



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**March 21, 2023**

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**TOPIC:** Brown Act Teleconferencing Provisions

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**AGENDA TITLE**

Receive and File a Report Regarding the Brown Act and Teleconferencing Provisions

**RECOMMENDED ACTION**

Receive and file a report regarding the Brown Act and teleconferencing provisions (informational purposes).

**DISCUSSION**

Governor Newsom ended the declared State of Emergency related to COVID-19 effective February 28, 2023. Accordingly, AB 361 will no longer be available.

While this effectively ends the current manner in which teleconferencing has been conducted, teleconferencing is still authorized under the Ralph M. Brown Act (Government Code §54950 *et seq.*) under the following provisions:

**General Brown Act Provisions (traditional/pre-pandemic)**

- A quorum of the City Council must meet from locations within the City of Santa Ana city limits.
- Each teleconference location (physical address) must be identified on the agenda and the agenda must be posted at each location seven (7) days prior to the scheduled meeting in accordance with Santa Ana Municipal Code §2-150 of Article II.I.
- The public must be afforded access to each teleconference location and be afforded the opportunity to address City Council at each locations.

**AB 2449 Just Cause / Emergency Provisions (effective through January 1, 2026)**

- A quorum of the City Council must meet in-person at one physical location open to the public (i.e., Council Chamber) and clearly identified on the agenda.
- A member of the City Council shall only participate in the meeting remotely if one the following circumstances applies:

- The Councilmember needs to participate remotely for “Just Cause”: childcare or caregiving need, contagious illness, physical/mental disability not otherwise accommodated, travel on official City business.
  - May only be used two times per calendar year.
  - Member must notify body at earliest opportunity possible, include at the start of a regular meeting, and provide a general description of the need to participate remotely.
- The Councilmember requests that the City Council allow the member to participate remotely due to “Emergency Circumstances”: physical/family medical emergency.
  - Requires a separate request to the legislative body each time with general description of circumstances.<sup>1</sup>
  - If the request does not allow sufficient time to place the proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting to place the item on the agenda in accordance with Government Code §54954.2(b)(4).
  - Approval requires a majority vote.
- When appearing remotely, the teleconferencing member must:
  - Disclose, before any action is taken, whether any other individuals 18 years of age or older are present with the member, along with the general nature of their relationship.
  - Participate through both audio and visual technology.
- Does not require teleconferencing location to be included on the agenda but the public must be given notice of the means by which they can access the meeting and offer public comment.
- The City cannot require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the City Council and provide comment in real time.
- Members of the City Council cannot teleconference under these provisions more than three consecutive months or 20% of regular meetings in the calendar year (4 meetings).<sup>2</sup>
- The legislative body shall provide at least one of the following means by which the public may remotely hear and visually observe the meeting and remotely address the legislative body:
  - A two-way audiovisual platform
  - A two-way telephonic service and a live webcasting of the meeting.
- In the event of a disruption that prevents broadcast of the meeting or public participation, no action shall be taken on any items on the agenda until public access to the meeting is restored.

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<sup>1</sup> A general description generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

<sup>2</sup> For Boards and Commissions that meet less than 10 times in a calendar year, the just cause/emergency circumstances provision can only be utilized twice per calendar year.

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- The agenda must include procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with applicable civil rights and nondiscrimination laws.

Such provisions apply to all aspects of a meeting including Closed Session, Regular Session, Work Study Sessions, and Public Hearings. These provisions also apply to all other legislative bodies of the City of Santa Ana created by the City Council or created through its City Charter (Boards, Commissions, and Committees).

### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

Submitted By: Jennifer Hall, City Clerk

Approved By: Kristine Ridge, City Manager