



# POLICY AND PROCEDURE

## IDYLLWILD WATER DISTRICT

APPROVAL DATE	MANUAL	POLICY NO. 2023.001
APPROVED BY: Board of Directors	POLICY TITLE <b>Policy Regarding Remote Participation at District Board Meetings Pursuant to AB 2449</b>	EFFECTIVE DATE
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**Purpose:**

To establish and set forth the District's policy pertaining to the remote participation of District Board members during District Board meetings pursuant to the requirements set forth by AB 2449.

**Policy:**

**Overview:**

AB 2449 creates an exception to allow a District Board member to appear by teleconference at a meeting due to a "just cause" or "emergency circumstance" without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public, if at least a quorum of the District Board members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

This exception assumes that there is no proclaimed (state or local) state of emergency.

**What qualifies as just cause:**

- Childcare or caregiving of child, parent, grandparent, sibling, spouse, or domestic partner that requires a Board member to participate remotely.
- A contagious illness prevents a Board member from attending in person.
- A need related to a disability not otherwise accommodated.
- Travel while on official business of the legislative body or another state or local agency.

**What qualifies as emergency circumstance:**

- Physical or family medical emergency that prevents a Board member from attending in person.



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#### **Who may participate through teleconference under AB 2449:**

- District Board members

#### **What a Board member must do for just cause:**

- Notify the Board as soon as possible of need to participate remotely.
- Provide the Board with a general description of the circumstances relating to need to appear remotely (see below)
  - General description need not exceed 20 words and must not require the Board member to disclose medical diagnosis or disability; or any personal medical information exempt under law.
- Approval of the Board is not required.

#### **What a member must do for emergency circumstance:**

- Make request to the Board as soon as possible to participate remotely.
- Provide the Board with a general description of the circumstances relating to the need to appear remotely.
- Approval of the Board is required:
- Must place on agenda; OR if no time to place on agenda, Board must vote at the beginning of the meeting (majority required) as an urgency item added to the agenda that requires immediate action and came to the Board's attention after the posting of the agenda. The urgency item will be taken after calling the meeting to order and before any other items of business.

#### **Limitations:**

- Just Cause: Board members may participate in meetings by teleconference under the Just Cause exemption no more than two (2) meetings per year.
- Board members may participate in Board meetings by teleconference under AB 2449 for no more than three (3) consecutive months or no more than 20% of regular meetings of the legislative body within a calendar year. For legislative bodies that meet monthly or no more than twelve (12) times per year, no more than two (2) meetings per calendar year.

#### **Requirements for Remote Participation:**

- The agenda must clearly identify the opportunity for the public to attend via call-in, internet-based service, and in-person (i.e., it must provide the appropriate phone numbers, web addresses, and physical addresses to view/attend the meeting).
- A quorum of the Board must participate in person in the meeting location listed on the posted agenda.



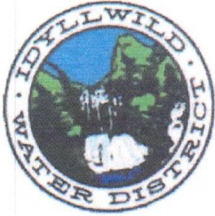
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- The Board member must participate through both audio and visual technology. This means the Board member's camera must be on throughout the entire meeting. Staff presentations must be shown in a manner that the remote Board member is visible throughout the entire meeting.
- All votes must be by roll call.
  - Remote Board member must publicly disclose if someone over the age of 18 is in the room and the relationship that the Board member maintains with this person.
- In the event of a disruption that prevents members of the public to participate using a call-in or internet-based option, the Board may take no further action until public access is restored.
- Board must allow reasonable time for the public to register and have opportunity to provide public comment. Board must be mindful of delays in webcast and be sure to provide adequate time for public to request to speak before taking action on any item. Staff should resolve technology issues, feedback, echoes, and other technical glitches that will disrupt the proceedings before beginning with official business, even if a recess is required.

#### **Process for Conducting Meeting When Board Member Participates Remotely due to Just Cause or Emergency Circumstances:**

- First confirm that at least a quorum of the Board is present at the meeting location as identified on the agenda.
- Confirm that a two-way audio-visual platform or a two-way telephonic service and a live webcasting of the Board meeting is active and was identified on the meeting agenda so that the public may participate remotely.
- Address the Board member participating remotely and ask the reason for their absence:
  - "Just Cause" and provide general description of the circumstances relating to need to appear remotely.
  - "Emergency Circumstances" and provide general description of the circumstances relating to need to appear remotely.
- Confirm with the Board's Clerk the number of times this specific Board member has appeared remotely within the calendar year.
- If member is requesting remote participate due to an "emergency circumstance," address Board for a roll call vote:
  - If request is received more than 72 hours before the Board meeting (or 24 hours for a special meeting), add a request to participate by teleconference as the first item of business on the posted agenda.
    - Pass a motion to accept the virtual participation of [Board member's name] due to an "emergency circumstance." This motion must be approved by a majority vote of the Board.



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- If request is received after the posting of the agenda and within 72 hours of the Board meeting (or within 24 hours for a special meeting), the following procedure applies:
  - Announce that the Board will act on this request to participate remotely under Government Code Section 54954.2(b).
    - Pass a motion to accept the virtual participation of [Board member's name] due to an "emergency circumstance". This motion must be approved by a majority vote of the body.
- Ask the Board member participating remotely if any individual over the age of 18 is present at the remote location with them. If yes, they must identify them and their relationship to the Board member.
- Remind Board member to keep camera on throughout the entire meeting (except during recess).
- Minutes should reflect:
  - The name and position of the Board member who appeared remotely under AB 2449's procedures.
  - The number of times each Board member has appeared remotely within the calendar year.
  - For remote participation due to "emergency circumstances," the motion to allow (or not allow) remote participation read into the record and vote recorded in the minutes.

#### **If Request to Participate Remotely is NOT Approved:**

- If a Board member seeks to participate due to a specified "emergency circumstance" and the Board votes **not to accept** the basis for virtual attendance under AB 2449, then the Board member may only participate/watch as a general member of the public and cannot vote on any action item.