



## Legislation Text

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### Memorandum

**Date:** February 14, 2023

**To:** The Honorable Lake County Board of Supervisors

**From:** Anita L. Grant, County Counsel

**Subject:** Presentation of a Brown Act "Refresher" and Related Changes in the Law Effective in 2023

#### Executive Summary:

During the meeting of your Board on February 14, I will be presenting a brief Brown Act "refresher" and will be reviewing with you certain changes in the law which address both teleconferenced/virtual meetings under the Brown Act as well as the removal of disruptive meeting attendees.

The changes in the law will be more thoroughly addressed in my presentation but may be briefly summarized here as follows.

1. Under Assembly Bill 2449, a member of a local governmental agency such as a board of supervisors may participate remotely pursuant to the following requirements:

- At least a quorum of the members of the Board must participate in person from a singular physical location identified on the agenda, which location will be open to the public and within the boundaries of the County of Lake.
- A Board member may only teleconference for publicly disclosed "just cause" or in "emergency circumstances" approved by the local governmental agency.
- A Board member may participate in meetings remotely only if the member notifies the Board at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for "just cause" (as defined by AB 2449), including a general description of the circumstances relating to their need to appear remotely at the given meeting; or

The member requests the legislative body to allow them to participate in the meeting remotely due to "emergency circumstances" and the legislative body takes action to approve the request. The legislative body must request a general description (generally not exceeding 20 words) of the circumstances relating to their need to appear remotely at the given meeting.

Assembly Bill 2449 defines "just cause" and "emergency circumstances" for the purposes of teleconferencing. "Just cause" is limited to one or more of the following: (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (ii) a contagious illness that prevents a member from attending in person; (iii) a need related to a physical or mental disability as defined by statute; or (iv) travel while on official business of the legislative body or another state or local agency. "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

Additionally, there are restrictions as to the number of meetings which may be attended under the "just cause" exception and there are rules which must be adhered to during any such "hybrid" meeting.

2. Under Senate Bill 1100, the Brown Act is amended to provide that the presiding member of a legislative body may have a person removed for disruption of that body's meeting. No such removal may occur unless the person is first warned that their behavior is disruptive and that if that behavior continues, they may be removed from the meeting.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Purchasing Considerations** (check all that apply):

☒ Not applicable

- ☐ Fully Article X. <[https://library.municode.com/ca/lake\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH2AD\\_ARTXPU\\_S2-38EXCOB1](https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOB1)>- and/or Consultant Selection Policy <[http://lcnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+26+Procedures+Manual/Ch4\\_2021v2.pdf](http://lcnet.co.lake.ca.us/Assets/Intranet/Policy/Policies+26+Procedures+Manual/Ch4_2021v2.pdf)>-Compliant (*describe process undertaken in "Executive Summary"*)
- ☐ Section 2-38 <[https://library.municode.com/ca/lake\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH2AD\\_ARTXPU\\_S2-38EXCOB1](https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTXPU_S2-38EXCOB1)> Exemption from Competitive Bidding (*rationale in "Executive Summary," attach documentation, as needed*)
- ☐ For Technology Purchases: Vetted and Supported by the Technology Governance Committee <<http://lcnet.co.lake.ca.us/Assets/Intranet/Intranet+Forms/Information+Technology/AdvPlan.pdf>> ("Yes," if checked)
- ☐ Other (*Please describe in Executive Summary*)

**Consistency with Vision 2028** <<http://www.lakecountycalifornia.gov/Government/Directory/Administration/Visioning/Vision2028.htm>>

(check all that apply):

☒ Not applicable

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| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety               | <input type="checkbox"/> Disaster Prevention, Preparedness, Recovery |
| <input type="checkbox"/> Economic Development    | <input type="checkbox"/> Infrastructure              | <input type="checkbox"/> County Workforce                            |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake                                  |

**Recommended Action: Presentation only.**