

**COUNCIL POLICY
CITY OF CHULA VISTA**

SUBJECT: REMOTE COUNCIL MEETING PARTICIPATION BY COUNCILMEMBERS	POLICY NUMBER	EFFECTIVE DATE	PAGE
	104-02	05/28/13	1 OF 3

ADOPTED BY: Resolution No. 2013-098

DATED: 05/28/13

AMENDED BY:

BACKGROUND

This Policy was prepared in response to a City Council request that the City Attorney prepare a policy governing the use of teleconferencing by City Councilmembers for remote participation in City Council meetings.

The Ralph M. Brown Act¹ (the "Brown Act") governs the meetings of legislative bodies. The Brown Act defines "teleconference" as a "meeting of a legislative body, [where] the members of which are in different locations, connected by electronic means, through either audio or video, or both."² In order to conduct a City Council meeting by teleconference in accordance with the Brown Act, the City would have to comply with numerous requirements. These include the following:³

1. At least a quorum of the Council must participate from locations within the City;
2. All votes taken during the teleconferenced meeting must be taken by rollcall;
3. Agendas must be posted at all teleconference locations;
4. Each teleconference location must be identified in the notice and agenda of the meeting;
5. Each teleconference location must be accessible to the public;
6. The teleconference meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Council; and
7. The agenda for each teleconference meeting must provide an opportunity for members of the public to address the Council directly, at each teleconference location. (This requirement means that each location, including private homes, offices or hotel rooms, must be open to the public, accessible to the disabled and allow the members of the public to hear and testify.)

The City Council has had the opportunity to experience the use of teleconference participation by Councilmembers during a couple of recent City Council meetings. Based on those experiences, and public comment, the Council has decided it would be in the best interest of the City and the public to require City Councilmembers to attend City Council meetings in person, and to limit the Councilmembers' remote participation to emergency or special circumstances. The City Council has determined that doing so will save the additional cost and time involved with: (i) establishing and maintaining a remote connection throughout the meeting; and (ii) meeting the additional Brown Act requirements associated with remote participation. In addition, it is important to the City Council that City Councilmembers attend the meetings in person in order to facilitate interaction and communication with the public, with other City Councilmembers and with City staff. This Policy is intended to address these concerns.

¹ Cal. Gov't Code §§54950, *et seq.*

² Cal. Gov't Code §54953(b)(4).

³ See. Cal. Gov't Code §§54953(b)(2)-(3).

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PURPOSE

The purpose of this Policy is to define the limited circumstances in which a City Councilmember may participate in a City Council meeting remotely, and to establish the process which must be followed in order to do so.

POLICY

It is the policy of the City of Chula Vista that each City Councilmember should attend every City Council meeting in person, whenever possible. If a City Councilmember desires to participate in a City Council meeting remotely, the City Councilmember may seek authorization to do so from the City Council. The following process shall be followed by any Councilmember requesting to attend a City Council meeting by teleconference, video conference, or other means of remote communication.

1. A City Councilmember desiring to attend a City Council meeting remotely shall submit a request to the City Clerk, no later than 9:00 a.m. five days prior to the meeting which the City Council member desires to attend (the Thursday immediately preceding a Tuesday Council meeting).
2. The Councilmember submitting a request shall indicate the reason for the request. Requests must be based on emergency or special circumstances, as defined below:
 - a. "Emergency circumstances" are defined as: serious illness or injury of the requesting City Councilmember; death of a family member; serious illness or injury of a family member requiring the Councilmember's care; or some other urgent and unavoidable family or business emergency that was not previously scheduled, cannot be rescheduled, and makes it necessary for the Councilmember to be out-of-town.
 - b. "Special circumstances" are defined as either:
 - i. The scheduling by the City Council, City Manager or City Attorney of a previously-unplanned City Council meeting that the Councilmember could not have anticipated; or
 - ii. An urgent necessity for the City Councilmember's attendance, such as the need for a quorum (all members constituting the quorum would have to be participating from within City boundaries), or a particular item on a City Council meeting agenda requiring a super-majority (4/5) vote, as determined by the City Manager or the City Attorney.
3. The request must also include all information necessary to comply with the Brown Act teleconference requirements. This includes the following: (i) address and telephone number of the location from which the City Councilmember will participate; (ii) confirmation that the remote location is open to the public, accessible to the disabled

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and will allow the members of the public to hear and testify; and (iii) any other information necessary in order to comply with the Brown Act requirements.

4. Upon receipt of the request, the City Clerk shall send an e-mail to each of the other four Councilmembers, notifying them of the request, the emergency or special circumstance giving rise to the request, and the proposed remote location. The City Clerk shall copy the City Manager and City Attorney on the e-mail.
5. The Councilmembers shall respond to the City Clerk no later than 2:00 p.m. five days before the Council meeting (the Thursday immediately preceding a Tuesday Council meeting). If a Councilmember does not respond by the 2:00 deadline, it shall be deemed a vote in opposition by that Councilmember.
6. If at least two members (in addition to the requesting Councilmember) respond that they are agreeable to the remote participation, the City Clerk will coordinate with the requesting Councilmember for proper noticing and logistics of the remote participation.
7. The timeline set forth above may be modified, if necessary, due to the timing of an emergency or discovery of a special circumstance. Any such modification must be approved by the City Manager and City Attorney, and must allow time to meet all Brown Act requirements.