



# KENSINGTON

FIRE PROTECTION DISTRICT

Agenda Item 05a

**DATE:** March 27, 2025  
**TO:** Emergency Preparedness Committee  
**RE:** Remote and In-Person Attendance Policies for Committee Meetings  
**SUBMITTED BY:** Mary A. Morris-Mayorga, General Manager  
Raychel Jackson, Executive Assistant/Board Clerk

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## Recommended Action

Review Government Code/Brown Act law and District policies regarding remote and in-person committee meeting attendance, ensuring compliance with applicable laws and maintaining effective governance.

## Background

The Board of Directors and its committees play a crucial role in formulating policies and overseeing District operations. Regular attendance is vital for effective governance and decision-making where absenteeism can affect attaining a quorum along with operational efficiency.

Under Board *Policy 1091 Attendance at Meetings* (attached), Board members are expected to attend all regular and special meetings unless there is good cause for absence which the Board President must be notified of prior to the meeting. While committees are not specifically included in that policy, it is recommended that the same guidance be adhered to with notification to the committee chair. Board *Policy 1140 Committees of the Board of Directors* does not contain specific guidance on attendance.

Under the Brown Act, members of a legislative body (Board of Directors as well as Standing Committees since they are subject to the Brown Act) are required to be physically present in the same room for a meeting unless participating remotely under specific conditions. The Brown Act is designed to ensure transparency and public participation, and as such, members must be present to participate in deliberations and decisions, except where exceptions are allowed, such as under the following with additional detail in the attached *Board and Committee Member Remote Meeting Attendance*:

Remote Participation: A board or committee member may participate remotely if specific procedures are followed, such as notifying the Board President or Committee Chair, as applicable, and ensuring public access.

- Traditional Brown Act Teleconference (requires location noticed on agenda) *Gov't Code Section 54953(b)*
- AB 2449: due to "just cause" or "emergency circumstances" for no more than 3 consecutive months or more than 20% of the District's regular meetings which would be two meetings.

Quorum and Voting: The Brown Act requires that a quorum be present for any meeting to proceed. If absenteeism results in a lack of quorum, the meeting may not legally proceed.

Vacancy Due to Absences: While the Brown Act does not directly address absenteeism in terms of termination or vacancy, local agencies are encouraged to establish policies that address chronic absenteeism. In general, if a member is absent from more than three consecutive meetings or a set percentage within a year, it can be grounds for a vacancy or removal from a committee or Board position, in accordance with local policies (which is the case for the Board in *Policy 1091*).

## Fiscal Impact

There is no fiscal impact.

**Attachments:** Board and Committee Member Meeting Attendance  
Board Policy 1091 Attendance at Meetings  
Board Policy 1140 Committees of the Board of Directors



# KENSINGTON FIRE PROTECTION DISTRICT

## Board and Committee Member Remote Meeting Attendance *(Last update - September 25, 2024)*

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### Traditional Brown Act Teleconference *Gov't Code Section 54953(b)*

A meeting of individuals in different locations, connected by electronic means, through either audio or video, or both. Requires:

- at least a quorum of members must participate from locations within District;
- agendas are posted at teleconferencing location(s) specifying all locations;
- public access and opportunity to speak is provided at each location; and
- all votes are taken by roll call.

#### *Action needed by Board/Committee Member:*

1. Notify Board President/Committee Chair/GM prior to agenda preparation (or as soon as possible prior to posting).
2. Provide specific location for teleconference participation.
3. Confirm agenda posting ability, public access, and actual posting once completed.

### AB 2449

The Board/Committee can use teleconferencing without noticing each teleconference location or making it publicly accessible, provided at least a quorum of the Board/Committee participates in person at a single physical location that is identified on the agenda, open to the public, and within the boundaries of the District, and provided that other requirements regarding accessibility are met. However, an individual member of the Board/Committee may participate remotely only in one of two circumstances:

1. With "just cause", the member can participate remotely after giving notice as soon as possible. AB 2449 defines "just cause" as (a) a family childcare or caregiving need; (b) a contagious illness; (c) a need related to a physical or mental disability that is not otherwise accommodated; or (d) travel while on official business. Under this provision, a member is limited to participating remotely in two meetings per calendar year.
2. In "emergency circumstances," defined as a physical or family emergency that prevents the member from attending in person, the member can participate remotely by requesting approval to do so from the Board/Committee. The Board/Committee may take action on the request as soon as possible, including at the beginning of the meeting, even if there was not sufficient time to place the request formally on the agenda.

Under either circumstance, the member must give a general description of the circumstances relating to their need to appear remotely, but need not disclose any medical diagnosis, disability, or other confidential medical information.

In addition, AB 2449 provides that a member cannot participate solely by teleconference under the new teleconference framework for more than 3 consecutive months or more than 20 percent of the District's regular meetings (two meetings if the Board/Committee meets fewer than 10 times per year).

#### *Action needed by Board/Committee Member:*

1. Notify Board President/Committee Chair/GM as soon as possible and which circumstance applies.

#### *Action needed by Board/Committee at Meeting:*

1. Announce and take action to approve the remote participation request.

# KENSINGTON FIRE PROTECTION DISTRICT POLICY HANDBOOK

**POLICY TITLE:** Attendance at Meetings  
**POLICY NUMBER:** 1091

**1091.10** Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

**1091.20** Good cause for absence, including late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the President of the Board is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity.

**1091.30** A Board Member who will be absent for good cause may notify the Manager by electronic transmission (email), telephone communication, or letter. The Manager shall notify the President and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

**1091.40** A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, except as otherwise provided for by law or as authorized by the Board.

# KENSINGTON FIRE PROTECTION DISTRICT

## POLICY HANDBOOK

**POLICY TITLE:** Committees of the Board of Directors  
**POLICY NUMBER:** 1140

**1140.10** The Board President shall appoint such temporary committees as may be deemed necessary or advisable by President and/or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

**1140.11** A temporary advisory committee shall be comprised solely of members of the Board, and shall consist of less than a majority of Board members.

**1140.12** A temporary advisory committee may make recommendations to the Board. The Board may not delegate any decision-making power to a temporary advisory committee.

**1140.13** A temporary advisory committee shall meet on an as-needed basis and shall not have a meeting schedule fixed by resolution or formal action of the Board.

**1140.20** The following shall be standing committees of the Board:

**1140.21** A Finance Committee composed of two members of the Board of Directors.

**1140.22** An Emergency Preparedness and Warning Systems Committee composed of two members of the Board of Directors, plus a supplemental number of members of the public as needed to fulfill the mission of the committee.

**1140.30** The Board President shall appoint and publicly announce the Board members of the standing committees for the ensuing year at the Board's regular meeting in January, subject to approval of the Board.

**1140.31** New standing committees may be formed and announced at any time during the calendar year, subject to approval of the Board.

**1140.32** Standing committees attain a quorum when a simple majority of the committee members are present.

**1140.33** The President may appoint or remove members of the public at any time, subject to approval of the Board.

**1140.40** All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

**1140.50** The Board's standing Finance Committee shall be concerned with the financial management

of the District, including the preparation of an annual budget and major expenditures.

**1140.60.** The Board's standing Emergency Preparedness Committee shall be concerned with (1) recommendations for allocations of effort and funding of initiatives to make Kensington safer from potential civic emergencies, using a multi-hazard approach; (2) identifying opportunities for articulation with community members and other agencies to reduce risk and enhance evacuation procedures and public safety; (3) development of public education initiatives to accomplish the first two goals; (4) articulation with the KPPCSD standing committee on Emergency Preparedness, as well as other Local, County, and State agencies, to achieve the previous goal.