

## **Bylaw 9320.1: Remote Meetings and Attendance**

The Governing Board recognizes the need, when permitted by law, to hold Governing Board meetings in which the Governing Board members meet remotely or in which individual Governing Board members attend and participate remotely.

### **Definitions**

*Local emergency* means either of the following that impacts persons under the jurisdiction of the district or property within the boundaries of the district: (Government Code 54953.8.2)

1. A condition of extreme peril proclaimed by a city, county, or city and county pursuant to Government Code 8630
2. A local health emergency proclaimed pursuant to Health and Safety Code 101080

*Remote* means not being physically present at the primary in-person location of a Governing Board meeting, and includes the terms "teleconference" and "virtual."

*Remote attendance and participation* means the ability to attend and participate in a Governing Board meeting by electronic means, through either audio or visual technology, or both.

*Remote Governing Board Member* means a Governing Board member, not physically present at the Board meeting, who nonetheless seeks to attend and participate in a Governing Board meeting.

*State of Emergency* means state of emergency proclaimed pursuant to Government Code 8625.

### **Traditional Method of Remote Attendance**

A remote Governing Board member may attend and participate in a Governing Board meeting so long as all of the following conditions are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Governing Board

3. The physical location of the remote Governing Board member is open and accessible to the public during the meeting, except during closed session, such that members of the public may observe in person the remote Governing Board member; may hear, listen to, or watch the meeting to the same extent as the remote Governing Board member; and may make public comment during the same portion of the agenda as other members of the public from the same location as the remote Governing Board member
4. The location from which the remote Governing Board member will attend the meeting is noted in the agenda and the agenda is posted at that location in advance of the meeting as statutorily required based on the type of meeting
5. At least a quorum of the Governing Board is within district boundaries

### **Remote Attendance as an Accommodation**

A Governing Board member with a qualifying disability under the Americans with Disabilities Act that precludes the Governing Board member from attending a Governing Board meeting in person or from attending and participating remotely in a Governing Board meeting using the method specified in "Traditional Method of Remote Attendance" above may request to attend and participate remotely as a reasonable accommodation for the Governing Board member's disability.

If the request is granted based on the district's process for reviewing reasonable accommodations, the remote Governing Board member shall be permitted to attend and participate in the Governing Board meeting as long as the following requirements are met: (Government Code 54953)

1. All votes taken during the meeting are by rollcall
2. The remote Governing Board member utilizes both audio and visual technology to participate in the meeting, except no visual technology shall be required if a physical condition related to their disability results in a need to participate off camera
3. The remote Governing Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Governing Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the following conditions are not required: (Government Code 54953)

1. Including the location of the remote Governing Board member in the agenda
2. Making the location of the remote Governing Board member open and accessible to the public
3. Posting the agenda at the location of the remote Governing Board member

Additionally, in this circumstance, the remote Governing Board member shall be considered to be attending in-person at the physical meeting location for all purposes, including any requirement that a quorum participate from any particular location. (Government Code 54953)

These requirements and conditions may be modified as required by law or the district may offer another reasonable accommodation as appropriate.

### **Remote Attendance Due to Just Cause**

Beginning July 1, 2026, a remote Governing Board member may attend and participate in a Board meeting based on any of the following "just cause" reasons: (Government Code 54953.8.3)

1. A childcare or caregiving need of a Governing Board member's child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the Board member to attend and participate remotely
2. A contagious illness that prevents a Governing Board member from attending in person
3. A need related to a Governing Board member's physical or mental condition not otherwise reasonably accommodated
4. A Governing Board member is traveling while on official business of the Governing Board or another state or local agency
5. An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of a Governing Board member requires the Governing Board member to attend and participate remotely

6. A physical or family medical emergency prevents a Governing Board member from attending in person
7. Military service obligations that result in a Governing Board member being unable to attend in person because the Governing Board member is serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the Governing Board member to be at least 50 miles outside the boundaries of the district

The remote Governing Board member shall notify the Governing Board at the earliest possible opportunity, including at the start of a Governing Board meeting, of the need to attend and participate remotely for just cause, including the general circumstances of the Governing Board member's need to attend and participate remotely. The remote Governing Board member need not disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law. The minutes for the Governing Board meeting shall identify the specific provision that is the basis for the just cause. (Government Code 54953, 54953.8.3)

Additionally, when a remote Governing Board member attends and participates in a Governing Board meeting based on just cause, all of the following conditions shall be met: (Government Code 54953, 54953.8, 54953.8.3)

1. All votes taken during the meeting are by rollcall
2. The meeting is conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Governing Board
3. The public is able to access the meeting via a two-way audiovisual platform or a two-way audio service and a live webcast, with real-time public comment being allowed via the platform or service, in addition to public comment being available in person

The platform or service may require members of the public to register in order to make public comments as long as the platform or service is not controlled by the district.

4. The agenda for the meeting includes information describing how members of the public can access the platform or service and how members of the public can offer public

comment

5. The minutes of the Governing Board meeting state that the remote Governing Board member attended and participated remotely
6. At least a quorum of the Governing Board participates in person from a singular physical location clearly identified on the agenda and which is within district boundaries and is open to the public
7. The remote Governing Board member utilizes both audio and visual technology to participate in the meeting
8. The remote Governing Board member publicly discloses, before any action is taken, whether any individual 18 years of age or older is present at the Governing Board member's location and the general nature of the member's relationship with each such individual

In this circumstance, the agenda need not include the location of the remote Governing Board member or be posted at that location, and the location of the remote Governing Board member need not be open and accessible to the public. (Government Code 54953, 54953.8)

The Governing Board shall give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. (Government Code 54953.8)

If the platform or service is disrupted such that the public cannot access the meeting or give real-time public comment, the Governing Board meeting may continue but the Governing Board may not take action on any agenda item until public access to the meeting is restored. (Government Code 54953.8)

~~OPTION 1: (For Boards that generally hold no more than one regular meeting per month)~~

~~A remote Board member may attend and participate in no more than two Board meetings per year for just cause. (Government Code 54953.8.3)~~

~~OPTION 1 ENDS HERE~~

OPTION 2: (For Boards that generally hold two regular meetings per month)

A remote Governing Board member may attend and participate in no more than five Board meetings per year for just cause. (Government Code 54953.8.3)

A remote Governing Board member's attendance and participation in multiple Governing Board meetings that begin on the same calendar day shall only count as one Governing Board meeting for purposes of this limit.

### **Remote Board Meetings During a Proclaimed State of Emergency**

The Governing Board may conduct a remote Governing Board meeting during a proclaimed state of emergency or local emergency in either of the following circumstances: (Government Code 54953.8.2)

1. For the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees due to the emergency
2. When the Governing Board, pursuant to Item #1 above, has determined that meeting in person would present imminent risks to the health or safety of attendees due to the emergency

In either such circumstance, the Governing Board may hold a remote Governing Board meeting without: (Government Code 54953.8, 54953.8.2)

1. Including the location of Governing Board members in the agenda
2. Making the locations of Governing Board members open and accessible to the public
3. Posting the agenda at the locations of Governing Board members
4. Having at least a quorum of the Governing Board members within the district boundaries

When the Governing Board holds such a meeting, all of the following shall be followed: (Government Code 54953.8, 54953.8.2)

1. All votes taken during the meeting are by rollcall
2. The public is able to access the meeting via a call-in or audiovisual platform or service, with real-time observation of the meeting and public comment being allowed via the platform or service

The platform or service may require members of the public to register in order to make public comments so long as the platform or service is not controlled by the district.

3. The agenda for the meeting includes information describing how members of the public can access the platform or service

The Governing Board may continue to conduct all Board meetings remotely throughout one or more 45-day periods as long as, prior to the beginning of each 45-day period, the Board has reconsidered the circumstances of the proclaimed state of emergency or local emergency and determined that it continues to directly impact the ability of the Governing Board to meet safely in person. (Government Code 54953.8.2)