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EXECUTIVE DIRECTOR
Alberto Ayala

February 28, 2023

Subject: Air Quality Benefits of Telework and Teleconferencing

Dear Colleague,

The Sacramento Metropolitan Air Quality Management District (Air District) is committed to promoting and encouraging **teleconferencing** and **telework** given the significant air quality and climate benefits they can achieve. With the post-pandemic era upon us and the Governor's declared State of Emergency facilitating modified teleconferencing for public agencies expiring today, we would like to provide some guidance and suggestions as we move forward.

A recent regional air quality study conducted by the Air District found that during the period of shelter-in-place restrictions when traffic and driving were markedly reduced, there was significantly less vehicle-related air pollution in the Sacramento region. While shelter-in-place restrictions were in effect (March 2020 – July 2020), there was 28% less particulate matter pollution (PM_{2.5}), 13% less nitrogen dioxide (NO₂) pollution, and 10% less ground-level ozone (O₃) pollution. For the same period, the Sacramento Area Council of Governments (SACOG) observed that daily vehicle miles traveled (VMT) in the six-county SACOG region dropped to approximately half the driving relative to pre-pandemic levels, with the sharpest drop occurring in April 2020 when VMT in the region was 74% lower than pre-pandemic levels. More information related to these findings can be found in the enclosed document "Air Quality Benefits of Teleworking & Teleconferencing."

Reduced pollution and improved air quality have a direct benefit on public health and overall quality of life. To maintain these benefits, agencies and businesses are encouraged to telework where possible. When in-office work is required, agencies are urged to promote carbon-friendly commuting methods, such as the use of public transit, electric vehicles, and active transportation (walking, biking).

Because of the significant air quality benefits associated with less driving and the effectiveness of technology for remote meetings, we encourage all public agencies to continue teleconferencing for public meetings. Under the existing traditional provisions of the Brown Act, voting members of a local legislative body (Members) may teleconference for public meetings if certain requirements are met. The two main requirements are that Members 1) join remotely from a location that is within the agency's jurisdiction and accessible

to the public, and 2) obtain an agenda that includes the teleconference locations and post it at each remote location at least 72 hours in advance of the meeting. Under the traditional Brown Act, there is no limit to the number of Members that can join a meeting remotely. State agencies face similar requirements under the Bagley-Keene Open Meeting Act.

Assembly Bill (AB) 361 (Rivas) temporarily waived these requirements during declared emergencies, facilitating the use of teleconferencing for public meetings. As of tomorrow, the pandemic emergency declaration that originally triggered the AB 361 provisions will cease. Fortunately, our collective experience gained during the pandemic has given us familiarity with the technology and tools that can make teleconferencing easy and effective.

AB 2449 (Rubio, Blanca) added additional teleconferencing options operable in specific situations. However, elements of AB 2449, such as requiring an in-person quorum of the legislative body at a single location, limit its use by Members participating in public meetings. Therefore, we recommend agencies utilize the traditional Brown Act provisions and encourage you to teleconference for public and other meetings. Additional Information on the Brown Act and AB 2449 can be found in the enclosed document "Brown Act & Assembly Bill 2449 Teleconferencing Provisions."

The air quality and public health benefits of **teleconferencing** and **telework** are too significant to ignore, and we encourage all our regional partners, agencies, businesses, and elected officials to consider retaining or implementing telework when effective for conducting business and offer teleconferencing for public meetings whenever possible. We appreciate your time and consideration of these important recommendations.

Sincerely,



Alberto Ayala, PhD, MSE
Executive Director and Air Pollution Control Officer

Enclosures (2): Air Quality Benefits of Teleworking & Teleconferencing, Brown Act & Assembly Bill 2449 Teleconferencing Provisions

Air Quality Benefits of Teleworking & Teleconferencing

Shelter-In-Place Air Quality Study

On March 19, 2020, California Governor Gavin Newsom issued Executive Order N-33-20 requiring all residents of the state to shelter-in-place for all but essential activities such as grocery shopping, seeking medical care, or caring for relatives. Following the shelter-in-place order, the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) suspected the Sacramento region would see air quality improvements like those reported in other parts of the world sheltering in place. Recognizing this unique opportunity to evaluate the impacts of reduced traffic on the region's air quality, the Sac Metro Air District worked with Sonoma Technology, Inc. on a focused and cutting-edge study.



70% of Sacramento's typical ground-level ozone is caused by emissions from cars & trucks

Assessing Air Quality Benefits



Shelter in place data from

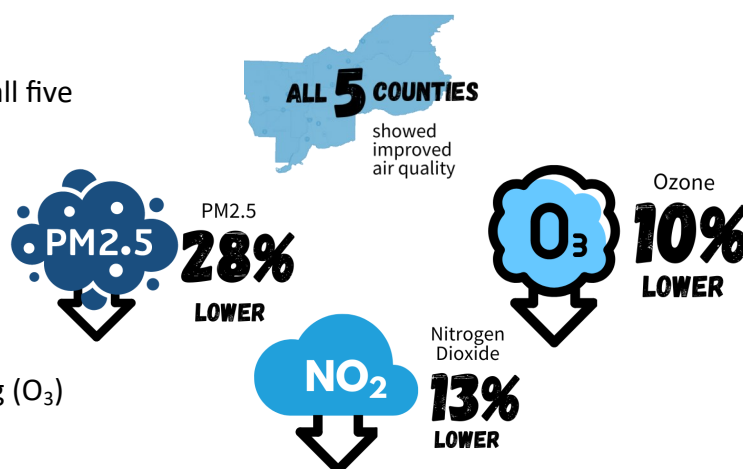
MARCH – JULY 2020

To quantify the air quality benefits during shelter-in-place restrictions, while the region was experiencing a significant reduction in vehicle miles traveled (VMT), the Sac Metro Air District's study examined ambient concentrations of vehicle-related air pollutants. The study quantified the air quality improvements of particulate matter (PM_{2.5}), nitrogen dioxide (NO₂) and ground-level ozone (O₃) by comparing historical air pollution data from 2010-2019 with similar conditions to data from March 11 through July 31, 2020, and then predicted what air quality would have been without shelter-in-place restrictions.

Sac Metro Air District's Key Findings

The study showed significantly lower air pollution in all five counties in the Sacramento Federal Nonattainment Area during shelter-in-place restrictions, which resulted in:

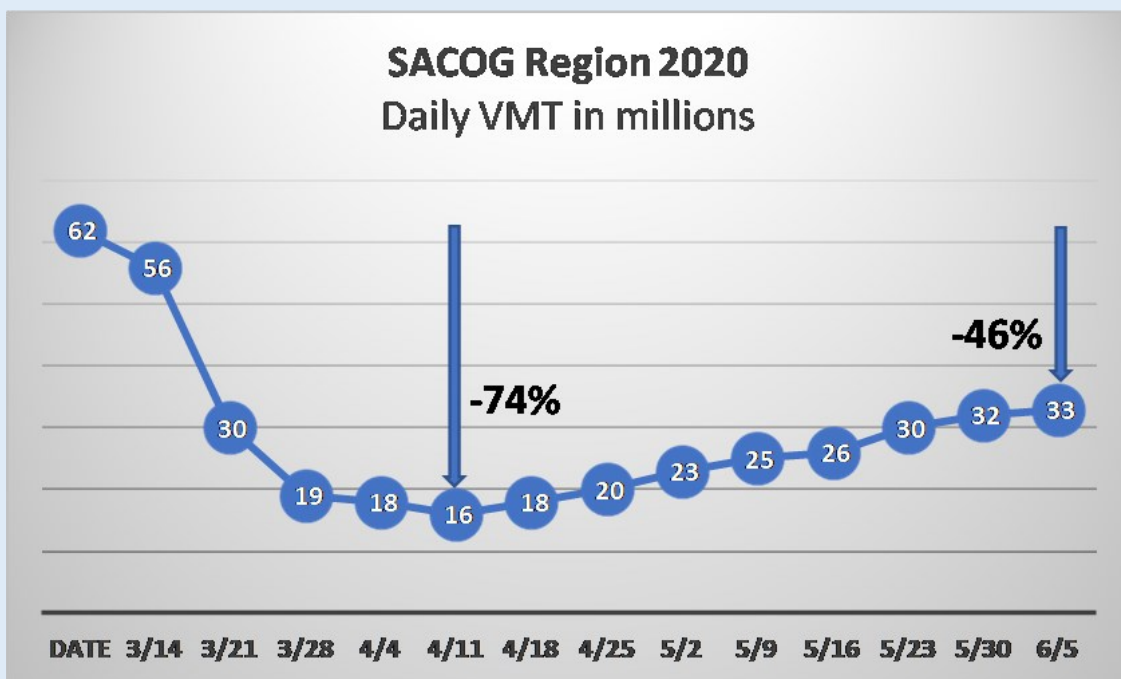
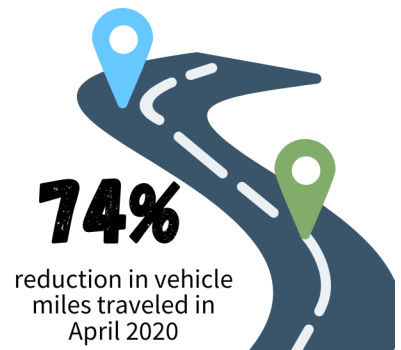
- 28% less particulate matter pollution (PM_{2.5})
- 13% less nitrogen dioxide (NO₂)
- 10% less ground-level ozone, also known as smog (O₃)





Reduced Vehicle Miles Traveled

In a concurrent effort during the shelter-in-place order, the Sacramento Area Council of Governments (SACOG) quantified the impact of teleworking on daily VMT. They found a significant drop in VMT in the SACOG region to approximately half the driving relative to pre-pandemic levels. At its sharpest drop in April 2020, VMT in the region was 74% lower than pre-COVID levels. This chart demonstrates the benefit of shelter-in-place restrictions on the region's daily VMT.



Data source: www.sacog.org/telework

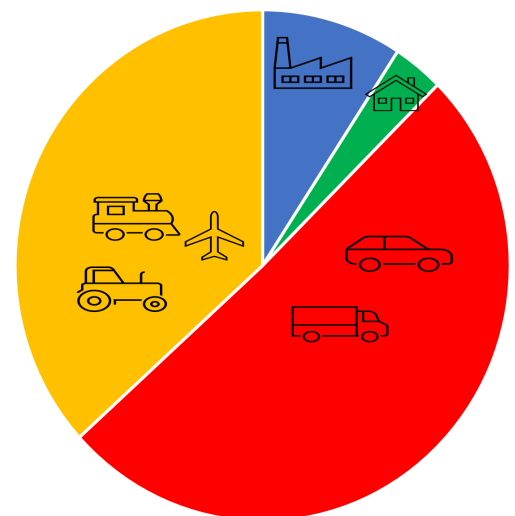


AIR QUALITY INDEX - OZONE	
301+	HAZARDOUS
201-300	VERY UNHEALTHY
151-200	UNHEALTHY
101-150	UNHEALTHY FOR SENSITIVE GROUPS
SPARE THE AIR - REDUCE DRIVING - WHEN THE AQI IS FORECAST TO MEET OR EXCEED 126	
51-100	MODERATE
0-50	GOOD

Transportation-Related Air Pollution

Cars, trucks, buses, locomotives, construction equipment and other vehicles that make up the transportation sector are the largest source of air and climate pollution emissions and a significant source of the following types of pollution:

- Particulate Matter (PM_{2.5}):** Particulate matter is a complex mixture that may contain soot, metals, nitrates, sulfates, dust, water and break and tire wear. It can be emitted directly or form in the atmosphere when nitrogen dioxide or other pollutants are present. Prolonged exposure to PM_{2.5} can cause various serious adverse health impacts including coughing, aggravated asthma, irregular heartbeat, and even premature death.
- Nitrogen Dioxide (NO₂):** Nitrogen dioxide is the result of burning fossil fuel such as gasoline or diesel and is primarily produced by the combustion engines in cars, trucks, buses, power plants, and off-road equipment. NO₂ can cause health impacts including coughing, difficulty breathing, asthma or respiratory infection.
- Ground-Level Ozone (O₃):** Ground-level ozone, or smog as it is commonly known, is formed when emissions from cars and trucks react in the atmosphere in the presence of sunlight. Smog can cause health impacts including coughing, wheezing, chest pain, fatigue, headache, and respiratory diseases including emphysema, bronchitis, and asthma.



Sources of smog-forming emissions in the region



February 28, 2023

Brown Act & Assembly Bill 2449 Teleconferencing Provisions

The Brown Act requires that all meetings of the legislative body of a local agency be held in a location that permits the public to attend. During the COVID-19 pandemic, Executive Order N-29-20 and Assembly Bill (AB) 361 allowed for virtual meetings that provided a much greater level of flexibility in attending and participating in public meetings, without requiring that alternate locations be disclosed or publicly accessible.

That option is no longer available. Therefore, members of the legislative body (Members) wishing to teleconference for their respective public meetings will need to meet the traditional Brown Act teleconference requirements or qualify for remote participation under the newly adopted AB 2449 (Rubio).

Brown Act Traditional Teleconference Provisions

Section 54953(a) of the Brown Act requires that all meetings of a legislative body be open and public. (*International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 293-294.) Government Code Section 54953 states that a teleconference may be used for any meeting for the benefit of the public or the legislative body. To conduct a teleconference meeting, local agencies must:

1. Post agendas at each meeting location; each notice and agenda must identify the location of each teleconference site and meet the standard 72-hour posting requirement,
2. Ensure that each teleconference location complies with the Americans with Disabilities Act of 1990 and is accessible to the public,
3. Provide an opportunity for the public to address the Board at each teleconference location,
4. Ensure that at least a quorum of the Members participate in the meeting from locations within the agency's jurisdiction,
5. Conduct the meeting in a manner that protects the statutory and constitutional rights of persons appearing before it (§54953(b)(3)), and
6. Take all votes by rollcall (§54953(b)(1), (2)).

State agencies face similar requirements under the Bagley-Keene Open Meeting Act.

AB 2449 New Teleconferencing Requirements

Under AB 2449, which remains in effect until January 1, 2026, local agencies may hold a teleconference meeting without complying with the traditional Brown Act teleconference requirements. Members may use teleconferencing without noticing each teleconference location or making it publicly accessible, provided:

1. At least a quorum of the Board is present in-person at the same location and that location is:
 - a. identified on the agenda;
 - b. open to the public; and
 - c. within the agency's jurisdiction.
2. The agency provides a means for the public to hear and see and address the meeting remotely by one of two specified means:
 - a. two-way audio-visual platform, e.g., Zoom meeting
 - b. two-way telephonic service and live webcasting of the meeting
3. Members participating by teleconference have notified the agency at the earliest opportunity that they have a "just cause" or an "emergency circumstance", defined below, that qualifies them for remote participation and have given a general description of the qualifying factors.
 - a. Just Cause means a need to provide childcare or caregiving to a close family member; the Member has a contagious condition; a need related to a physical or mental disability; or the Member is traveling on official agency business or business of another state or local agency.
 - b. Emergency Circumstances means a personal or family medical emergency that prevents in-person attendance.
4. The legislative body of the agency must approve the request to participate due to emergency circumstances. There is no approval requirement for requests based on just cause, however, Members may only invoke the "just cause" provision at two meetings per calendar year.
5. Members cannot participate solely by teleconference under the new teleconference framework for more than 3 consecutive months or more than 20 percent of the agency's regular meetings (no more than two meetings if the agency meets fewer than 10 times per year).

Conclusion

There has been some confusion regarding the teleconferencing quorum requirements. Under the traditional Brown Act teleconferencing procedures, a quorum of the Members participating by phone must be at location(s) within the agency's jurisdiction; no in-person quorum is required. In contrast, under AB 2449, a quorum of the Members must be present in-person at the same location within the agency's jurisdiction. Neither the traditional Brown Act nor AB 2449 require the existence of a statewide emergency to invoke the teleconferencing provisions.

The Sac Metro Air District suggests agencies utilize the traditional Brown Act or Bagley-Keene teleconferencing provisions as they provide the maximum flexibility for Members and the public to participate virtually and minimize vehicle miles traveled, thereby contributing to better air quality.