



Agenda Item No. (4)

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole
Meeting of June 27, 2025

From: Amorette Ko-Wong, Secretary of the District
Kimon Manolius, Attorney for the District
Denis J. Mulligan, General Manager

Subject: **APPROVE AN AMENDMENT TO THE RULES OF THE BOARD
REGARDING MEETINGS (RULE II, SECTION A)**

Recommendation

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve an amendment to the *Rules Of The Board* regarding Meetings (Rule II, Section A), as follows and as provided in the attachment to this staff report:

(AMENDED) RULE II, THE RULES OF ORDER, Section A. Meetings:

“The Board shall convene in regular meeting at 10:00 a.m. on the fourth Friday of each month in the District's San Francisco headquarters, except in May, November and December, as outlined in the meeting calendar approved by the Board on an annual basis. (Res. 2021-085, 11/19/21.) In each calendar year the Board may hold one or more regular meetings in each of the other five counties of the District. (Res. 88-11, 1/29/88.)

Meetings may be held by teleconference and Directors may participate in meetings remotely, as permitted by the Ralph M. Brown Act and as authorized by state law, subject to the requirements of this section. Directors may participate in meetings remotely pursuant to the Brown Act's traditional teleconference rules (Government Code Section 54953(b)) only under the following conditions:

1. The Director has submitted a request to participate remotely to the District Secretary's Office containing the information necessary to facilitate remote participation no less than nine (9) days before the meeting; and,
2. Remote participation is necessary to reach a quorum or to provide a reasonable accommodation to the Director under the Americans with Disabilities Act (42 USC § 12101).

This policy applies to all Board meetings subject to the Ralph M. Brown Act, including but not limited to standing committee meetings of the Board. This policy does not affect Directors' ability to participate in meetings remotely for "just cause" or due to "emergency circumstances" under Government Code Section 54953(f)(2)(A)(i-ii).

The President, in consultation with the General Manager, may cancel a regularly scheduled meeting of the Board of Directors if there are no items requiring Board review or action to the next regularly scheduled Board of Directors meeting. (Res. 2009-018, 2/27/09.)"

This matter will be presented to the Board of Directors at its June 27, 2025, meeting for appropriate action.

Summary

The purpose of the *Rules Of The Board* is to facilitate the handling of the District's business. As shown in the attachment to this report, **RULE II, THE RULES OF ORDER**, Section A. Meetings ("Rule II.A") currently permits meetings of the Board to be held by teleconference and allows Directors to participate in meetings remotely, as permitted by the Ralph M. Brown Act and as authorized by state law. Interest in remote participation has prompted a review of Rule II.A.

While remote attendance can enhance participation, flexibility and accessibility, it also presents challenges. Specifically, if a meeting is noticed for multiple locations, then access for the public to participate in the meeting must be maintained at all noticed locations in order to comply with the Brown Act. If access is dropped at a noticed location during a meeting, then the District's business can no longer proceed at that meeting.

The Brown Act provides three optional methods for remote participation, but does not mandate that agencies make these options available at all times.

The Brown Act's traditional teleconferencing option allows a Director to participate in a meeting from a remote location by phone or video conference if all of the following requirements are satisfied: (i) a quorum of the Directors participate from within the District's jurisdiction (either in-person or at a noticed teleconference location); (ii) the meeting agenda identifies each teleconference location; (iii) each teleconference location is open and accessible to the public; (iv) the agenda is posted at each teleconference location; and, (v) the public is allowed to participate in the meeting from each teleconference location, including being able to hear and provide comment, at all in-person and teleconference meeting locations. (Gov. Code §54953(b).)

Different statutory requirements apply when a Director wishes to utilize the Brown Act's two other remote participation options based on "just cause" or "emergency circumstances." (Gov. Code §54953(f)-(j).) The purpose of this action is to clarify the circumstances in which remote participation pursuant the traditional teleconference rules will be permitted.

To facilitate remote participation under the traditional teleconference rules, and to provide sufficient time to prepare meeting materials and provide notice to the public, staff recommends

amending Rule II.A, as stated in the recommendation. A redlined version is attached to see the specific changes.

The proposed changes allow remote participation when necessary to reach a quorum or provide a reasonable accommodation to the Director under the Americans with Disabilities Act. Should either criteria be met, a remote participation request must be sent to the District Secretary's Office no less than nine (9) days before the meeting.

The advance notification to the District Secretary is necessary to fulfill the applicable statutory requirements and to accommodate the long established agenda preparation schedule. In particular, the District Secretary needs the address of the intended remote location to include that information on meeting agendas and to ensure agendas are posted at the remote participation location. The remote location must be accessible to the public so that the public is able to address the Board from that location during the public comment period. Arrangements must be made to ensure the Director participating remotely will be able to hear and be heard when speaking and voting by roll call. If closed session items are on the agenda, the Director must consider additional precautions to ensure confidentiality is maintained at the remote location.

Fiscal Impact

There is no fiscal impact associated this recommendation.

Attachment: Redline version of **RULE II, THE RULES OF ORDER**, Section A. Meetings, of the *Rules of the Board*

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RULE II. THE RULES OF ORDER

A. Meetings

The Board shall convene in regular meeting at 10:00 a.m. on the fourth Friday of each month in the District's San Francisco headquarters, except in May, November and December, as outlined in the meeting calendar approved by the Board on an annual basis. (Res. 2021-085, 11/19/21.) In each calendar year the Board may hold one or more regular meetings in each of the other five counties of the District. (Res. 88-11, 1/29/88.)

Meetings may be held by teleconference and Directors may participate in meetings remotely, as permitted by the Ralph M. Brown Act and as authorized by state law, **subject to the requirements of this section. Directors may participate in meetings remotely pursuant to the Ralph M. Brown Act's traditional teleconference rules (Government Code Section 54953(b)) only under the following conditions:**

- 1. The Director has submitted a request to participate remotely to the District Secretary's Office containing the information necessary to facilitate remote participation no less than nine (9) days before the meeting; and,**
- 2. Remote participation is necessary to reach a quorum or to provide a reasonable accommodation to the Director under the Americans with Disabilities Act (42 USC § 12101).**

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