BOARDMEMBER TELECONFERENCING POLICY

Adopted by the Board of Directors on April 11, 2023
Amended January 23, 2026; in effect until January 1, 2030 unless earlier amended or repealed

The following policy ("Policy") shall govern the District's use of teleconferencing for the attendance at Meetings of the Members of its Legislative Bodies. The General Policies (Article B) and Standard Teleconferencing Procedures (Article C) shall apply in all instances, except when a Member has a "just cause" so as to permit the use of the Expanded Teleconferencing Procedures (Article D).

A. Definitions

Unless otherwise defined herein, the following definitions shall apply to this Policy:

- District – shall refer to the Monterey Regional Waste Management District and the Monterey Regional Waste Management Authority.
- Brown Act/Ralph M. Brown Act – shall reference to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the California Government Code, known as the "Ralph M. Brown Act" pursuant to Government Code section 54950.5, as such may be amended from time to time. Legislative Body – shall mean the Board of Directors or a Standing Committee of the District. Meeting – shall mean a meeting of the Legislative Body subject to the Brown Act.
- Member – shall mean a member of the District Legislative Body.
- State of Emergency – shall mean a state of emergency proclaimed by the California Governor or such others as may be empowered pursuant to Section 8625 of the California Emergency Services Act, as set forth in Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 of the California Government Code.
- Teleconferencing – shall mean attendance from different locations, other than the physical location of a Meeting, by way of a two-way telephonic service, whether it be telephone, audio-only internet connection, or otherwise.
- Videoconferencing – shall mean attendance from different locations, other than the physical location of a Meeting, by way of a two-way audiovisual platform, whereby participants can be both seen and heard.

B. General Policies

At the discretion of the Legislative Body and/or the General Manager, and except as provided otherwise by law, any employee, consultant, vendor, or individual attending a Meeting of the Legislative Body, other than a Member of the Legislative Body, shall be permitted to attend via Teleconference or Videoconference without compliance with the rules or conditions set forth herein; nothing herein, however, requires the District to make Teleconference or Videoconference available to such individuals.

Members of the Legislative Body may only participate in a Meeting of the Legislative Body via Teleconference or Videoconference as permitted by the following two policies (Articles C and D).

To the extent a Member of a Legislative Body desires to attend a meeting via Teleconference or Videoconference, the Member shall be required to comply with the following "Standard Teleconferencing Procedures" (Article C) unless the circumstances exist to justify the use of the "Expanded Teleconferencing Procedures" (Article D).

A Member not in compliance with any such procedure, as applicable, shall not be permitted to participate in a Meeting via Teleconference or Videoconference, other than to listen to and participate in such Meeting as a member of the public.

In all instances in which a Member is attending a Meeting via Teleconference or Videoconference, the Legislative Body shall:

1. Take all votes by roll-call;
2. Conduct the Meeting in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Legislative Body;
3. Provide notice and post agendas as otherwise required by the Brown Act; and
4. Permit members of the public access to the Meeting and an opportunity to address the Legislative Body as required by the Brown Act.

C. Standard Teleconferencing Procedures (as historically available in the Brown Act)

A Member may attend a Meeting via Teleconference or Videoconference if the following conditions are satisfied:

1. The Member provides the video or teleconference location to the General Manager or Board Clerk at least 1 business day before the statutory deadline to post the Meeting notice so it can be posted in the Meeting notice.
2. At least a quorum of the Members of the Legislative Body participate in the Meeting from locations within the boundaries of the District;
3. A hard copy of the agenda for the Meeting is posted at all Videoconference or Teleconference locations, each of which are identified in the notice and the agenda for the Meeting;
4. Each Videoconference or Teleconference location is physically accessible to the public, and the public is permitted to comment at each such location.

D. Expanded Teleconferencing Procedures (Pursuant to SB 707 as may be amended):

A Member may attend a Meeting via Videoconference only (Teleconference will not be permitted under these procedures), without the need to comply with the Standard Teleconferencing Procedure requirements to notice and post at the agenda locations or

make such locations accessible to the public, if the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participate in-person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the District exercises jurisdiction;
2. The public may remotely hear and visually observe the Meeting, and remotely address the Legislative Body, either by (a) Teleconference and a live webcast of the Meeting, or (b) Videoconference;
3. Notice of the means by which the public can remotely attend the Meeting and offer comment during the Meeting is included within the posted agenda;
4. The Legislative Body shall not require public comments to be submitted in advance of the Meeting, and must provide an opportunity for the public to address the Legislative Body and offer comment in real time;
5. The Legislative Body shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to log in or otherwise be recognized for the purpose of providing public comment;
6. Any Member of the Legislative Body who participates in a Meeting pursuant to the Expanded Teleconferencing Procedures shall be listed in the minutes of the Meeting, and shall identify the specific provision that the Member relied upon to participate remotely;
7. The Legislative Body shall conduct Meetings consistent with applicable civil rights and nondiscrimination laws;
8. The Member attending remotely has "just cause" that justifies their attendance remotely.
    a. Member shall only have "just cause" for remote attendance if such participation is for one of the following reasons:
        i. To provide childcare or caregiving need to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, with such terms having the same meaning as those terms are defined in Government Code section 12945.2, that requires them to participate remotely;
        ii. Due to a contagious illness that prevents the Member from attending in person;
        iii. Due to a need related to a physical or mental condition not otherwise accommodated;
        iv. Due to travel while on official business of the Legislative Body or another state or local agency;
        v. Due to an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the Member that requires the Member to participate remotely;
        vi. Due to a physical or family emergency that prevents a Member from attending in person; or
        vii. Due to military service obligations that result in a Member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any

other duty as required as a member of the California National Guard or a United States Military Reserve organization that requires the Member to be at least 50 miles outside the boundaries of the District.

9. The Member has not attended a Meeting remotely on the basis of "just cause" for more than two meetings in the current calendar year (with Meetings defined as any number of Meetings of the Legislative Body that begin on the same calendar day); and
10. The Legislative Body has, and has implemented, a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the Legislative Body shall also give notice of the existence of a procedure for receiving and resolving requests for accommodation.

In order to utilize the Expanded Teleconferencing Procedures, a Member shall:

1. Notify the Legislative Body at the earliest opportunity possible, including at the start of a Meeting, of their need to participate remotely for just cause, including a general description of the circumstance relating to their need to appear remotely at the given meeting.
2. Publicly disclose at the Meeting, before any action is taken, 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 such individuals.
3. Participate through both audio and visual technology.

When a Member is utilizing the Expanded Teleconferencing Procedures, the Legislative Body shall:

1. In the event of a disruption that prevents the Legislative Body from broadcasting the Meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the District's control that prevents members of the public from offering public comment using the call-in option or internet-based service option, the Legislative Body shall take no further action on items appearing on the Meeting agenda until public access to the Meeting via the call-in option or internet-based service option is restored.

E. Reserved for Emergency Teleconferencing Procedures:

This Article E is reserved at this time for setting forth such "Emergency Teleconferencing Procedures" as the Legislative Body may choose to enact should there be a State of Emergency proclaimed.

F. Miscellaneous Provisions:

With respect to the Standard Teleconferencing Procedures and Expanded Teleconferencing Procedures set forth herein, such are intended to comply with Government Code sections 54953.8 and 54953.8.3, respectively, and as such, in the event of a conflict between this Policy and such statutory provisions the statutory provisions shall control and be implemented as if set forth in full in this Policy.