

**From:** [Simone, Adrianna](#)  
**To:** [Gunder, Paula](#); [Giambattista, Louie](#); [Duldulao, Abigail](#)  
**Subject:** Fwd: ASCCC: Info@asccc.org Response: Brown Act **Date:**  
Wednesday, March 6, 2024 7:20:46 PM

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This was the information on Brown Act from ASCCC. Emma from district also confirmed that remote substitutions were limited to the 2 tele conference options and that the letter of the law was strict regarding membership and attendance. At DE, Laurie and some of her committee members were thinking alternates could be used to vote for those who couldn't attend. Emma explained that these positions would need to be relinquished if a member was unable to attend multiple times. I can explain more tomorrow when we meet too.

Adrianna

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**From:** Christopher Howerton <chowerto@yccd.edu>  
**Sent:** Thursday, February 29, 2024 8:18:25 AM  
**To:** Simone, Adrianna <asimone@losmedanos.edu>  
**Subject:** ASCCC: Info@asccc.org Response: Brown Act

Hello Adrianna and thank you for your question to ASCCC.

My name is Christopher Howerton and I am one of the members of the ASCCC Executive Committee. I hope the information below is helpful.

First, ASCCC does not act as legal counsel and for further questions as it may relate to potential liability, you might want to consult with your local college/district legal counsel if desired.

There have been many questions around the Brown Act, especially in light of temporary allowances during the COVID-19 pandemic and then the expiration of those options. There was proposed updated Brown Act legislation that did not make it through the recent legislative cycle, so where are we now? Your question to [info@asccc.org](mailto:info@asccc.org) is not unique and even our system understanding of what is and is not allowed evolves.

Your question to [info@asccc.org](mailto:info@asccc.org) was:

***Our college wanted clarification regarding Brown Act regulations. If someone from ASCCC can direct us to more information and/or explain it, that would be extremely helpful. We wanted to confirm that Brown Act bodies must attend face to face meetings for voting purposes and that the only ability to vote digitally as a voting member is twice per year with the tele-conference waiver form for emergency reasons. We wanted to confirm that we are following the letter of the law, and that there is no room for an alternative interpretation.***

Here are some additional resources:

[SCLS - School & College Legal Services of CA](#) - This shows what AB 2449 (signed Sept, 13, 2022 - Sunsets December 31, 2023)

- This is a good "at a glance" document as it relates to quorum, permitting teleconferencing, agenda requirements, public comment, teleconference location, and effective dates with references. Note that AB 361 expired December 31, 2023 but AB 2449 remains in effect until Dec. 31, 2025

- [The Brown Act in 2023: Top Five Facts Public Agencies Should Know](#) - this has a section on AB 2449 -This source summarizes:
  - The remote participation option is limited. A member of a legislative body cannot participate remotely for more than three consecutive months or 20 percent of the agency's regular meetings within a calendar year. If the legislative body meets less than ten times in a calendar year, then a member can only utilize the remote option twice.
  - While the COVID-19 State of Emergency may be over, remote participation under the Brown Act may continue. The remote options that are available provide members of legislative bodies with much needed flexibility in times of personal hardship or crisis.
- [Assembly Bill \(AB\) 2449 text.](#)
- [Increasing Access to Local Academic Senate Meetings Supports Inclusion, Diversity, and Equity](#) (Rostrum, November 2022)
- [Brown Act webinar recording and PPT slides](#) (November 2022)

Although AB2449 is in effect, local senates still have the teleconferencing options outlined in the original Brown Act.

I hope these sources help provide some clarity. Remember the goal of the Brown Act is making public officials accountable for their action and in allowing the public to participate in the decision making process.

We wish you and your faculty well and thank you for all you do to support your faculty and students at Los Medanos College.

Regards,  
Christopher

**Christopher J. Howerton, M.A., Ed.S.**

*Professor of Communication Studies*

*At-Large Representative, Academic Senate for California Community Colleges (ASCCC) [asccc.org](http://asccc.org)*

*Secretary, Foundation of the Academic Senate for California Community Colleges (FASCCC) [asfccc.com](http://asfccc.com)*

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Personal Pronouns: he/him/his ([What are Pronouns? Why Do They Matter](#))



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