



## **BOARD MEETING AGENDA SUBMITTAL**

**TO:** GCSB Board of Directors

**FROM:** Rachel Pearlman, Board Secretary

**DATE:** February 14, 2023

**SUBJECT: Agenda Item 6B: Adoption of a Resolution Approving a Policy Regarding Assembly Bill 2449 which Amends Requirements of the Brown Act Relating to Teleconference Participation**

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### **RECOMMENDED ACTION:**

Staff recommends the following action:

*I Move to approve Resolution 08-2023 approving a policy regarding Assembly Bill 2449 amending the requirements of the Brown Act relating to teleconference participation.*

### **BACKGROUND:**

In March of 2020, the Governor issued Executive Order N-29-20 (“Order”) suspending portions of the Brown Act and allowing public meetings to occur virtually. That included restricting the public to attend the meetings virtually without a physical location. The Governor’s Order expired on September 30, 2021.

On September 16, 2021, the Governor signed AB 361 that amends the Brown Act teleconferencing requirements to allow a public agency, during a declared emergency (such as the current pandemic), the option of holding meetings remotely without following the current teleconferencing requirements in the Brown Act and restricting the public’s access to telephone or video conference. However, it establishes procedural hurdles that must be followed and maintained during the election to meet remotely.

On September 13, 2022, the Governor signed Assembly Bill 2449 (AB 2449), which amends requirements of the Brown Act relating to teleconference participation of legislative body members during public meetings. AB 2449 went into effect January 1, 2023. Under AB 2449, the teleconferencing rules enacted by AB 361 remain available during a state of emergency declared by the Governor. The current COVID-19 state of emergency is scheduled to end February 28, 2023. However, AB 2449 adds additional exceptions to the normal teleconference rules. These allow legislative bodies to use teleconferencing without complying with the normal teleconferencing requirements absent a declared state of emergency if a member of the legislative body is unable to attend in person due to “just cause” or due to an “emergency circumstance”. In such circumstances, AB 2449 allows a member of a legislative body to attend meetings remotely without having to identify and open up their teleconference location to the public. AB 2449 will remain in effect until January 1, 2026.

### **ATTACHMENTS:**

1. Resolution 08-2023
2. Draft AB 2449 Director Policy Manual

**RESOLUTION 08-2023**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND  
COMMUNITY SERVICES DISTRICT APPROVING AN AB 2449 POLICY  
RELATED TO THE BROWN ACT AND REMOTE MEETING  
ATTENDANCE**

**WHEREAS**, the Groveland Community Services District (herein referred to as the District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

**WHEREAS**, the Board of Directors (Board) of the Groveland Community Services District (District) is authorized and required to adopt and amend policies related to the services it provides and typically does so by Resolution of the Board; and

**WHEREAS**, Assembly Bill 2449 was added in section 4.2 of the Directors Policy Manual; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF GROVELAND COMMUNITY SERVICES DISTRICT** to adopt Resolution 08-2023 approving an AB 2449 Policy related to the Brown Act and remote meeting attendance.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF GROVELAND COMMUNITY SERVICES DISTRICT** this 14th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVE:

\_\_\_\_\_  
Nancy Mora, Board President

ATTEST:

By: \_\_\_\_\_  
Rachel Pearlman, Board Secretary

**CERTIFICATE OF SECRETARY**

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on February 14, 2023.

DATED: \_\_\_\_\_

Committee, committee motions and recommendations shall be advisory to the Board.

Committees shall not commit the District to any policy, act or expenditure nor may any committee direct staff to perform specific duties unless authorized by the Board. The Committee Chair is authorized to schedule committee meetings as deemed necessary and to preside at any such meeting.

### 3.2.2 *Ad hoc Committees*

The President shall appoint such *ad hoc* committees as may be deemed necessary or advisable by herself/himself and/or the Board. *Ad hoc* committees are formed for a specific, singular purpose and/or to reach a specific goal within a finite time period. The duties of *ad hoc* committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

### 3.2.3 *Standing Committees*

The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified at the time that the standing committee is formed. The standing committee's purpose may be amended from time to time at the Board's discretion. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

#### 3.2.3.1 *Standing Committee Meetings*

All meetings of standing committees shall conform to all open meeting laws

(e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

#### 3.2.3.2 *Standing Committee Members*

The Board President shall appoint and publicly announce the members of the standing committees at the time of their initial formation and thereafter for the ensuing year no later than the Board's regular meeting in January.

#### 3.2.4 *Non-District Committees*

Where the Board has agreed to designate a Director or Directors to serve on a non-District committee, the President shall nominate said Directors for Board ratification.

## 4 **BOARD MEETING PROCEDURES**

### 4.1 *Purpose of Meeting*

The purpose of meetings of the Board of Directors is to conduct the business of the Board. In order to conduct the meetings as expeditiously as possible, general questions from the public regarding District policy or operations should first be directed to staff during normal business hours, before being raised at Board meetings.

Board meetings may include Public hearings as required for specific purposes. Such Public Hearings will be clearly identified in the agenda for that meeting. At all other times, the focus of the meeting will be for the Board to gather information, deliberate and take necessary actions.

### 4.2 *AB 2449 Teleconference Meeting Requirements*

Board members who must participate in meetings remotely:

The Board member has “just cause” or faces “emergency circumstances” that require them to attend remotely.

- “Just cause” is defined as any of the following: (1) childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely, (2) a contagious illness that prevents them from attending in person, (3) a need related to a disability not otherwise accommodated, or (4) travel while on official business of the Board or another state or local agency.
- The member must notify and provide a general description of the circumstances relating to their need to appear remotely as soon as possible to the Board through the District Secretary
- “Just cause” cannot be used by an official for more than 2 meetings per calendar year.
- “Emergency circumstances” are defined as a physical or family medical emergency that prevents a member from attending in person.
- The Board member must request the Board allow them to participate remotely due to emergency circumstances as soon as possible and the Board must take action to approve that request. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the Board may take action by majority vote on the emergency circumstances request at the beginning of the meeting.
- The Board shall request a general description of the circumstances to be placed on the meeting agenda relating to the member’s need to appear remotely at the given meeting. This description need not exceed 20 words and must not

require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

- If a Board member of a Board attends a public meeting remotely, they must participate through both audio and visual technology, and, when action is being taken on an item, they must publicly disclose if someone over the age of 18 is in the room with them and their general relationship to that person.
- Board members are limited in how often they can remotely participate in public meetings. They cannot participate remotely for a period of more than three consecutive months or 20% of the regular meetings within a calendar year.

The following apply during a meeting when board member(s) attend remotely:

- At least a quorum of the members of the Board must participate in person at a single physical location within the Board’s jurisdiction.
- The Board must provide the public a means to observe and participate in the meeting through either a two-way audio-visual platform (like Zoom) or a two-way telephonic service and a live webcasting of the meeting (the classic remote option).
- Whenever notice of the meeting or agenda is posted, it must include information on how to access the meeting and make public comment, whether that be through the in-person or remote option.
- The Board may not require public comments to be submitted before the meeting. The public must have an opportunity to address the Board in real time.
- If there is a disruption that prevents the District from broadcasting the meeting or prevents members of the

public from offering public comment, the Board cannot take further action on the agenda items until remote public access is restored.

#### 4.24.3 Regular Meetings

Regular meetings of the Board of Directors shall be held on the first Thursday of each calendar month at 10:00AM. Board meetings shall be held in the GCSO administration building, main conference room, 18966 Ferretti Road, Groveland. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organizational meeting of the Board in December. The date, time and place may be changed at will by the Board President or majority vote by the Board prior to public notice of the meeting in order to accommodate compelling circumstances.

#### 4.34.4 Special Meetings (non-emergency)

Special meetings (non-emergency) of the Board of Directors may be called by the Board President or the Vice President in the absence of the President.

##### 4.3.14.4.1 Notice

All Directors, the General Manager, District Counsel and other desired staff shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, delivered to them at least twenty-four (24) hours prior to the meeting.

#### 4.3.24.4.2 Notification

Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54962) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

#### 4.3.34.4.3 Agenda

An agenda shall be prepared as specified for regular Board meetings and shall be delivered with the notice of the special meeting to those specified above.

#### 4.3.44.4.4 New Business

Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

#### 4.44.5 Special Meetings (emergency)

In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the twenty-four (24) hour notice required above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the General Manager, Board President, or Vice President in the President's absence.

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