

**REDWOOD COAST ENERGY AUTHORITY**  
**BROWN ACT MEETING TELECONFERENCING POLICY**

**I. Policy**

The foregoing policy (“Policy”) shall govern the RCEA’s use of Teleconferencing for the remote attendance at Meetings of the Members of Legislative Bodies. The Standard Teleconferencing Procedures set out in Section IV below shall apply in all instances, except when (1) a Board Member has either “just cause” or an “emergency circumstance,” as defined in Section V.4 below, so as to permit the use of the AB 2449 Teleconferencing Procedures, or (2) a State of Emergency issued by the California Governor is in effect sufficient to trigger the use of the AB 361 Emergency Teleconferencing Procedures. It is the intent of this Policy to implement the remote Meeting attendance requirements of the Ralph M. Brown Act, as amended in part by AB 361 in 2021 and by AB 2449 in 2022.

**II. Definitions**

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

AB 361 – shall mean Stats. 2021 ch. 165 § 3, amending Section 54953 of the Brown Act, effective September 16, 2021, and repealed effective January 1, 2024.

AB 2449 – shall mean Stats 2022 ch. 285 § 1, amending Section 54953 of the Brown Act, effective September 22, 2022, and repealed January 1, 2026.

Brown Act / Ralph M. Brown Act – shall refer 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 mean the governing body of a RCEA or any RCEA commission, committee, board, or other RCEA body, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a Legislative Body. However, an advisory committee, composed solely of the Members of the Legislative Body that created it and which is less than a quorum of the that Legislative Body, is not a Legislative Body under this Policy, except that standing committees of a Legislative Body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a Legislative Body are Legislative Bodies for purposes of this Policy.

Member – shall mean any person serving as part of a Legislative Body.

Meeting — shall mean any congregation of a majority of the Members of a Legislative Body at the same time and location, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Legislative Body.

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 – shall mean a Meeting of a Legislative Body, the Members of which are in different locations, connected by electronic means through either audio or video, or both.

### **III. Teleconferencing Policies – Non-Legislative Body Member**

At the discretion of the RCEA Board of Directors or the Executive Director, any RCEA employee, consultant, vendor, or individual presenting or attending a Meeting of a Legislative Body, shall be permitted to attend the Meeting via Teleconference without compliance with the rules or conditions set forth in this Policy.

### **IV. Standard Teleconferencing Procedures**

A Member may attend a Meeting via Teleconference if all of the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participates in the Meeting from locations within the boundaries of RCEA. For purposes of conducting CCA Program business at a Meeting, a “quorum of the Members” shall mean a majority of the CCA program participating Members representing a majority of the CCA total vote, as set out in the RCEA Amended and Restated Joint Powers Agreement.
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 complies with the Americans with Disabilities Act of 1990 (ADA, 42 U.S.C. Sec. 12132), is accessible to the public, and the public is permitted to comment at each Teleconference location as otherwise permitted by the Brown Act.
4. All votes are taken by roll-call.
5. The Meeting is conducted in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Legislative Body.
6. Members of the public are permitted access to the Meeting and an opportunity to address the Legislative Body as required by the Brown Act.

### **V. AB 2449 Teleconferencing Procedures (Effective Through January 1, 2026)**

A Member may attend a Meeting remotely, without the need to list the location of such Member on the agenda, post the agenda at their location, or make such location accessible to the public, if all of the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participates in-person from a single physical location accessible to the public, which is within the jurisdictional boundaries of the RCEA and clearly identified in the posted agenda. For purposes of conducting CCA Program business at a Meeting, a “quorum of the Members” shall mean a majority of the CCA program participating Members representing a majority of the CCA total vote, as set out in the RCEA Amended and Restated Joint Powers Agreement.
2. The public is permitted to attend the Meeting either by Teleconference 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 and offer comment during the Meeting is included within the posted agenda.
4. The Member participates in the Meeting using **both** audio and visual technology.
5. The Member(s) attending remotely has either “just cause” or an “emergency circumstance” that justifies their remote attendance, defined as follows:
  - a. A Member shall only have “just cause” for remote attendance if such participation is for one of the following reasons:
    - i. To provide childcare or caregiving need to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner;
    - ii. Due to a contagious illness that prevents the Member from attending in-person;
    - iii. Due to a need related to a physical or mental disability as defined in Government Code sections 12926 and 12926.1 not otherwise accommodated; and
    - iv. Due to travel while on official business of the Legislative Body or another state or local agency.
  - b. A Member shall have an “emergency circumstance” for remote Meeting attendance if such participation is due to a physical or family medical emergency that prevents the Member from attending in person.
6. The Member(s) has not attended a Meeting remotely on the basis of “just cause” for more than two Meetings in the current calendar year.
7. The Member(s) has not attended a Meeting remotely on the basis of “just cause” or “emergency circumstance” for more than three consecutive months or more than 20 percent of the regular Meetings in a calendar year. Based on the existing RCEA Board of Directors Meeting calendar, Members of the RCEA Board of Directors may not miss more than two Meetings in a calendar year due to a “just cause” and “emergency circumstance.”
8. 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.

This Section V shall be in effect only until January 1, 2026, at which time it shall be automatically repealed.

**VI. AB 2449 Teleconferencing Procedures Notification and Action (Effective Through January 1, 2026)**

In order to utilize the Teleconference Procedures set out in Section V above, 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 from a remote location 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;
5. Upon receipt of a request from a Member to utilize the Teleconference procedures set out in Section V above, the Legislative Body shall 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;
6. 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 RCEA’s control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, the Legislative Body shall take no further action during a Meeting until such access is restored.

**VII. AB 361 Emergency Teleconferencing Procedures (Effective Through January 1, 2024)**

1. 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:
  - a. The Legislative Body holds a Meeting during a proclaimed State of Emergency and California State or local officials have imposed or recommended measures to promote social distancing.
  - b. 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
  - c. 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.
2. If utilizing the AB 361 Emergency Teleconferencing Procedures set out in this Section VII, the Legislative Body shall 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 call-in or internet-based service option, which shall include an opportunity for public comment in real-time.
3. 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 RCEA’s control that prevents members of the public from offering public comment using the call-in or internet-based options, the Legislative Body will take no further action during a Meeting until such access is restored.
4. The Legislative Body shall 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.
5. The Legislative Body may continue use of the AB 361 Emergency Teleconferencing Procedures for as long as the State of Emergency remains active, 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:
  - a. The Legislative Body has reconsidered the circumstance of the State of Emergency; and
  - b. Any of the following circumstances exist:
    - i. The State of Emergency continues to directly impact the ability of the Members to meet safely in person; or

- ii. California state or local officials continue to impose or recommend measures to promote social distancing.
- 6. In the event of the use of these AB 361 Emergency Teleconferencing Procedures, it shall not be necessary for the RCEA to provide a physical location from which the public may attend or comment.

**VIII. Compliance with the Brown Act**

The Teleconferencing Procedures set forth herein 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.