

1 **WHEREAS**, on September 16, 2021, Governor Newsom signed into law
2 Assembly Bill (AB) 361, which amended the Brown Act provisions governing the use of
3 teleconferencing for public meetings, allowing flexible teleconferencing requirements to
4 continue during proclaimed states of emergency where certain requirements were met; and

5 **WHEREAS**, Governor Newsom lifted the COVID-19 state of emergency on
6 February 28, 2023, and, although AB 361 expired on January 1, 2024, AB 557, signed into
7 law by Governor Newsom on October 8, 2023, maintains most of AB 361's provisions
8 regarding teleconferencing from a non-public location during a proclaimed state of
9 emergency, with some revisions, and eliminates any sunset date for said provisions; and

10 **WHEREAS**, on September 13, 2022, Governor Newsom signed into law AB
11 2449, which went into effect on January 1, 2023, and allows for members of legislative bodies
12 to teleconference from a non-public location under the Brown Act for public meetings where
13 "just cause" or "emergency circumstances" exist and certain requirements are followed; and

14 **WHEREAS**, AB 557 maintains AB 2449's sunset date of January 1, 2026, for
15 the teleconference option for "just cause" or "emergency circumstances"; and

16 **WHEREAS**, on September 22, 2024, Governor Newsom signed into law AB
17 2302, which revises the AB 2449 limits regarding the number of times members of legislative
18 bodies may teleconference for "just cause" or "emergency circumstances"; and

19 **WHEREAS**, additionally, on July 24, 2024, the California Attorney General
20 issued Opinion No. 23-1002, confirming that the Americans with Disabilities Act (ADA)
21 generally requires legislative bodies to allow teleconference attendance from a non-public
22 location as a reasonable accommodation for a member with a qualifying disability that
23 precludes their in-person attendance at meetings subject to the Brown Act; and

1 **WHEREAS**, the City Council of the City of Culver City now desires to adopt a
2 Council Policy Statement to provide guidelines to and requirements for members of City of
3 Culver City legislative bodies and City Staff regarding the following teleconference
4 attendance options available to members for public meetings subject to the Brown Act:
5 “Traditional” teleconferencing from public locations (available only to members of the City
6 Council and Planning Commission); teleconferencing from non-public locations for Just
7 Cause or Emergency Circumstances (available only to members of the City Council and
8 Planning Commission); teleconferencing from non-public locations during a proclaimed State
9 of Emergency (available to members of all City of Culver City legislative bodies); and
10 teleconferencing from non-public locations as a Reasonable Accommodation under the ADA
11 (available to members of all City of Culver City legislative bodies); and
12

13
14 **WHEREAS**, the City Council further desires to reserve the right to update this
15 Policy from time to time to include other legislative bodies, where currently not included, or
16 for other amendments, including but not limited to authorizing additional teleconference
17 opportunities afforded by the State in the future;

18 **NOW, THEREFORE**, the City Council of the City of Culver City, **DOES**
19 **HEREBY RESOLVE** as follows:

20
21 1. The City Council hereby adopts Council Policy Statement No. 3004
22 regarding public meeting teleconference attendance options and guidelines for members of
23 legislative bodies, as set forth in Exhibit A, attached hereto and incorporated herein as though
24 fully set forth.

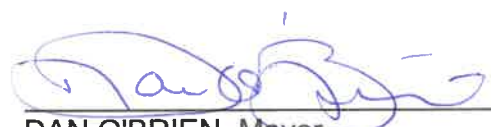
25 2. The City Manager, or designee, is hereby authorized to format the attached
26 City Council Policy in a format consistent with other City Council adopted policies and shall
27 include the final version of this adopted Policy with other adopted policies.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. The City Manager, or designee, shall distribute the attached City Council Policy to interested parties, which include, but are not limited to, City Staff.

4. This Resolution shall be effective immediately upon adoption.

APPROVED and ADOPTED this 13th day of January, 2025.




DAN O'BRIEN, Mayor
City of Culver City, California

ATTEST:



JEREMY BOCCHINO
City Clerk

APPROVED AS TO FORM:



HEATHER BAKER
City Attorney

Exhibit A

CITY OF CULVER CITY COUNCIL POLICY STATEMENT

Policy Number: 3004

General Subject: City Council and Commissions

Date Issued: 01/13/2025

Specific Subject: Public Meeting Teleconference
Attendance Options and Guidelines
for Members of Legislative Bodies

Effective Date: 01/13/2025

Resolution No: 2025-RXX

I. PURPOSE:

The purpose of this Policy is to provide guidelines to and requirements for members of legislative bodies (Members) and City Staff regarding the following teleconference options available to Members for attendance at public meetings subject to the Ralph M. Brown Act (Brown Act):

- A. "Traditional" teleconferencing from public locations;
- B. Teleconferencing from non-public locations for Just Cause or Emergency Circumstances;
- C. Teleconferencing from non-public locations during a proclaimed State of Emergency; and
- D. Teleconferencing from non-public locations as a Reasonable Accommodation under the Americans with Disabilities Act (ADA).

II. SCOPE:

Section IV of this Policy provides guidelines and requirements regarding teleconference attendance from public locations pursuant to the "**Traditional**" **Teleconference** rules under the Brown Act, specifically Government Code Section 54953(b), an option only available to Members of the City Council and the Planning Commission.

Section V of this Policy provides guidelines and requirements regarding teleconference attendance from non-public locations, pursuant to Assembly Bill (AB) 2449 and AB 2302, for **Just Cause or Emergency Circumstances**, an option only available to Members of the City Council and the Planning Commission. Section V of this Policy will expire and have no further effect for meetings on and after January 1, 2026, unless such sunset date is extended by the California Legislature.

Section VI of this Policy provides guidelines and requirements regarding teleconference attendance from non-public locations during a proclaimed **State of Emergency** pursuant to AB 557, an option available to Members of all City of Culver City Legislative Bodies.

Lastly, **Section VI** of this Policy provides guidelines and requirements regarding teleconference attendance from non-public locations as a **Reasonable Accommodation pursuant to the ADA**, an option available to Members of all City of Culver City Legislative Bodies.

This Policy may be updated from time to time to include other legislative bodies, where currently not included, or for other amendments, with further action of the City Council. The City Council may authorize additional teleconference opportunities afforded by the State in the future.

III. BACKGROUND:

The Brown Act requires that, except as specifically provided, “meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body[.]” (Gov. Code § 54953(a).) A legislative body may use “traditional” teleconferencing provided (i) at least a quorum of the legislative body participates in the meeting from locations within the agency’s boundaries; (ii) the agency gives notice of each teleconference location and posts an agenda at each teleconference location; (iii) public access is provided at each teleconference location; and (iv) members of the public are allowed to address the Council or the City’s other boards and commissions at each teleconference location. (Gov. Code § 54953(b)(3).)

On March 18, 2020, as a result of a statewide state of emergency declared on March 4, 2020, due to the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order No. N-29-20 suspending the Brown Act’s requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the state of emergency. The Executive Order expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed into law Assembly Bill (AB) 361. AB 361 amended the Brown Act provisions governing the use of teleconferencing for public meetings, allowing more flexible teleconferencing requirements to continue during proclaimed states of emergency where certain requirements were met. Governor Newsom lifted the COVID-19 state of emergency on February 28, 2023. Although AB 361 expired on January 1, 2024, AB 557, signed into law by Governor Newsom on October 8, 2023, maintains most of the AB 361 provisions with some revisions, and eliminates any sunset date for said provisions.

On September 13, 2022, Governor Newsom signed into Law AB 2449, which went into effect on January 1, 2023. AB 2449 allows for Members to teleconference under the Brown Act for public meetings where Just Cause or Emergency Circumstances exist and certain requirements are followed. AB 557 maintains AB 2449’s sunset date of January 1, 2026, for such teleconferencing alternatives.

Additionally, on July 24, 2024, the California Attorney General issued Opinion No. 23-1002, confirming that the ADA generally requires legislative bodies to allow teleconference attendance from a non-public location as a reasonable accommodation for a Member with a qualifying disability that precludes their in-person attendance at meetings subject to the Brown Act.

IV. TRADITIONAL TELECONFERENCE ATTENDANCE UNDER THE BROWN ACT:

A. Traditional Teleconference Requirements.

The Brown Act authorizes legislative bodies to utilize teleconferencing, where Members “are in different locations, connected by electronic means, through either audio or video, or both,” for public meetings. (Cal. Gov. Code § 54953(b), (j)(6).) Teleconferencing “may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body.” (Cal. Gov. Code § 54953(b)(2).) If any Member uses such “traditional” teleconferencing, the legislative body must comply with the following requirements:

- 1) All votes taken must be by rollcall;
- 2) The teleconference meeting shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body;
- 3) The legislative body must give notice of the meeting and post agendas as otherwise required;
- 4) The legislative body must allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly;
- 5) Agendas shall be posted at each teleconference location, which shall be identified in the notice and agenda;
- 6) Each teleconference location must be accessible to the public; **and**
- 7) At least a quorum of Members must participate from locations within the jurisdictional boundaries of the local agency.

B. Requests and Process for Traditional Teleconference Attendance.

- 1) A Member submits an email request to attend by traditional teleconference to the Commission Secretary, who shall forward the request to the City Clerk for approval, or to the City Clerk for approval in the case of a Council

meeting, as soon as possible prior to a Commission or Council meeting, but no later than one week prior to the date of the public meeting.

- 2) A Member's email request must include pertinent information, including but not limited to:
 - a. Date of the meeting the Member seeks to attend via teleconference; and
 - b. The location from which the Member seeks to teleconference, and confirmation that such location will be reasonably accessible to the public, such that any member of the public could participate in the teleconference from the location if they wished to do so.
- 3) When at least a quorum of the Council or Commission will participate from locations within the jurisdictional boundaries, all requests to attend a meeting via teleconference from a non-public location shall be allowed if they otherwise comply with this Policy.
- 4) In all cases, the City Clerk shall review teleconference requests for compliance with this Policy. They shall then submit all requests to the Mayor or Commission Chair and include information regarding compliance of each request with this Policy and which requests are granted.
- 5) Prior to roll call, the Mayor or Commission Chair shall publicly disclose, at the beginning of the meeting, that the meeting is being conducted pursuant to Government Code Section 54953(b), in that a Member(s) is participating by audio or video technology. The Mayor or Commission Chair shall confirm that, in accordance with the Brown Act, the teleconference location has been identified in the notice and agenda for the meeting.
- 6) The City Clerk or Commission Secretary may confirm with the Member(s) participating via teleconference that they can hear them well, they have been able to hear the proceedings up until that point, they have a copy of the agenda, they have posted the agenda at the teleconference location, their location is reasonably accessible to the public, whether there is any member of the public there with them who would like to participate in the public comment portion or otherwise address any agenda item for the meeting, and any other questions the Clerk or Secretary deem necessary.
- 7) Any Member using traditional teleconferencing may appear via audio or video technology, and the agendized teleconference location must remain accessible to the public throughout the entire duration of the meeting.

V. TELECONFERENCE ATTENDANCE FOR JUST CAUSE OR EMERGENCY CIRCUMSTANCES:

A. Definitions.

1) **Just Cause** means any of the following:

a. A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," "sibling," and "domestic partner" mean:

1. "Child" - a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic violence partner, or a person to whom the Member stands in place of a parent.
2. "Parent" - a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in place of a parent to the Member when the Member was a child.
3. "Grandparent" - a parent of the Member's Parent.
4. "Grandchild" - a child of the Member's Child.
5. "Sibling" - a person related to another person by blood, adoption, or affinity through a common legal or biological Parent.
6. "Domestic Partner" - two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring and who have filed a Declaration of Domestic Partnership with the California Secretary of State.

b. A contagious illness that prevents a Member from attending in person.

c. A need related to a physical or mental disability as defined in CA Gov. Code §§12926 and 12926.1 not otherwise accommodated under this Policy and/or pursuant to the ADA.

d. Travel while on official business of the City or another state or local agency.

2) **Emergency Circumstances** mean a physical or family medical emergency that prevents a Member from attending in person.

B. Legal Requirements for Teleconference Attendance for Just Cause or Emergency Circumstances.

Subject to the other requirements of this Policy, a Member of the Council or Commission shall be eligible to attend a meeting by teleconference from a non-public location if one of the following circumstances apply:

- 1) A Member submits an email request to attend by teleconference for Just Cause to the Commission Secretary, who shall forward the request to the City Clerk for approval, or to the City Clerk for approval in the case of a Council meeting, as soon as possible prior to a Commission or Council meeting, but no later than the start of the meeting. The request must include a general description (that need not include private medical information exempt under law) relating to their Just Cause; or
- 2) A Member submits an email request to attend by teleconference due to Emergency Circumstances to the Commission Secretary, who shall forward the request to the City Clerk for recommended approval, or to the City Clerk for recommended approval in the case of a Council meeting, as soon as possible prior to a Commission or Council meeting, but no later than the start of the meeting. The request must include an email statement (that need not exceed 20 words or include private medical information exempt under law) of the Emergency Circumstance. Where a Teleconference request is made for an Emergency Circumstance, the Council or Commission must take action to approve the request. If a request is not submitted in time for it to be placed on the noticed agenda, a Council or Commission may take action at the beginning of the meeting, pursuant to Gov. Code §54954.2(b)(4).

A Member must make a separate request for each meeting in which they seek to participate by teleconference for Just Cause or an Emergency Circumstance.

C. Process for Deciding and Allocating Teleconference Requests for Just Cause or Emergency Circumstances.

- 1) In conjunction with the Mayor (or Mayor's designee) or Commission Chair, the City Clerk or Commission Secretary shall advise the Council or Commission Member, respectively, as soon as possible upon completion of the process described in this Section as to whether their teleconference request is allowed or denied or, in the case of a request based on Emergency Circumstances, recommended for approval or denial to the Council or Commission.
- 2) When at least a quorum of the Council or Commission will participate in-person, all requests to attend a meeting via teleconference from a non-public location shall be allowed if they are based on Just Cause and comply

with this Policy, and all requests shall be recommended for approval by the Council or Commission if they are based on Emergency Circumstances and comply with this Policy, including legal limitations on the number of meetings where such attendance is authorized.

- 3) When a quorum of the Council or Commission request to attend a meeting via teleconference, attendance for Members whose requests comply with this Policy shall be allowed in the case of Just Cause or recommended in the case of Emergency Circumstances on a first come, first served basis based on the time the requests were first received by the City Clerk or Commission Secretary, as applicable, including the statement describing Just Cause or Emergency Circumstances. Requests based on the Americans with Disabilities Act of 1990 (42 U.S.C. §12132) ("ADA") shall be given priority, notwithstanding when submitted.
- 4) In all cases, the City Clerk shall review teleconference requests for compliance with this Policy. They shall then submit all requests to the Mayor or Commission Chair and include information regarding compliance of each request with this Policy and which requests are granted or denied (for Just Cause) or proposed to be granted or denied by the Council or Commission (for Emergency Circumstances). The Mayor or Commission Chair shall be made aware of the allocation process, including the final decision as to which requests are granted or denied, or recommended to be granted or denied in the case of Emergency Circumstances, to ensure requests based on the ADA are given proper accommodation and priority.
- 5) As a condition of approved teleconference meeting attendance from a non-public location, the Member shall publicly disclose at the beginning of the meeting, whether any other individuals 18 years of age or older are present in the room from which the Member remotely attends, and the general nature of the Member's relationship with any such individuals. This information must be updated by each Member attending by teleconference as needed during the meeting if other such individuals join the Member's meeting room.
- 6) When there is sufficient time to include the teleconference participation on an agenda, Council and Commission agendas will include, at the beginning of each agenda, an item where Members participating via teleconference for Just Cause will be identified, for action regarding those requesting to attend via teleconference for Emergency Circumstances, and the required statement as to other persons present in the room with teleconference participants may be made. Where there is not sufficient time to include such items on the agenda, the items will still occur at the start of each meeting after they are publicly identified.

- 7) If a teleconference request is granted, the Member must participate by audio and on camera visual technology throughout the meeting.

D. Quorum Requirements During Just Cause or Emergency Circumstances Teleconferencing.

A quorum of the Council or Commission must be physically present for the entire meeting at the same single location in the City stated in the meeting agenda and open to the public. A meeting may not continue if the in-person quorum is lost during a meeting.

E. Public Participation During Just Cause or Emergency Circumstances Teleconferencing.

A meeting of the Council or a Commission at which teleconference attendance from a non-public location(s) is permitted under this Policy must provide for public attendance at the noticed in-person meeting location and one of the following means for the public to remotely hear and visually observe the meeting and remotely address the Council or Commission at the meeting:

- 1) A two-way audiovisual platform; or
- 2) A two-way telephonic service and live broadcasting of the meeting.

The meeting agenda shall identify the in-person meeting location, as well as the remote methods for the public to observe and participate in the meeting with instructions. Public comments must be allowed in real time up to the end of the Public Comment period set out in the agenda in the case of oral comment, or until the end of the meeting in the case of written comment. ***If there is a technological disruption in the method for the public to remotely observe and participate in the meeting, no further action may be taken by the Council or Commission until teleconference access is fully restored.***

F. Limitation of Member Teleconference Attendance Pursuant to AB 2302.

- 1) A Member may not participate remotely for Just Cause for more than two meetings per calendar year.
- 2) Under no circumstances may a Member participate in meetings of the legislative body for Just Cause and/or Emergency Circumstances for more than the following number of meetings, as applicable:
 - a. Two meetings per year, if the legislative body regularly meets once per month or less;
 - b. Five meetings per year, if the legislative body regularly meets twice per month; or

- c. Seven meetings per year, if the legislative body meets three or more times per month.
- 3) For purposes of counting meeting attendance in this subsection, a “meeting” means any number of meetings of the legislative body of a local agency that begin on the same calendar day.
- 4) The meeting limitations in this subsection will be monitored by the City Clerk or Commission Secretary, as applicable.

VI. TELECONFERENCE ATTENDANCE DURING A PROCLAIMED STATE OF EMERGENCY PURSUANT TO AB 557:

A. Teleconference Requirements During a State of Emergency.

Members of a legislative body may use teleconferencing *without* posting agendas at each teleconference location, identifying each teleconference location in the notice and agenda, making each teleconference accessible to the public, and requiring a quorum of Members to participate from within the jurisdictional boundaries if:

- 1) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; *or*
- 2) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

State of Emergency means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act.

B. Process for Teleconferencing During a State of Emergency.

- 1) Assuming either of the requirements in Subsection A, above, are satisfied, the City Clerk or Commission Secretaries will notify Members of their ability to teleconference during the proclaimed State of Emergency. In other words, Members do not need to make individual requests to teleconference under this option.
- 2) Where the State of Emergency remains active, the legislative body shall, no later than 45 days after teleconferencing for the first time during the State of Emergency, and every 45 days thereafter, make the following findings by majority vote:

- a. The legislative body has reconsidered the circumstances of the State of Emergency; *and*
 - b. The State of Emergency continues to directly impact the ability of the Members to meet safely in person.
- 3) Any Member teleconferencing during a State of Emergency may appear via audio or video technology.
 - 4) The legislative body need not provide a physical location from which the public may attend or comment but must give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.
 - 5) City staff and Members must ensure compliance with all other requirements, including technological requirements, of Government Code Section 54953(e).

VII. TELECONFERENCE ATTENDANCE AS A REASONABLE ACCOMMODATION UNDER THE ADA.

A person has a “qualifying disability” under the ADA if they have a physical or mental impairment that substantially limits one or more of their major life activities. A person with a qualifying disability may request a reasonable accommodation under various titles of the ADA.

A Member of a legislative body’s request for a reasonable accommodation for a qualifying disability may fall under Title I or Title II of the ADA, depending on the specific legislative body. Title I of the ADA applies to certain employers, such as the City. Title II of the ADA covers services, programs, or activities of state and local governments.

Under Title I, the City must provide a reasonable accommodation to an employee with a qualifying disability to perform the essential functions of their job unless it would cause the City an “undue hardship.” Under Title II, the City must provide a reasonable accommodation to a person with a qualifying disability who meets the essential eligibility requirements to participate in programs or activities provided by the City, unless it would fundamentally alter the government program or activity or would cause an administrative burden.

A Member of the Council or a Commission may participate in a public meeting by teleconference attendance from a non-public location as a reasonable accommodation under either Title I or Title II of the ADA (to be determined by the City) if that Member has a qualifying disability that prevents in-person attendance.

A. Requests and Process for Reasonable Accommodation Teleconference Attendance.

- 1) Requests by Members to attend a legislative body meeting via teleconference should be made as soon as possible so appropriate arrangements can be made. Failure to provide sufficient notice for technical and related adjustments may result in a Member missing a meeting, or they may participate without an accommodation. The request may be made via email to the Commission Secretary or City Clerk, who will coordinate with City Staff, including but not limited to the Human Resources Department.
- 2) The City may contact a Member to gather additional information about their medical restrictions and need for meeting accommodations. Members should remain available to receive emails or phone calls to discuss their accommodation request. Failure to respond to requests for required information may result in denial of a Member's request.
- 3) If a Member's accommodation request is approved, they will be informed in writing that it will be implemented on an ongoing basis until the Member has informed the City they no longer require the accommodation, should that be the case.
- 4) If a Member and/or their health care provider decide they no longer require the accommodation, they must notify the City as soon as possible to make the necessary changes. Members may be required to provide updated information about their medical restrictions before a change is considered or implemented.
- 5) The City will keep any medical information received or gathered in connection with a disability-related accommodation confidential.

B. Legal Requirements for Reasonable Accommodation Teleconference Meeting Attendance.

- 1) The Member must use two-way video and audio streaming in real time; and
- 2) The Member must disclose the presence of other adults at the teleconference location.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CULVER CITY)

Certification of Resolution No. 2025-R002

I, Jeremy Bocchino, City Clerk of the City of Culver City, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted at a regular meeting of the City Council, which was held on the 13th day of January 2025, at the Senior Center by the following vote:


AYES: Fish, McMorrin, Vera, Puza, O'Brien,

NOES: None

ABSENT: None

ABSTAIN: None

Certified on this 13th day of January 2025, at the City of Culver City.



Jeremy Bocchino, CMC, City Clerk
Ex-Officio Clerk of the City Council
City of Culver City, State of California