

TO: MPC Foundation Board of Directors & Committee Members

FROM: Beccie Michael, Executive Director

RE: Procedure for Following AB 2449 (Brown Act Amendment effective January 2023)

DATE: January 11, 2023

Background

As an auxiliary organization of the College, the MPC Foundation Board is subject to the Brown Act (Government Code section 54953) . The Brown Act requires that public agencies take certain actions in order to use teleconferencing for Board or Committee meetings. In 2021, Assembly Bill 361 (Rivas) amended the Brown Act to permit legislative bodies to use teleconferencing to conduct their meetings under certain circumstances, including issuance of a proclaimed state of emergency. On March 4, 2020, Governor Gavin Newsom declared a state of emergency for the State of California due to the coronavirus (COVID-19) pandemic, which will sunset on February 28, 2023. After that date, AB361 will no longer be applicable. Beginning on January 1, 2023, AB 2449 went into effect, which provides further amendments to the Brown Act.

Following is a summary of Board Member options, suggested procedures, and staff support under this new provision, which will impact Foundation Board and Committee meetings starting March 1, 2023. Since Advisory and Working Groups are not subject to the Brown Act, they will not be affected and may continue to meet remotely, in person, or utilizing a hybrid of both, depending on members' preferences.

Board & Voting Committee Member Options

Beginning March 1, 2023 and until further amendments are made by the legislature, Board and Committee members have the following options regarding Board & Committee meeting attendance:

- 1) Attend the meeting **in person**
- 2) Join by teleconference under the **original** Brown Act: this option requires your location to be posted publicly (explained further below)
- 3) Join remotely with **just cause** (explained further below) - *up to 2 times per calendar year*
- 4) Join remotely due to an **emergency** (explained further below)
- 5) Unable to attend the meeting

It is important to note that a quorum of Board or voting Committee members must be present in-person in order to conduct business. A quorum is defined as majority plus one.

In addition, individual members are limited to *three consecutive months* of remote attendance due to just cause and emergencies, or 20% of the meetings per year.

Recommended Procedures

Procedures that Board/Committee members are asked to follow are outlined below for each of the options:

Option 1 - Attend in Person: No additional steps are necessary

Option 2 - Post Location for Remote Attendance

- 1) Email staff your address 72 hours prior to the meeting for inclusion on the agenda
- 2) Print and post the agenda at your location, which is now public.

Option 3 - Remote Attendance with Just Cause

- 1) Email staff as soon as possible to indicate you must join remotely, including the reason:
 - a) Child/dependent care
 - b) Contagious illness
 - c) Disability
 - d) Travel for a State or Local public agency (unfortunately, private business travel is not considered "just cause").
- 2) At the beginning of the meeting, disclose the names of any adults present at your remote location and the general nature of your relationship with them (ex. spouse, child, friend, etc.).
- 3) Participate with your camera on during the meeting.

Option 4 - Remote Attendance due to an Emergency (defined as "a *physical or family medical emergency that prevents a member from attending a meeting in person.*")

- 1) Email staff to indicate you must join remotely, including a brief description of the general nature of the emergency circumstance;
- 2) Staff will add this as a request to the meeting agenda since the Board will need to take action to approve the request at the beginning of the meeting
- 3) At the beginning of the meeting, disclose the names of any adults present at your remote location and the general nature of your relationship with them (ex. spouse, child, friend, etc.).
- 4) Participate with your camera on during the meeting.

Option 5 - Unable to Attend

- 1) Email staff in advance if possible so that we know not to expect you; this is important for planning/reaching quorum purposes.

Staff Support

In order to ensure appropriate compliance, staff will:

- 1) Set up necessary technology to facilitate remote/teleconference attendance
- 2) Track attendance by format/meeting for each Board/Committee member
- 3) Keep records regarding just cause or emergency circumstances (which board members provide via email)
- 4) Assist with Roll Call voting during the meetings (roll call voting is required).