



San Diego Community Power

Teleconferencing Policy

Effective Date: March 23, 2023 Policy Number 2023-03

PURPOSE

This policy (“Policy”) is intended to authorize members of SDCP’s legislative bodies, including the Board of Directors, standing committees of the Board, and the Community Advisory Committee, to attend meetings remotely under the teleconferencing provisions of the Ralph M. Brown Act (Government Code Section 54950, *et seq.*) (“Brown Act”), and to establish general procedures to ensure Brown Act compliance by SDCP and members of its legislative bodies.

POLICY

1. **General Authorization for Use of Teleconferencing.** Members of legislative bodies of SDCP (“Legislative Body Members”) may attend meetings using teleconferencing, subject to the requirements of the Brown Act and terms and conditions of this Policy. For purposes of this Policy, “legislative body” shall have the meaning provided under the Brown Act.

2. **Procedures.**
 - a. Legislative Body Members shall notify the Board Secretary or CAC staff liaison as soon as possible of a request to attend an upcoming meeting via teleconference. The Legislative Body Member shall provide a general description of the circumstances relating to their need to appear remotely.

 - b. The Board Secretary and/or CAC staff liaison will work with the requesting Legislative Body Member and the General Counsel to verify that the applicable Brown Act teleconferencing requirements can be met. Such requirements may vary depending on the type of teleconferencing the Legislative Body Member desires to use, or is eligible to use, under the Brown Act. For example: (1) the Legislative Body Member may have reached the maximum number of times they are eligible to use a particular method of teleconferencing for that year; (2) SDCP may be required to comply with certain time-sensitive agenda posting requirements for the member to use a particular method of teleconferencing; (3) SDCP may be unable to comply with requirements for remote public participation applicable to a particular method of teleconferencing; or (4) multiple other Legislative Body Members may have already requested to participate via teleconference and a quorum may be required to participate in person, etc.

If a Legislative Body Member’s request is not timely provided, or SDCP is otherwise unable to ensure compliance with all applicable Brown Act requirements, the requesting Legislative Body Member may be unable to participate in a meeting via teleconference.

- c. If a Legislative Body Member is participating in a meeting using either the “just cause” or individual “emergency circumstances” provisions of the Brown Act, the following provisions shall apply:
 - i. After SDCP staff has verified that the applicable Brown Act teleconferencing requirements can be met, the Legislative Body Member (or the Board Secretary or

CAC staff liaison, acting on their behalf) will notify the chair and other members of the legislative body that the Legislative Body Member intends to participate via teleconference and the general description of the circumstances relating to their need to appear remotely.

- ii. If a Legislative Body Member is requesting to participate in a meeting using the “emergency circumstances” teleconferencing provisions of the Brown Act, the request shall be subject to approval by a majority of the legislative body at the meeting before any other action is taken. If the request does not allow sufficient time to place the proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting.
- iii. During the meeting, the Legislative Body Member participating via teleconference shall:
 1. Before any action is taken, disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.
 2. Participate through both audio and visual technology throughout the meeting (cameras on).

3. **Interpretation and Severability.** This Policy is intended to supplement the provisions of the Brown Act and shall be interpreted in accordance therewith. In the event of any conflict between the provisions of this Policy and the Brown Act or any other applicable law, the Brown Act or applicable law shall control.