



DATE: September 14, 2009

TO: Gil Johnson, Chair Pro-tem, ICOC
Stuart Markey, Executive Director, Capital Improvements

FROM: Mark Bresee, General Counsel

SUBJECT: "Telephonic" Appearance at ICOC and ICOC
Subcommittee Meetings

Per your request, the following describes the requirements under the Brown Act for having members of a legislative body participate by "teleconference." This is allowed under the law, but there are restrictions and limitations required for strict compliance.

A "teleconference" location is defined as "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both." (Govt. Code § 54953(b)). A meeting is "teleconference" whenever one or more members appear by electronic means.

Government Code section 54953(b) provides that if a legislative body uses "teleconferencing," all of the following are required regarding the teleconferenced meeting:

- 1) Agendas must be posted at all teleconference locations; and
- 2) Each teleconference location shall be identified in the notice and agenda of the meeting; and
- 3) Each teleconference location shall be accessible to the public; and
- 4) At least a quorum of the members of the legislative body shall participate from locations within the boundaries of the district; and
- 5) The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.
- 6) All votes taken during a teleconferenced meeting shall be by roll call.

Proposition S staff should take measures to ensure these requirements are met, and members of the ICOC should notify staff well in advance when telephonic presence will be necessary.