings and Agendas

- The agenda must reasonably apprise the public of the matters to be considered in sufficient detail to allow the public to determine whether to participate at the meeting.

Carlson v. Paradise Unified School District
(1971) 18 Cal.App.3d 196

- The Act requires that the agenda contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A “brief general description” of an item generally need not exceed 20 words.

Notice of Meetings – Special Meetings

- Special Meetings

Gov. Code, § 54956

- May be called by either the president or upon the written request of a majority of board members to the president.
- The board may only consider business specified in the notice.
- The board may hold a closed session as part of a special meeting.
- Public speakers must be heard, but only on items appearing on the agenda.

Gov. Code, § 54954

Public Participation and Meeting Practices



- Members of the public must be able to address the board regarding items on the agenda ***before or during the governing board's consideration*** of the item.

Gov. Code, § 54954.3

Public Participation



- Every regular meeting agenda shall provide an opportunity for members of the public to address the board on any *item of interest* to the public, *within the subject matter jurisdiction* of the board.
- No action shall be taken until the matter is properly noticed on an agenda or an exception to the 72-hour rule is established.
- Every notice of a special meeting shall provide an opportunity for members of the public address the legislative body concerning any item appearing on that agenda.

Public Participation

- The board may adopt ***reasonable rules and regulations*** in order to ensure the proper functioning of the meeting.
- Establish clear maximum time limits subject to extension or reduction.
- “The legislative body ... shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.”

Gov. Code, § 54954.3(c)

Responses to Public Statements

- The Act limits board members' responses to public comments at any public meeting. Board members and staff may only:
 - Briefly respond to statements made or questions posed by persons making public comments;
 - Ask clarifying questions or make brief announcements;
 - Provide a reference to staff or other resources for factual information; and/or
 - Request staff to report back or place a matter on the agenda for a future meeting.
- Gov. Code, § 54954.2(a)(2)
- Doing otherwise would be the discussion of a non-agendized topic.

Meeting Practices



- No action may be taken by secret ballot.
Gov. Code, § 54953(c)
- Any person attending a public meeting has the right to record the meeting by still or motion picture camera, or by video or audio tape, absent a finding by the board of persistent disruption of the proceedings.
Gov. Code, § 54953.5(a)

Meeting Practices

- A board may not prohibit or restrict the broadcast of its proceedings.

Gov. Code, § 54953.6

- Any recording made by or at the direction of the board shall be subject to inspection as a public record, but may be destroyed or erased 30 days after recording.

- Inspection of any video or audio recording shall be provided without charge on a machine made available by the district.

Gov. Code, § 54953.5(b)

Teleconferencing



- The Act permits “teleconferencing,” for all purposes in connection with any meeting.

–Gov. Code § 54953(b)

- “Teleconferencing” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through audio or video, or both.
- Three Rules Now Exist – Standard Teleconferencing Rules (Unchanged), AB 361/COVID Rules In Effect Until Functionally February 28, 2023, and now AB 2449 (Limited Relaxed Teleconferencing Options)

Standard Teleconferencing Requirements

- All votes taken during a teleconference meeting must be by roll call.
- Agendas must be posted at each teleconference location, identify each teleconference location, and each location must be accessible to the public.
- During the teleconference, at least a quorum of the members of the legislative body must participate from locations within the jurisdiction of the local agency.
- The agenda must provide an opportunity for members of the public to address the legislative body directly from each teleconference location.

Agenda – Overview of AB 2449

- AB 361 – Emergency Teleconferencing Options
 - Will end relative to COVID-19 Emergency on February 28, 2023, at the end of the State of Emergency
 - Would revert to old rules — teleconferencing allowed, but required posting of each Board members location and option for public to attend in-person at that location
- AB 2449
 - Effective January 1, 2023
 - Will allow relaxed (though complex) teleconference options on an individual, rather than global, basis

Prerequisites to Use AB 2449

- Requires at least a quorum of the members of the legislative body be participating (1) in person; (2) from a singular, physical location clearly identified on the agenda; (3) that is open to the public; and (4) situated within the District's boundaries.

If “YES,” AB 2449 meeting procedures may be used

If “NO,” AB 2449 meeting procedures may not be used.

Prerequisites to Use AB 2449

- District must have on its agenda offered and planned to provide remote public access using either:
 - A two-way audiovisual platform (e.g., Zoom, Microsoft Teams, Google Meet)
 - A two-way telephonic service AND a live webcasting of the meeting (e.g., live-streaming on Youtube while making a landline available for the public to dial-in to provide comments)

- Board member participating remotely must qualify either through “just cause” or an “emergency circumstance”

“Just Cause”:

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

“Emergency Circumstances”:

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

Procedures for Use of “Just Cause”

- The Board must be notified at earliest opportunity possible time of need to participate remotely (including at start of a regular meeting), and be provided a general description of why the Board member needs to participate remotely

NOTE: The “just cause” exception cannot be used by any member of the legislative body for more than two meetings per calendar year.

Procedures for Use of “Emergency Circumstance”

- Board member must request approval from Board to participate remotely, with request made as early as possible (including beginning of meeting). Board must take action to approve the request at beginning of meeting.
- Board member must provide general description of why the remote participation is necessary, but need not exceed 20 words, and shall *not* require the disclosure of any medical diagnosis or disability, or any personal information that is already exempt from disclosure under existing law.

Limits on Use

- A member of the legislative body cannot participate remotely due to “just cause” or “emergency circumstances” for more than 3 consecutive months or 20% of the regular meetings within a calendar year (or more than 2 meetings if the agency meets few than 10 times per year). *Thereafter, standard rules must be used.*
- The member must:
 - Make a request to participate remotely as soon as possible, and Board must taken action on request at earliest opportunity (i.e., beginning of a meeting). Item may be added to agenda for “emergency circumstance” if not sufficient time to add to agenda; and
 - participate using **both** audio and visual technology; and
 - Disclose at the meeting before any action is taken whether any other individual 18 years of age or older is present in the room at the remote location with the member, and the general nature of the member’s relationship with such individuals

Emergency Teleconferencing (AB 361)

- Provides for Alternative Teleconferencing Procedures When:
 - Governor has proclaimed State of Emergency
 - Either:
 - State or local officials have imposed or recommended social distancing measures; or
 - The Agency's Governing Body finds that physical attendance at meetings would present imminent threats to health and safety of attendees
- To utilize procedures, Governing Body must adopt findings that conditions exist within 30 days of initial use, and every 30 days thereafter

Emergency Teleconferencing (AB 361)

- If AB 361 is implemented, agency must:
 - Give notice of the meeting and post agendas as otherwise required by Brown Act;
 - Allow members of the public to access the meeting and agenda, and provide an opportunity for members of the public to address the legislative body directly
 - Provide notice as to the means by which the public may access the meeting and offer live comment, either by telephone or videoconference;
 - Pause any meetings in the event of a disruption to the broadcast, no action can be taken during such time;
 - Allow comment through either the end of a timed public comment period (if provided for on the agenda) or for a reasonable amount of time per agenda item.

In Case of Substantial Disruption of a Board Meeting Rendering Orderly Conduct of the Meeting Unfeasible, the Board Has the Following Options, Except:

- A. Immediately order the room cleared and continue in session.
- B. Adjourn the meeting to a new time and place.
- C. Remove the individuals causing the commotion.
- D. If removing individuals does not restore order, retreat to an inner chamber and continue the meeting, admitting properly credentialed press who were not participating in the disruption.

Disclaimer

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BOARD MEMBER TELECONFERENCING POLICY

I. Policy

The foregoing policy (“Policy”) shall govern the Agency’s use of teleconferencing for the attendance at Meetings of the members of its Legislative Bodies. The Global Teleconference Policies (Article III) and Standard Teleconferencing Procedures (Article IV) shall apply in all instances, except when (1) a Board member has either “just cause” or an “emergency circumstance” so as to permit the use the Expedited Teleconferencing Procedures (Article V) or (2) a State of Emergency issued by the California Governor is in effect sufficient to trigger the use of the Emergency Teleconferencing Procedures (Article VI).

II. Definitions

Unless otherwise defined herein, the following definitions shall apply to this policy:

Agency – shall refer to the public agency that is the subject of this Policy.

Brown Act / Ralph M. Brown Act – shall reference to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the California Government Code, known as the “Ralph M. Brown Act” pursuant to Government Code section 54950.5, as such shall be amended from time to time.

Legislative Body – shall have the same meaning as provided by Government Code section 54952, including the Agency’s governing board.

Member – shall have the same meaning as provided by Government Code section 54952.1.

Meeting — shall have the same meaning as provided by Government Code section 54952.2.

State – shall mean the State of California.

State of Emergency – shall mean a state of emergency proclaimed by the California Governor or such others as may be empowered pursuant to Section 8625 of the California Emergency Services Act, as set forth in Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 of the California Government Code.

Teleconferencing – attendance from different locations, other than the physical location of a meeting, by way of an audio device, whether it be telephone, audio-only internet connection, or otherwise.

Videoconferencing – attendance from different locations, other than the physical location of a meeting, by way of a dual audio and visual device, whereby participants can be both seen and heard. For purposes of this policy, videoconferencing may include attendance by way of a single

device or software package, or attendance via an audio-device with synced camera or webcasting.

III. Global Teleconferencing Policies

At the discretion of the Legislative Body and/or the General Manager, any employee, consultant, vendor, or individual presenting or attending a Meeting of a Legislative Body, other than a Member of the Legislative Body, shall be permitted to attend via teleconference or videoconference without compliance with the rules or conditions set forth herein. Members of a Legislative Body, inclusive of the governing board members and other committees or bodies required to comply with the Brown Act, may only participate via teleconference or videoconference as permitted by the foregoing policies.

To the extent a Member desires to attend a Meeting via teleconference or videoconference, the Member shall generally be required to comply with the foregoing “Standard Teleconferencing Procedures” (Article IV) unless the circumstances exist to justify the use of the “Expanded Teleconferencing Procedures” (Article V) or “Emergency Teleconferencing Procedures” (Article VI).

A Member not in compliance with any such procedures, as applicable, shall not be permitted to attend a Meeting via Teleconference or Videoconference for any purpose, whether to participate in or listen to such meeting.

In all instances in which a Member is attending a Meeting via teleconference or videoconference, teleconferencing or videoconferencing, the Legislative Body shall:

1. Take all votes by roll-call;
2. Conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Legislative Body;
3. Provide notice and post agendas as otherwise required by the Brown Act;
4. Permit members of the public access to the meeting and an opportunity to address the Legislative Body as required by the Brown Act.

IV. Standard Teleconferencing Procedures

A Member may attend a Meeting via teleconference or videoconference if the following conditions are satisfied:

1. At least a quorum of the members of the Legislative Body participate in the meeting from locations within the boundaries of the agency;
2. The agenda posted for the Meeting is posted at all teleconference locations, each of which are identified in the notice and the agenda for the meeting;

3. Each teleconference location is accessible to the public, and the public is permitted to comment at each teleconference location.

V. Expanded Teleconferencing Procedures (Effective Through January 1, 2026)

Notwithstanding the Standard Teleconferencing Procedures, a Member may attend a Meeting via videoconference only (teleconference will not be permitted under these procedures), if the following conditions are satisfied:

1. At least a quorum of the members of the Legislative Body participate in-person from a single physical location accessible to the public, which is within the boundaries of the agency and clearly identified in the posted agenda;
2. The public is permitted to attend the meeting either by teleconference or videoconference in a manner such that the public can remotely attend and offer real-time comment during the meeting;
3. Notice of the means by which the public can remotely attend the meeting via teleconference or videoconference and offer comment during the meeting is included within the posted agenda;
4. The Member(s) attending remotely have either “just cause” or an “emergency circumstance” that justifies their attendance via videoconference.
 - a. A Member shall only have “just cause” for remote attendance if the absence is for one of the following reasons:
 - i. Absence is to provide childcare or caregiving need to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, with such terms having the same meaning as those terms are defined in Government Code section 12945.2;
 - ii. A contagious illness that prevents the Member from attending in-person;
 - iii. A need related to a physical or mental disability as defined in Government Code sections 12926 and 12926.1 not otherwise accommodated; and
 - iv. Travel while on official business of the Legislative Body or another state or local agency;
 - b. A Member shall have an “emergency circumstance” if the absence is due to a physical or family medical emergency that prevents the Member from attending in person.
5. The Member(s) have not attended a meeting remotely on the basis of “just cause” for more than two meetings in the current calendar year; and

6. The Member(s) have not attended a meeting remotely on the basis of “just cause” or “emergency circumstance” for more than three consecutive months or more than *[20% of the regular meetings of an agency in a calendar year, rounded down to nearest whole number]* in a calendar year.
7. The Legislative Body has, and has implemented, a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the Legislative Body shall also give notice of the procedure for receiving and resolving requests for accommodation.

In order to utilize the Expanded Teleconference Procedures, a Member shall:

1. For a “just cause” circumstance, notify the Legislative Body at the earliest opportunity, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstance relating to their need to appear remotely at the given meeting;
2. For an “emergency circumstance,” request to participate at a meeting due to an “emergency circumstance” as soon as possible, preferably before the posting of the agenda but up to the start of the meeting, with such request including a general description of the circumstances relating to their need to appear remotely at the given meeting, though any description for emergency circumstances need not exceed 20 words and need not include any medical diagnosis or disability or personal medical information exempt from disclosure by law;
3. The Member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the Member’s relationship with such individuals;
4. Participate through videoconferencing, with both audio and visual technology.

Upon receipt of a request from a Member to utilize the Expanded Teleconference Procedures, the Legislative Body shall:

1. Take action by majority vote on a request to participate remotely due to an “emergency circumstance” at its earliest opportunity, which may be taken as a noticed agenda item or as an added item if sufficient time was not provided to place the proposed action on the agenda;
2. In the event of a disruption that prevents the broadcast of the meeting to members of the public, or in the event of a disruption within the Agency’s control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, take no further action during a meeting until such access is restored.

VI. Emergency Teleconferencing Procedures (Effective Through January 1, 2024)

Notwithstanding the Standard Teleconferencing Procedures, a Legislative Body may elect to use these “Emergency Teleconferencing Procedures” to allow teleconferencing if any of the following circumstances apply:

1. The Legislative Body holds a meeting during a proclaimed State of Emergency and state or local officials have imposed or recommended measures to promote social distancing;
2. The Legislative Body holds a meeting during a proclaimed State of Emergency for the purpose of determining, by a majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The Legislative Body holds a meeting during a proclaimed State of Emergency and the Legislative Body has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.

If utilizing the Emergency Teleconferencing Procedures, the Legislative Body shall:

1. Give notice in the agenda for such Meeting of the means by which members of the public may access the meeting and offer public comment via a teleconferencing or videoconferencing option, which shall include an opportunity for public comment in real-time;
2. In the event of a disruption that prevents the broadcast of the meeting to members of the public, or in the event of a disruption within the Agency’s control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, take no further action during a meeting until such access is restored.
3. **[Policy Should be Amended To Reflect Applicable Circumstance for Agency]:**

If agency provides a timed public comment period: not close the public period for an agenda item, or the opportunity to register to comment, until that timed comment period has elapsed;

If agency has no timed public comment period, but takes public comment separately on each agenda item: allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time for members of the public to register to comment or otherwise be recognized for the purpose of providing public comment;

If agency provides a general public comment period for all agenda items: not close the public comment period, or the opportunity to register to comment, until the timed general public comment period has elapsed.

The Legislative Body may continue use of the Emergency Teleconferencing Procedures for as long as the State of Emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, provided that, not later than 30 days after teleconferencing for the first time, and every 30 days thereafter, the Legislative Body finds by majority vote that:

1. The Legislative Body has reconsidered the circumstance of the State of Emergency; and
2. Any of the following circumstances exist:
 - a. The State of Emergency continues to directly impact the ability of the members to meet safely in person; or
 - b. State or local officials continue to impose or recommend measures to promote social distancing.

In the event of the use of these Emergency Teleconferencing Procedures, it shall not be necessary for the Agency to provide a physical location from which the public may attend or comment.

VII. Miscellaneous Provisions

With respect to the Standard Teleconferencing Procedures, Expanded Teleconferencing Procedures, and Emergency Teleconferencing Procedures set forth herein, such are intended to comply with Government Code sections 54953(b), (f), and (e), respectively, and, as such, in the event of a conflict between this Policy and such statutory provisions, the statutory provisions shall control and be implemented as if set forth in full in this Policy.

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