

EXECUTIVE COMMITTEE



DISCUSSION ITEM: 2.1

SUBMITTAL DATE: December 3, 2014

SUBJECT: **WORKFORCE INVESTMENT BOARD – TELECONFERENCE MEETING
REPORT**

– DISCUSSION –

BACKGROUND:

Ralph Brown Act, Section 4, Page 14:

Teleconference Meetings

A teleconference meeting is a meeting in which one or more members of the body attend the meeting from a remote location via electronic means, transmitting audio or audio/video. A meeting is not subject to the teleconference meeting requirements where only the staff members or other persons retained to advise the body appear from remote locations via audio or audio/visual transmission, where it is in the public interest to do so. A local agency may, at its discretion, permit the public to attend its meetings from additional remote locations.

Section 54953(b) authorizes the conduct of meetings by legislative bodies through teleconferencing under specified circumstances. Teleconferencing may be used for all purposes in conjunction with any meeting within the subject matter jurisdiction of the body. However, at least a quorum of the members of the body must participate from locations that are within the boundaries over which the body exercises jurisdiction. All votes taken during a teleconference meeting must be conducted by roll call.

The biggest issue surrounding the use of teleconference meetings concerns the public's access to the meeting. The Act requires that each teleconference location must be fully accessible to members of the public. This means that members of the body who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any member of the public who wishes to attend the meeting at that location. Moreover, members of the public must be able to hear the meeting and testify from each location. Finally, the teleconference location must be accessible to the disabled. Because of these requirements, most agencies choose to utilize official or public meeting facilities for their remote teleconference sites.

When a body elects to use teleconferencing, it must post an agenda at each teleconference location and list each teleconference location in the notice and agenda. Each teleconference meeting must be conducted in such a manner so as to protect the statutory and constitutional rights of the public. Each teleconference meeting agenda must ensure the public's right to testify at each teleconference location in accordance with section 54954.3.

In 84 Ops.Cal.Atty.Gen. 181 (2001), a disabled boardmember asked if, under the federal Americans with Disabilities Act, a body were required to utilize the teleconference meeting provisions to permit him to participate in a meeting where his disability prevented him from attending. In this situation, the public would not receive notice of the teleconference meeting location nor would they have access to the remote site from where the disabled member would attend. Under these circumstances, this office concluded that the teleconference provisions were not available because the public would not have access to the remote site.

Recommendation:

Perhaps we can revisit the bylaws sometime in the near future and incorporate some of the Brown Act's philosophy, intent and consequences for violation. This would help clarify many questions about the Board members attendance requirements, roles, and responsibilities.