

# Exhibit to Agenda Item #4

Provide the Board an overview of modifications to the Brown Act and approve proposed revisions to the **Meeting Procedures of the SMUD Board of Directors.**

Board Policy Committee and Special SMUD Board of Directors Meeting  
Wednesday, February 8, 2023, scheduled to begin at 5:30 p.m.

Virtual Meeting (online)

# Brown Act

## ➤ Standard Brown Act Teleconference Requirements

- ✓ At least a quorum of the legislative body participate from locations within the local agency's jurisdiction
- ✓ Must notice each teleconference location on the agenda, and the agenda must be posted at each location
- ✓ Each teleconference location must be accessible to the public
- ✓ Members of the public must be allowed to address the legislative body at each teleconference location

# Brown Act (cont.)

- Brown Act Requirements Until January 1, 2024
  - ✓ Allows local agency to use teleconferencing without complying with standard Brown Act requirements during a declared state of emergency
  - ✓ COVID state of emergency ends on February 28, 2023
  - ✓ Board must make findings that meeting in person would present imminent risks to the health and safety of attendees

# Brown Act (cont.)

- Brown Act Requirements Until January 1, 2026
  - May participate remotely if:
    - ✓ a quorum of the legislative body is in the same physical location (open to the public and within the agency's jurisdiction)
    - ✓ either a **just cause** or **emergency circumstances** exist
    - ✓ the public is allowed to participate remotely via a two-way audiovisual platform or a two-way telephonic service with live webcasting of the meeting

# Brown Act (cont.)

## ➤ Just Cause

- up to two times per year;
- applies to childcare or caregiving need of a child, parent, grandparent, sibling, spouse, or domestic partner that requires them to participate remotely;
- contagious illness;
- travel for local agency or another state/local public entity; or
- a need related to a physical or mental disability

# Brown Act (cont.)

## ➤ Emergency Circumstances

- unspecified number of times;
- must “request” to participate remotely;
- applies to physical or family medical emergency that prevents a member from attending in person;
- separate request must be made for each meeting
- request should be made as soon as possible and included on the agenda, if possible

## Brown Act (cont.)

### ➤ Other Conditions of Remote Participation

- total use of teleconferencing in the manners specified above cannot exceed three consecutive months or 20 percent of meetings per year

In addition, the member must:

- ✓ identify anyone over 18 who is present in the room with them
- ✓ Teleconference fully (both video and audio)

# Meeting Procedure Proposed Revisions

## CHAPTER I – BOARD MEETINGS

### Rule 1.0 Time and Place

(a) Regular Board meetings occur the third Thursday of the month except that the regular meeting in December occurs the second Thursday of the month. Unless otherwise designated on the Board meeting agenda, regular meetings begin at 6:00 p.m. ~~except that the regular meetings in January, April, July, and October begin at 9:00 a.m.~~

*Board to discuss whether to change time from  
6:00 p.m. to 5:30 p.m.*



# Meeting Procedure Proposed Revisions (cont.)

## CHAPTER I – BOARD MEETINGS

### Rule 1.0 Time and Place

(d) All meetings of the Board, including regular, special and emergency meetings, are called in accordance with the Ralph M. Brown Act, California Government Code Section 54950, *et seq.* (Brown Act).

~~(e) Board members may participate in Board meetings through a telephone conference platform such as a computer or telephone in accordance with the Brown Act. by teleconferencing under the following conditions: (i) a quorum of the Board members are personally in attendance at the meeting; (ii) the teleconferencing Board member is unavailable to personally attend due to illness or is outside the boundaries of SMUD; (iii) the teleconferencing location is accessible to the public; and (iv) all other requirements of the Ralph M. Brown Act of the California Government Code are met.~~

# Meeting Procedure Proposed Revisions (cont.)

## CHAPTER I – BOARD MEETINGS

### Rule 1.5 Public Participation

(a) Members of the public may attend any meeting of the Board of Directors except for closed sessions of the Board as determined by the ~~Ralph M. Brown Act of the California Government Code~~ Brown Act. Members of the public are required to switch pagers, cellular phones and similar electronic devices to a silent or off mode during Board meetings.

(b) Members of the public may address the Board through a teleconference platform such as computer or telephone in accordance with these procedures. Instructions for participation will be included on every meeting agenda.

*Remainder of edits to Rule 1.5 are a renumbering due to the insertion of (b) as well as pronoun corrections.*

# Meeting Procedure Proposed Revisions (cont.)

## CHAPTER I – BOARD MEETINGS

### Rule 1.6 Approval of Board Minutes

The Board Secretary will provide a copy of the minutes of each regular meeting to each member of the Board with the next regular meeting agenda packet. The Board Secretary will provide a copy of the minutes of each special meeting at which Board action is taken to each member of the Board with the next month's regular meeting agenda packet. The minutes of the preceding meeting will be approved as part of the Consent Calendar, unless a Board member requests a discussion of the item.~~will not be read at any Board meeting unless a member of the Board requests it, but the Board President will inquire of the Board members whether there are corrections to the minutes. After any corrections have been made, the Board President will call for a motion to approve the minutes.~~

# Meeting Procedure Proposed Revisions (cont.)

## CHAPTER II – COMMITTEES

### Rule 2.0 Time and Place

(a) Whenever a standing Committee meeting is also noticed as a special Board Meeting, it shall be conducted as a Committee meeting and members of the Board that are not assigned to the Committee may attend and participate in the discussions, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, no Board action will be taken at a Committee meeting, unless otherwise noted on the agenda.

# Meeting Procedure Proposed Revisions (cont.)

## CHAPTER II – COMMITTEES

### Rule 2.0 Time and Place

(b) Committee members may participate in Board meetings through a telephone conference platform such as a computer or telephone in accordance with the Brown Act. ~~Board members may participate at Committee meetings by teleconferencing under the following conditions: (i) a quorum of the Committee members are personally in attendance at the meeting; (ii) the teleconferencing Board member is unavailable to personally attend due to illness or is outside the boundaries of SMUD; (iii) the teleconferencing location is accessible to the public; and (iv) all other requirements of the Ralph M. Brown Act of the California Government Code are met.~~

# Meeting Procedure Proposed Revisions (cont.)

## CHAPTER II – COMMITTEES

### Rule 2.4 Public Participation

(b) Members of the public may address the Board through a teleconference platform such as computer or telephone in accordance with these procedures. Instructions for participation will be included on every meeting agenda.

*Remainder of edits to Rule 2.4 are a renumbering due to the insertion of (b) as well as pronoun corrections.*