



Planning Commission

Regular Meeting **AGENDA**

(to be held both at the physical and virtual locations below)

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

To participate virtually, go to the following link: <https://us06web.zoom.us/j/91264543193>

To view the meeting (without participating) go to: <http://www.cityofukiah.com/meetings/>

Or you can call in using your telephone only:

- Toll-free 1-669-444-9171
- Enter the Access Code: 912 6454 3193
- Raise hand: after being recognized, Enter *9
- To Speak after being recognized: enter *6 to unmute yourself

August 9, 2023 - 6:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4.a. Approval of the Minutes of July 26, 2023, a Regular Meeting

Recommended Action: Approve the Minutes of July 26, 2023, a Regular Meeting

Attachments:

1. July 26, 2023, Planning Commission Minutes

5. APPEAL PROCESS

All determinations of the Planning Commission regarding major discretionary planning permits are final unless a written appeal stating the reasons for the appeal is filed with the City Clerk within ten (10) days of the date the decision was made. An interested party may appeal only if he or she appears and states his or her position during the hearing on the decision from which the appeal is taken. For items on this agenda, the appeal must be received by August 21, 2023.

6. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS

The Planning Commission welcomes input from the audience that is within the subject matter jurisdiction of the Planning Commission. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments.

7. SITE VISIT VERIFICATION

8. **VERIFICATION OF NOTICE**

9. **PLANNING COMMISSIONERS REPORT**

10. **DIRECTOR'S REPORT**

10.a. Receive Community Development Director's Report.

Recommended Action: Receive Community Development Director's report.

Attachments:

1. Planning Division Projects Report - August 2023

11. **CONSENT CALENDAR**

No items were agendized on the Consent Calendar.

12. **UNFINISHED BUSINESS**

12.a. Receive Training and Discuss Brown Act Updates for 2023.

Recommended Action: Receive training on 2023 Brown Act updates and discuss with Staff.

Attachments:

1. 12-7-22 Staff Report.Brown Act updates
2. AB 2449 Implementation Memo- City Attorney
3. 8a._Brown_Act_Remote_Participation_Rules_for_11-17-22

13. **NEW BUSINESS**

No New Business was agendized.

14. **ADJOURNMENT**

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available at the Civic Center 300 Seminary Ave. Ukiah, CA 95482; and online at: www.cityofukiah/meetings/ at the end of the next business day.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 72 hours prior to the meeting set forth on this agenda.

Dated: August 1, 2023
Stephanie Abba, Planning Commission Secretary

**CITY OF UKIAH
PLANNING COMMISSION MINUTES
REGULAR MEETING**
Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482
Virtual Meeting Link: <https://zoom.us/j/91264543193>

**July 26, 2023
6:00 p.m.**

1. CALL TO ORDER

The City of Ukiah Planning Commission held a Regular Meeting on July 26, 2023. The meeting was legally noticed on July 19, 2023. The meeting was held in person and at the following virtual link: <https://zoom.us/j/91264543193>. Chair Mark Hilliker called the meeting to Order at 6:00 p.m.

CHAIR M. HILLIKER PRESIDING.

2. ROLL CALL

Roll was taken with the following **Commissioners Present:** Thao Phi, Rick Johnson, and Chair Mark Hilliker. **Commissioners Absent:** Alex DeGrassi **Staff Present:** Craig Schlatter, Community Development Director; and Stephanie Abba, Planning Commission Secretary.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. APPROVAL OF MINUTES

a. Approval of the Minutes of June 28, 2023, a Regular Meeting.

Motion/Second: A. R. Johnson/T. Phi to approve the Minutes of June 28, 2023, a Regular Meeting as submitted. Motion **carried** by the following roll call votes: **AYES:** T. Phi, R. Johnson, and Chair M. Hilliker. **NOES:** None **ABSENT:** A. DeGrassi **ABSTAIN:** None.

5. APPEAL PROCESS

Chair Hilliker stated that the appeals deadline date is August 7, 2023. No appeals were received.

6. COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

7. SITE VISIT VERIFICATION

Site Verified

8. VERIFICATION OF NOTICE

Verified by Staff

9. PLANNING COMMISSIONERS REPORTS

*Report Received from R. Johnson
Report Received from M. Hilliker*

10. DIRECTOR'S REPORT

Presenter: Craig Schlatter, Community Development Director.

Report received

Notification of Michelle Johnson's resignation and thanking her for her service to the community.

11. CONSENT CALENDAR

No items on the Consent Calendar

12. UNFINISHED BUSINESS

No Unfinished Business was agendized

13. NEW BUSINESS

a. Planning Commission and Community Development Director Discussion Regarding Planning Division Staff Reports.

Presenter: Craig Schlatter, Community Development Director

Public Comment:

It is the consensus of the Planning Commission has decided to first look for different examples of Planning Commission Staff Reports from other cities approximately the same size as Ukiah. When the commissioners are ready they will contact Craig Schlatter, Community Development Director.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 6:48 p.m.

Stephanie Abba, Planning Commission Secretary



AGENDA SUMMARY REPORT

SUBJECT: Receive Community Development Director's Report.

DEPARTMENT: Community
Development

PREPARED BY: Craig Schlatter, Community Development Director

PRESENTER: Craig Schlatter, Community Development
Director

ATTACHMENTS:

1. Planning Division Projects Report - August 2023

Summary: Planning Commission will receive the Community Development Director's report.

Background: These are bi-monthly verbal reports given by the Community Development Director on the status of projects of the Community Development Department. Updates may include, but are not limited to, application status of major and minor discretionary permits, the implementation status of advanced planning and related General Plan programs and projects, and updates related to the activities of other divisions of the Department.

Discussion: This August 9th report will provide updates in the following areas:

- August 2023 Planning Division Projects report (Attachment 1). Please note that the August 2023 report and previous monthly reports are located on the Planning Services webpage, under "Current Planning Reports": <https://cityofukiah.com/community-development/planning-services/>
- Status of in-progress advanced planning activities

Recommended Action: Receive Community Development Director's report.

As of 8/1/2023

Permit #	Site Address	Date of Submittal/ Resubmittal	Summary of Project	Status	Assigned Planner
23-8481	1076 Cunningham Rd.	7/31/2023	Major Use Permit to include outdoor consumption lounge at the existing Heritage Mendocino cannabis dispensary	Submitted: 7/31/23. Needs review/referral.	Jesse Davis
22-7956	162 Talmage Rd.	6/28/23	Major Site Development Permit for the Splash Express Car Wash #5 (dBA LUV Car Wash) facility. Includes demolition of the existing structures and redevelopment of a new 2,433 sf car wash facility, located within the Heavy Commercial (C2) zoning district.	Airport Land Use Commission: 3/23/23 (ALUC Staff - Deemed Consistent) Design Review Board Hearing: 5/25/23 Item Approved by PC on 6/28/23; PC Decision Appealed by Applicant on 07/5/23. City Council Appeal Hearing: 8/16/23	Jesse Davis
n/a	600 Live Oak Ave.	2/27/23; 7/21/23	Todd Grove Public Art Mural Permit within the Public Facilities (PF).	Design Review Board Meeting: 5/25/23 (DRB recommended to PC with modifications) Planning Commission Hearing: 8/23/23 (tentative)	Jesse Davis
23-8069	218 Mason St.	1/20/23; 5/18/23	Minor Use Permit for conversion of use from commercial to mixed-use within the Community Commercial (C1) zoning district.	Incomplete: 1/23/23; 5/27/23; correspondence with applicant on 6/29/23	Michelle Irace
22-7977	101 S. Main St.	12/12/22; 2/13/23; 2/21/23; 4/16/23; 6/13/23; 7/5/23	Major Site Development Permit for construction of a new 4,715 sf Redwood Credit Union bank facility, located within the Urban Center (UC) zoning district.	Design Review Board Meeting: 3/23/23 Planning Commission Hearing: 5/10/23. Item Denied on 6/14/23 by PC; PC Decision Appealed by Applicant 6/23/23. City Council Appeal Hearing: 7/19/23; Council recommended project modifications and hearing continued to a time and date uncertain. Awaiting response from Applicant.	Michelle Irace
17-3069	1294 N. State St.	9/13/17; 9/14/21; 9/28/22; 5/12/23; 7/11/23	Resubmitted Major Use Permit and Site Development Permit to allow for construction of two retail suites (including one drive-through), located in the C-1 (Community Commercial) zoning district.	Incomplete 6/2/22; 9/29/22; 5/27/23; Design Review Board Meeting: 8/24/23 (tentative)	Michelle Irace

22-7483	734 S. State St.	8/15/22	Xpress Gas Station Major Use Permit-request to resume operation of the gas station within the Community Commercial (C1) Zoning District.	Incomplete: 8/19/22 No formal application activity since Aug., 2022	Jesse Davis
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City of Ukiah
Recently (Within Previous 90 Days) Approved Projects

As of 8/1/2023

Permit #	Site Address	Approval Date	Summary of Project	Comments	Assigned Planner
23-8376	441 N State St.	6/1/23	Renewal of a Cannabis Retail Facility. Per UCC Section 9174.2(D), cannabis-related business will be subject to review after the first year of operation by the Zoning Administrator.	Submitted: 04/24/23 Zoning Administrator Hearing: Approved on 6/1/23	Michelle Irace
23-8331	300 Seminary Ave.	6/1/23	Minor Site Development Permit for installation of a 39' training tower by the UVFA for roof operations, interior firefighting, confined space rescues, search and rescue operations, door breaching/forcible entry, high-angle descent and rescue.	Submitted: 04/18/23 Zoning Administrator Hearing: Approved on 6/1/23, but subsequently appealed and withdrawn by the UVFA on 06/14/23.	Jesse Davis
23-8466	960 N. State St.	6/27/23	Minor Use Permit for operation of Medstar Ambulance within existing structures, located within the Community Commercial (C1) Zoning District.	Submitted: 5/18/23 Zoning Administrator Hearing: Approved on 06/27/23	Michelle Irace
23-8552	1361 West Clay Street & 624 Mary Lane	6/28/2023	Lot Line Adjustment #23-8552; 624 Mary Lane (APN: 001-242-17); Parcel 2: 1361 West Clay Street (APN: 001-242-35)	Approved by City Engineer on 06/28/23	Jesse Davis

City of Ukiah
Advanced Planning Projects

As of 8/1/2023

Permit #	Site Address	Approved Date	Summary of Project	Comments	Assigned Planner
n/a	Citywide	n/a	Ordinance Amendment for modifications to Objective Design and Development Standards for New Residential Construction (UCC 9055)	Proposed amendments reviewed by Design Review Board 7/27/23. Planning Commission Hearing: 8/23/23	Jesse Davis
n/a	Citywide	n/a	Ordinance Amendment for modifications to UCC 3016 for Demolition Permit procedures	Working with Rincon Consultants, Inc. to update/streamline Demolition Permit procedures. Funded by Local Early Action Planning (LEAP) Grant. Anticipate bringing proposed amendments forward Fall 2023.	Michelle Irace
n/a	Citywide	n/a	Preparation of Municipal Climate Action Plan.	Meetings with CAP working group and CAP ad hoc, May - July 2023. Audit of 2014 CAP in progress.	Craig Schlatter
n/a	Citywide	n/a	Updating of Vehicle Miles Travelled (VMT) Model, related to the City's SB 743 approach.	Working with GHD, Inc. to refine VMT model adopted in 2040 General Plan. Anticipate bringing model forward in Fall 2023.	Craig Schlatter
n/a	Unincorporated Western Hills	n/a	Western Hills Open Land Acquisition and Limited Development Agreement Project - Annexation Application.	Annexation application submitted to LAFCo: 6/8/22. Incomplete letter from LAFCo received 6/29/22. Prezoning and application modifications to PC/CC anticipated Fall 2023	Michelle Irace, Jesse Davis
n/a	Citywide	n/a	Annexation of City-owned parcels.	Submitted revised Annexation Application to LAFCo 2/23/22. Incomplete letter received 3/25/22. Updated application submitted in June 2022. Prezoning and application modifications to Planning Commission 3/22/23 and City Council on 4/5/23. Application update submitted to LAFCo on 04/20/23. Application scheduled for LAFCo review: 9/11/23	Jesse Davis



AGENDA SUMMARY REPORT

SUBJECT: Receive Training and Discuss Brown Act Updates for 2023.

DEPARTMENT: Community Development

PREPARED BY: Craig Schlatter, Community Development Director,
Darcy Vaughn, Assistant City Attorney

PRESENTER: Darcy Vaughn, Assistant City Attorney

ATTACHMENTS:

1. 12-7-22 Staff Report.Brown Act updates
2. AB 2449 Implementation Memo- City Attorney
3. 8a._Brown_Act_Remote_Participation_Rules_for_11-17-22

Summary: Commission will receive training from the City Attorney's Office on 2023 Brown Act updates and discuss / ask related questions.

Background: At the December 7, 2022, City Council meeting, Assistant City Attorney Darcy Vaughn explained and answered questions from Council about Brown Act updates that would go into effect on January 1, 2023. A copy of Assistant City Attorney Vaughn's Staff Report prepared for the item is included as Attachment 1. A memorandum prepared by the City Attorney's Office outlining requirements for individual members of any City legislative body to notify and justify remote participation in a public meeting is included as Attachment 2. An AB 2449 "Cheat Sheet" posted on the City Clerk's ListServe is included as Attachment 3.

Discussion: Given questions from the Commission in recent months about remote participation, Staff asked Assistant City Attorney Vaughn to provide a training to the Commission on the 2023 Brown Act updates.

Staff recommends the Commission receive the training and discuss / ask any related questions.

Recommended Action: Receive training on 2023 Brown Act updates and discuss with Staff.



AGENDA SUMMARY REPORT

SUBJECT: Discussion of Brown Act Updates for 2023, and Adoption of Resolution Modifying Agenda Order.

DEPARTMENT: City Attorney

PREPARED BY: Darcy Vaughn, Assistant City Attorney

PRESENTER: Darcy Vaughn, Assistant City Attorney

ATTACHMENTS:

1. AB 2449 Implementation Memo
2. Resolution - Agenda Order - redline & clean

Summary: The City Attorney's office will explain and answer questions about Brown Act updates that will go into effect on January 1, 2023, and engage Council in discussion about implementing any procedural changes necessary, and Council will consider adopting a resolution adding an agenda item to address future notifications in respect to AB 2449.

Background: In response to the COVID-19 pandemic, Governor Newsom issued Executive Orders lifting several of these requirements to allow agencies to hold public meetings while complying with shelter-in-place orders and social distancing recommendations. In September 2021, the Governor signed AB 361, which effectively incorporated those Executive Orders into the Brown Act. Under AB 361, an agency can hold fully remote or hybrid teleconference meetings without meeting the access and notice requirements listed above, provided that:

1. The Governor has declared a state of emergency, and
2. Either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body finds that meeting in person would present imminent risks to health or safety of attendees.

The COVID State of Emergency declaration is expected to be lifted on February 28, 2023. At this time, agencies will no longer have the necessary authority to hold AB 361 virtual meetings as a result of COVID-19. Please note that until the State of Emergency declaration is lifted, all legislative bodies of the City may continue to hold virtual meetings under the existing AB 361 rules. However, in the absence of a declared state of emergency, the Brown Act requires that a teleconference meeting must comply with the following:

1. At least a quorum of the board must participate from locations within the agency's jurisdiction.
2. Each teleconference location must be identified in the notice and agenda of the meeting.
3. Agendas must be posted at each teleconference location.
4. Each location must be accessible to the public.
5. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
6. All votes must be by roll call.

However, effective January 1, 2023, the Brown Act updates in AB 2449 will give individual members of legislative bodies increased flexibility to participate in meetings via teleconference in the event of a personal emergency without the requirement of a state of emergency declaration. AB 2449 provides complex alternative teleconference procedures to allow members of a legislative body to participate remotely, the application of which turns on individual facts and circumstances. AB 2449 sets forth requirements for a Board

member's remote participation in a public meeting, but agencies may continue to hold virtual meetings at which the public or agency staff members participate remotely.

Discussion: Requirements for individual legislative body members meeting remotely:

Pursuant to AB 2449, a legislative body may hold a "hybrid" (partial teleconference, partial in-person) meeting without following the pre-pandemic requirements for teleconferencing, provided that a quorum of the legislative body still meets in person at a single location that is identified in the meeting agenda and that is open to the public. A member of a legislative body may participate in a public meeting via teleconference in the following limited circumstances:

1. With "just cause", the member can participate remotely after giving notice as soon as possible and as late as the start of a regular meeting. The legislative body does not need to take action to allow the member to attend the meeting virtually under the "just cause" provision. AB 2449 defines "just cause" as:
 - (a) a family childcare or caregiving need;
 - (b) a contagious illness;
 - (c) a need related to a physical or mental disability that is not otherwise accommodated; or
 - (d) travel while on official business.

AB 2449 also limits a member to participating remotely under this provision to two meetings per calendar year.

2. In "emergency circumstances," defined as a physical or family emergency that prevents the member from attending in person, the member can participate remotely by giving notice and requesting approval to do so from the legislative body. Unlike the "just cause" provision, the "emergency circumstances" provision requires that legislative body take action and approve the remote attendance at the start of the meeting for the member to be allowed to participate remotely for that meeting. The legislative body may take action on the request as soon as possible, including at the beginning of the meeting, even if there was not sufficient time to place the request formally on the agenda.

Under either circumstance, the member in question must give a general description of the circumstances relating to their need to appear remotely, but need not disclose any medical diagnosis, disability, or other confidential medical information. Staff has prepared a draft memorandum (Attachment 1) outlining the requirements for individual members of any City legislative body to notify and justify remote participation in a public meeting.

In addition, AB 2449 provides that a member cannot participate solely by teleconference due to "emergency circumstances" under the new teleconference framework for more than 3 consecutive months or more than 20 percent of the agency's regular meetings, or more than two meetings per year if the agency meets fewer than 10 times per year. As noted above, members participating remotely under the "just cause" provision are limited to two remote meetings per calendar year.

A member of the legislative body participating from a remote location under the AB 2449 rules for teleconferencing must participate through both audio and visual technology during the entire meeting.

Disclosure Requirement

AB 2449 requires that a member participating telephonically 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 any such individuals.

AB 2449 Notifications and Considerations Resolution

To address future notifications and considerations in respect to AB 2449, Staff is recommending that Council adopt a resolution (Attachment 2) modifying the agenda order by adding a new agenda section: *AB 2449 Notifications and Considerations*. Once AB 2449 goes into effect, this section would be used to comply by giving written notification of any Councilmember remote participation.

Additional requirements for hybrid meetings:

A quorum of the legislative body must still meet in-person, and the body must meet the following relaxed remote access rules that went into effect with AB 361:

1. Provide either a two-way audio visual system or a two-way phone service in addition to live webcasting;
2. Identify a call-in or internet-based access option on the agenda, in addition to the in-person meeting location;
3. Ensure that if a disruption to the online meeting occurs, the body takes no further action on agendized items until public access is restored; and
4. Avoid requiring public comments to be submitted in advance, and provide a real-time option for the public to address the body at the meeting.

Recommended Action: Provide direction to Staff on any additional information needed or actions to be taken, and adopt resolution modifying the agenda order.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: City Clerk

DIVERSITY-EQUITY INITIATIVES (DEI):N/A

CLIMATE INITIATIVES (CI):N/A

Approved: 
Sage Sangiacomo, City Manager

Law Offices Of

RAPPORT AND MARSTON

An Association of Sole Practitioners

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Darcy Vaughn

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MEMORANDUM

TO: Members of City Council and all City Legislative Bodies
FROM: Darcy Vaughn, Assistant City Attorney
DATE: December 2, 2022
SUBJECT: Brown Act Requirements for Teleconferencing as of January 1, 2023

The COVID State of Emergency is expected to be lifted on February 28, 2023. At this time, agencies will no longer have the necessary authority to hold AB 361 virtual meetings as a result of COVID-19 without following the teleconferencing requirements set forth in the Brown Act at Government Code § 54953(b).

However, effective January 1, 2023, the Brown Act updates in AB 2449 will give individual members of legislative bodies increased flexibility to participate in meetings via teleconference in the event of a personal emergency, without the requirement of a state of emergency declaration. Specifically, AB 2449 provides alternative teleconference procedures and requirements to allow members of a legislative body to participate remotely if either of the following circumstances applies:

1. Just Cause

With “just cause,” the member can participate remotely after giving notice to the legislative body as soon as possible, including at the start of a regular meeting. AB 2449 defines “just cause” as:

- (a) a family childcare or caregiving need;
- (b) a contagious illness;
- (c) a need related to a physical or mental disability that is not otherwise accommodated by the accessibility requirements set forth in the Americans with Disabilities Act; or
- (d) travel while on official business.

AB 2449 limits a member to participating remotely under this provision to two (2) meetings per calendar year. While the member must give adequate notice to appear remotely, the legislative body does not need to take action to allow the member to attend the meeting virtually under the

To: Members of City Council and Legislative Bodies
Subject: Brown Act Requirements for Teleconferencing as of January 1, 2023
Date: December 2, 2022

Page 2

“just cause” provision.

2. Emergency Circumstances

In “emergency circumstances,” defined as a physical or family emergency that prevents the member from attending in person, the member can participate remotely by giving notice and requesting approval to do so from the legislative body. Unlike the “just cause” provision, the “emergency circumstances” provision requires that legislative body take action and approve the remote attendance at the start of the meeting for the member to be allowed to participate remotely for that meeting. The legislative body may take action on the request as soon as possible, including at the beginning of the meeting, even if there was not sufficient time to place the request formally on the agenda.

Under either circumstance, the member in question must give a general description of the circumstances relating to their need to appear remotely, but need not disclose any medical diagnosis, disability, or other confidential medical information. For the emergency circumstances exception, the general description does not need to exceed twenty (20) words.

Required Procedures for Remote Participation under AB 2449

1. Notice and General Description. A member shall make a written request to participate remotely at a meeting as soon as possible. The request must state whether the member is claiming “just cause” or “emergency circumstances” and shall include a general description explaining their need to meet remotely. Members must make a separate request for each meeting in which they seek to participate remotely.
2. Action on the Request for Remote Participation due to “Emergency Circumstances”. The legislative body must take action on a request to participate remotely due to “emergency circumstances” at the earliest opportunity. If the request does not allow sufficient time to place 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 in accordance with the requirements of the Brown Act for taking action on items of business not appearing on the posted agenda.
3. Limitations on Frequency. A member cannot participate solely by teleconference based on emergency circumstances for more than three (3) consecutive months or more than twenty (20) percent of the agency’s regular meetings, or more than two meetings per year if the agency meets fewer than 10 times per year. A member participating remotely under the “just cause” provision is limited to two (2) remote meetings per calendar year.
4. Required Disclosures for Remote Participation. A member participating telephonically shall

To: Members of City Council and Legislative Bodies

Page 3

Subject: Brown Act Requirements for Teleconferencing as of January 1, 2023

Date: December 2, 2022

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 any such individuals.

5. Audio and Visual Participation Required. A member of the legislative body participating from a remote location under the AB 2449 rules for teleconferencing must participate through both audio and visual technology during the entire meeting. A member's notice and general description of need to appear remotely must include a statement that the member will participate with both audio and video capabilities turned on throughout the meeting.

Please contact the City Clerk or City Attorney's office if you have questions or concerns about qualifying for and requesting remote participation in a public meeting of your legislative body.

Brown Act Remote Participation Rules (November 17, 2022)			
	<u>Traditional Brown Act</u>	<u>AB 2449</u>	<u>AB 361</u>
Expiration	N/A	01/01/2026	Officially 01/01/2024 but, ends when State of Emergency is lifted on 02/28/2022
Quorum	Quorum must meet from locations within MWPA boundaries	Quorum must meet in-person from single physical location open to public	Quorum can meet from any remote location
Notice & Agenda	Must identify each physical teleconference location Must post 72 hours prior to regular meeting at every teleconference location	Must include remote meeting link & procedure for receiving & resolving requests for accommodation Identify single publicly-accessible physical location where quorum will meet	Must contain remote meeting link & information about participating
Public Access	Must provide public access to each teleconference location Must provide public the opportunity to address the body from each teleconference location	Must provide public access to the single physical location Must provide public with remote access through two-way audiovisual platform or telephonic service & live webcasting of meeting	Must provide call-in/internet-based service option
Remote Participation by Member of Body	OK	Only permitted if: Just Cause (childcare; contagious illness; physical/mental disability; travel while on official business of body/state or local agency) - Member may utilize only 2x/year - Member must provide a general description of the circumstances relating to their need to appear remotely at the given	OK

		meeting Or Emergency Circumstances - (physical/family medical emergency) - Requires a separate request to the body for each remote meeting & body must act on the request - The body must request a general description of the circumstances relating to the member's need to appear remotely at the given meeting And Member must adhere to the following requirements to participate remotely: - Must disclose if a person 18 years or older is present in room + member's relationship w/individual - Must participate through both audio & visual technology (not only by phone) - A member may not participate remotely more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets <10 times per calendar year.	
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