

SANTA YNEZ COMMUNITY SERVICES DISTRICT
MEMORANDUM

TO: Board of Directors
FROM: Loch Dreizler, General Manager
DATE: December 21, 2022
SUBJECT: Open Meetings: Local Agencies: Teleconferences

Recommendation / Proposed Motion

Recommendation

Policy Implications

California Assembly Bills 2449 & 2647

Fiscal Implications

None

Alternatives Considered

None

Discussion

AB2449

The state of emergency declared by Governor Newsom in 2020 due to the Coronavirus is set to expire, and on March 1, 2023, AB 361 exemptions will no longer be available. With the expiration of the state of emergency, the District's Board members will no longer be able to attend meetings remotely under the more relaxed requirements of AB 361.

AB 361 provides certain exemptions to the Brown Act requirements that would otherwise apply to meeting attendance by teleconference. For example:

- agendas for remote meetings do not need to be posted at all teleconference locations
- agendas need not identify each teleconference location, and
- the locations of teleconference participants need not be accessible to the public.

AB 2449 goes into effect on January 1, 2023. The District could use AB 2449 remote meeting procedures or the Brown Act's existing procedures that require, among other things, that agendas be posted at all remote teleconference locations, agendas identify each teleconference location, and all remote teleconference locations be accessible to the public.

Until March 1, 2023, the District can also utilize AB 361 if the required resolution has been adopted every 30 days. Because the procedures under AB 2449 are fairly restrictive and detailed, in many cases, Board members may prefer to utilize the Brown Act's existing procedures for remote meeting attendance.

AB2647

On January 1, 2023, Assembly Bill 2647 will go into effect. AB 2647 makes relatively minor amendments to the Brown Act requirements for disclosing public records that relate to agenda items.

Under current law, any writing related to an agenda item that is distributed to a majority of the Board members less than 72 hours before a regular Board meeting must be made available for public inspection at the time the writing is distributed. In addition, the agenda must list the address of the public office or the location where the writing is available.

AB 2647 provides an alternative method for making writing available for public inspection. Instead of making the writing available at the public office or location designated on the agenda, AB 2647 allows an agency to post the writing on its website. However, if the agency chooses to do so, it must also comply with all of the following requirements:

1. An initial staff report or similar document containing an executive summary and the staff recommendation relating to the agenda item must be made available for public inspection at the designated public office or location at least 72 hours before the meeting.
2. The agency must immediately post the writing on its website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.
3. The agency must list its website address on the agenda.
4. The agency must make physical copies available for public inspection at the designated office or location, beginning with its next regular business hours. However, an agency can satisfy this requirement only if its next regular business hours commence at least 24 hours before that meeting.

AB 2647 does not require the District to post writings on its website or otherwise change its current procedures with respect to making writings available to the public. However, if the District wants to have the option of posting on its website in lieu of making physical copies immediately available, the District may want to include a link to its website on agendas for all regular meetings. In that event the standard agenda notice that the District currently uses should be revised to add an additional sentence at the end, as follows:

*Any public records which are distributed less than 72 hours prior to this meeting to all, or a majority of all, of the District's Board members in connection with any agenda item (other than closed sessions), will be available for public inspection at the time of such distribution at the District's office located at 1070 Faraday, Santa Ynez, California 93460. **Such records may also be posted on the District's website at www.sycsd.com.***

It should be emphasized that, if a document is only posted on the District's website, the District will still be required to satisfy AB 2647's other requirements, as set forth under the four points above.

Attached:

1. Summary of AB 2449 that was posted on the CSDA website.