



Agenda Item No. (4)

To: Governmental Affairs and Public Information Committee/Committee of the Whole Meeting of April 28, 2023

From: Amorette M. Ko-Wong, Secretary of the District  
Denis J. Mulligan, General Manager

Subject: **DISCUSSION AND POSSIBLE ACTION RELATIVE TO BROWN ACT-RELATED BILLS**

### **Recommendation**

Staff is providing this information to the Governmental Affairs and Public Information Committee for discussion and possible action on Brown Act-related bills described below.

### **Summary**

The Golden Gate Bridge, Highway and Transportation District (District) is currently tracking several Brown Act-related bills that could potentially affect the District.

Of interest, Assembly Bill (AB) 817 would relax the requirement for in-person attendance for “subsidiary bodies,” such as the District’s Advisory Committees (Advisory Committee on Accessibility, Bus Passenger Advisory Committee, Ferry Passenger Advisory Committee and Pedestrian and Bicyclist Advisory Committee). As currently drafted, AB 817 would make it easier to recruit and retain members of these Advisory Committees as well as having the requisite quorum for meetings. These Advisory Committees are composed of members of the public. They make recommendations to the District, but they are not decision making bodies. Given the composition and function of these Advisory Committees, the Board may think that greater flexibility regarding the physical attendance requirements under the Brown Act is appropriate for Advisory Committee meetings.

Also germane to the District, Senate Bill (SB) 537 recognizes that in-person attendance at multi-county agencies can be more challenging due to the need to travel great distances to actively participate in a meeting. Senate Bill 537 would allow a board, commission, or advisory body consisting of members appointed by more than one county, city, city and county, special district, or a joint powers entity that is subject to the Brown Act to teleconference their meetings without having to notice and make publicly accessible each teleconference location, or have at least a quorum participate from locations within the boundaries of the agency. SB 537 also updates the definition of “just cause” under AB 2449 to allow a member to teleconference in order to protect an immunocompromised child, parent, grandparent, grandchild, sibling, spouse or domestic partner. Recognizing that the boundaries of the District are about 350 miles apart, the Board may wish to take a position on SB 537.

The District’s Sacramento liaison, Platinum Advisors, provided the following information related to Brown Act legislation in their previous report under Agenda Item No. 3 and it is provided here again for the purpose of today’s discussion:

	<b>Subject</b>	<b>Status</b>
<p><b>AB 557</b>  <b>(Hart D)</b>                      Open meetings:                      local agencies:                      teleconferences</p>	<p>AB 557 would extend indefinitely the existing authorization for local legislative bodies with a majority vote to hold remote meetings if a proclaimed state of emergency exists. AB 557 would also change the requirement to reauthorize the use of remote meetings from every 30 days to every 45 days. Set for hearing in Assembly Local Government Committee on April 26, 2023.</p>	Assembly Local Government
<p><b>AB 817</b>  <b>(Pacheco D)</b>                      Open meetings:                      teleconferencing:                      subsidiary body.</p>	<p>AB 817 would authorize a “subsidiary body” to remotely hold a public meeting if specified conditions are met.</p> <p>The bill defines a subsidiary body as one that meets all of the following:</p> <ul style="list-style-type: none"> <li>• is created by another legislative body, as defined in paragraph (b) of Government Code Section 54952,</li> <li>• serves exclusively as an advisory body,</li> <li>• is not authorized to take final action on any contract, legislation, regulation, or permit.</li> </ul> <p>AB 817 would also require the members of the body to participate through both audio and visual technology. The public must be able to participate in the body’s proceedings either by phone line or through an internet-based platform. Set for hearing in Assembly Local Government Committee on April 26, 2023.</p>	Assembly Local Government
<p><b>AB 1379</b>  <b>(Papan D)</b>                      Open meetings:                      local agencies:                      teleconferences.</p>	<p>AB 1379 would amend the Brown Act to allow a legislative body to hold meetings in any combination of in-person or remote participation.</p> <p>The bill specifies a quorum can be established by any of the following:</p> <ul style="list-style-type: none"> <li>• Consisting of members participating remotely.</li> <li>• Consisting of members participating at a designated location.</li> <li>• Consisting of members participating remotely and at a designated location.</li> </ul> <p>AB 1379 specifies that the “singular designated physical meeting location” must be open to the public and located within the legislative body’s jurisdiction. Set for hearing in Assembly Local Government Committee on April 26, 2023.</p>	Assembly Local Government

	<b>Subject</b>	<b>Status</b>
<p><b>SB 411</b>  <b>(Portantino D)</b>                      Open meetings:                      teleconferences:                      bodies with                      appointed                      membership</p>	<p>SB 411 would authorize a legislative body as defined in the bill to use alternate teleconferencing provisions.</p> <p>The bill currently defines “legislative body” to mean a board, commission, or advisory body of a local agency whose membership is appointed. Amended in the Senate Governance &amp; Finance Committee on April 19, 2023, to apply only to neighborhood councils located in the City of Los Angeles.</p>	<p>To Senate                      Judiciary                      Committee</p>
<p><b>SB 537</b>  <b>(Becker D)</b>                      Open meetings:                      local agencies:                      teleconferences.</p>	<p>SB 537 would authorize specified legislative bodies to hold meetings remotely. The bill would only apply to legislative bodies that are a board, commission, or advisory body of a “multijurisdictional,” cross county agency, the membership of which board, commission, or advisory body is appointed.</p> <p>The bill defines “multijurisdictional” to be a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. While the bill would clearly allow an entity such as MTC to hold remote meetings, it would require legal counsel to review to determine if this bill would apply to a board comprised of representative from a county and multiple cities within in a single county. SB 537 was approved by the Senate Governance &amp; Finance Committee with amendments on April 19, 2023.</p>	<p>To Senate                      Judiciary                      Committee</p>

**Fiscal Impact**

There is no direct fiscal impact in supporting proposed legislation. If any legislation is approved that would allow Board members to attend remotely there would be nominal savings in travel fees associated with attending in-person meetings.

**Attachments:**

1. Bill Text – AB 557 (Hart)
2. Bill Text – AB 817 (Pacheco)
3. Bill Text – AB 1379 (Papan)
4. Bill Text – SB 411 (Portantino)
5. Bill Text – SB 537 (Becker)

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**ASSEMBLY BILL****No. 557**

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**Introduced by Assembly Member Hart**February 8, 2023

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An act to amend and repeal Section 54953 of the Government Code, relating to local government.

## LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Hart. Open meetings: local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The bill would additionally make nonsubstantive changes to those provisions and correct erroneous cross references .

(2) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 1 of Chapter 285 of the Statutes of 2022, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the  
9 legislative body of a local agency may use teleconferencing for  
10 the benefit of the public and the legislative body of a local agency  
11 in connection with any meeting or proceeding authorized by law.  
12 The teleconferenced meeting or proceeding shall comply with all  
13 otherwise applicable requirements of this chapter and all otherwise  
14 applicable provisions of law relating to a specific type of meeting  
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used  
17 for all purposes in connection with any meeting within the subject  
18 matter jurisdiction of the legislative body. If the legislative body  
19 of a local agency elects to use teleconferencing, the legislative  
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be  
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a  
24 manner that protects the statutory and constitutional rights of the  
25 parties or the public appearing before the legislative body of a  
26 local agency.

27 (C) The legislative body shall give notice of the meeting and  
28 post agendas as otherwise required by this chapter.

29 (D) The legislative body shall allow members of the public to  
30 access the meeting and the agenda shall provide an opportunity  
31 for members of the public to address the legislative body directly  
32 pursuant to Section 54954.3.

33 (3) If the legislative body of a local agency elects to use  
34 teleconferencing, it shall post agendas at all teleconference  
35 locations. Each teleconference location shall be identified in the  
36 notice and agenda of the meeting or proceeding, and each  
37 teleconference location shall be accessible to the public. During  
38 the teleconference, at least a quorum of the members of the

1 legislative body shall participate from locations within the  
2 boundaries of the territory over which the local agency exercises  
3 jurisdiction, except as provided in subdivisions (d) and (e).

4 (c) (1) No legislative body shall take action by secret ballot,  
5 whether preliminary or final.

6 (2) The legislative body of a local agency shall publicly report  
7 any action taken and the vote or abstention on that action of each  
8 member present for the action.

9 (3) Prior to taking final action, the legislative body shall orally  
10 report a summary of a recommendation for a final action on the  
11 salaries, salary schedules, or compensation paid in the form of  
12 fringe benefits of a local agency executive, as defined in  
13 subdivision (d) of Section 3511.1, during the open meeting in  
14 which the final action is to be taken. This paragraph shall not affect  
15 the public's right under the California Public Records Act (Division  
16 10 (commencing with Section 7920.000) of Title 1) to inspect or  
17 copy records created or received in the process of developing the  
18 recommendation.

19 (d) (1) Notwithstanding the provisions relating to a quorum in  
20 paragraph (3) of subdivision (b), if a health authority conducts a  
21 teleconference meeting, members who are outside the jurisdiction  
22 of the authority may be counted toward the establishment of a  
23 quorum when participating in the teleconference if at least 50  
24 percent of the number of members that would establish a quorum  
25 are present within the boundaries of the territory over which the  
26 authority exercises jurisdiction, and the health authority provides  
27 a teleconference number, and associated access codes, if any, that  
28 allows any person to call in to participate in the meeting and the  
29 number and access codes are identified in the notice and agenda  
30 of the meeting.

31 (2) Nothing in this subdivision shall be construed as  
32 discouraging health authority members from regularly meeting at  
33 a common physical site within the jurisdiction of the authority or  
34 from using teleconference locations within or near the jurisdiction  
35 of the authority. A teleconference meeting for which a quorum is  
36 established pursuant to this subdivision shall be subject to all other  
37 requirements of this section.

38 (3) For purposes of this subdivision, a health authority means  
39 any entity created pursuant to Sections 14018.7, 14087.31,  
40 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare



1 and Institutions Code, any joint powers authority created pursuant  
2 to Article 1 (commencing with Section 6500) of Chapter 5 of  
3 Division 7 for the purpose of contracting pursuant to Section  
4 14087.3 of the Welfare and Institutions Code, and any advisory  
5 committee to a county-sponsored health plan licensed pursuant to  
6 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
7 Health and Safety Code if the advisory committee has 12 or more  
8 members.

9 (e) (1) The legislative body of a local agency may use  
10 teleconferencing without complying with the requirements of  
11 paragraph (3) of subdivision (b) if the legislative body complies  
12 with the requirements of paragraph (2) of this subdivision in any  
13 of the following circumstances:

14 (A) The legislative body holds a meeting during a proclaimed  
15 state of emergency, and state or local officials have imposed or  
16 recommended measures to promote social distancing.

17 (B) The legislative body holds a meeting during a proclaimed  
18 state of emergency for the purpose of determining, by majority  
19 vote, whether as a result of the emergency, meeting in person  
20 would present imminent risks to the health or safety of attendees.

21 (C) The legislative body holds a meeting during a proclaimed  
22 state of emergency and has determined, by majority vote, pursuant  
23 to subparagraph (B), that, as a result of the emergency, meeting  
24 in person would present imminent risks to the health or safety of  
25 attendees.

26 (2) A legislative body that holds a meeting pursuant to this  
27 subdivision shall do all of the following:

28 (A) In each instance in which notice of the time of the  
29 teleconferenced meeting is otherwise given or the agenda for the  
30 meeting is otherwise posted, the legislative body shall also give  
31 notice of the means by which members of the public may access  
32 the meeting and offer public comment. The agenda shall identify  
33 and include an opportunity for all persons to attend via a call-in  
34 option or an internet-based service option.

35 (B) In the event of a disruption that prevents the legislative body  
36 from broadcasting the meeting to members of the public using the  
37 call-in option or internet-based service option, or in the event of  
38 a disruption within the local agency's control that prevents  
39 members of the public from offering public comments using the  
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting  
2 agenda until public access to the meeting via the call-in option or  
3 internet-based service option is restored. Actions taken on agenda  
4 items during a disruption that prevents the legislative body from  
5 broadcasting the meeting may be challenged pursuant to Section  
6 54960.1.

7 (C) The legislative body shall not require public comments to  
8 be submitted in advance of the meeting and must provide an  
9 opportunity for the public to address the legislative body and offer  
10 comment in real time.

11 (D) Notwithstanding Section 54953.3, an individual desiring to  
12 provide public comment through the use of an internet website, or  
13 other online platform, not under the control of the local legislative  
14 body, that requires registration to log in to a teleconference may  
15 be required to register as required by the third-party internet  
16 website or online platform to participate.

17 (E) (i) A legislative body that provides a timed public comment  
18 period for each agenda item shall not close the public comment  
19 period for the agenda item, or the opportunity to register, pursuant  
20 to subparagraph ~~(F)~~; (D), to provide public comment until that  
21 timed public comment period has elapsed.

22 (ii) A legislative body that does not provide a timed public  
23 comment period, but takes public comment separately on each  
24 agenda item, shall allow a reasonable amount of time per agenda  
25 item to allow public members the opportunity to provide public  
26 comment, including time for members of the public to register  
27 pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for  
28 the purpose of providing public comment.

29 (iii) A legislative body that provides a timed general public  
30 comment period that does not correspond to a specific agenda item  
31 shall not close the public comment period or the opportunity to  
32 register, pursuant to subparagraph ~~(F)~~; (D), until the timed general  
33 public comment period has elapsed.

34 (3) If a state of emergency remains active, or state or local  
35 officials have imposed or recommended measures to promote  
36 social distancing, in order to continue to teleconference without  
37 compliance with paragraph (3) of subdivision (b), the legislative  
38 body shall, not later than ~~30~~ 45 days after teleconferencing for the  
39 first time pursuant to subparagraph (A), (B), or (C) of paragraph

1 (1), and every ~~30~~ 45 days thereafter, make the following findings  
2 by majority vote:

3 (A) The legislative body has reconsidered the circumstances of  
4 the state of emergency.

5 (B) Any of the following circumstances exist:

6 (i) The state of emergency continues to directly impact the  
7 ability of the members to meet safely in person.

8 (ii) State or local officials continue to impose or recommend  
9 measures to promote social distancing.

10 (4) This subdivision shall not be construed to require the  
11 legislative body to provide a physical location from which the  
12 public may attend or comment.

13 (f) (1) The legislative body of a local agency may use  
14 teleconferencing without complying with paragraph (3) of  
15 subdivision (b) if, during the teleconference meeting, at least a  
16 quorum of the members of the legislative body participates in  
17 person from a singular physical location clearly identified on the  
18 agenda, which location shall be open to the public and situated  
19 within the boundaries of the territory over which the local agency  
20 exercises jurisdiction and the legislative body complies with all  
21 of the following:

22 (A) The legislative body shall provide at least one of the  
23 following as a means by which the public may remotely hear and  
24 visually observe the meeting, and remotely address the legislative  
25 body:

26 (i) A two-way audiovisual platform.

27 (ii) A two-way telephonic service and a live webcasting of the  
28 meeting.

29 (B) In each instance in which notice of the time of the  
30 teleconferenced meeting is otherwise given or the agenda for the  
31 meeting is otherwise posted, the legislative body shall also give  
32 notice of the means by which members of the public may access  
33 the meeting and offer public comment.

34 (C) The agenda shall identify and include an opportunity for all  
35 persons to attend and address the legislative body directly pursuant  
36 to Section 54954.3 via a call-in option, via an internet-based service  
37 option, and at the in-person location of the meeting.

38 (D) In the event of a disruption that prevents the legislative body  
39 from broadcasting the meeting to members of the public using the  
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency’s control that prevents  
 2 members of the public from offering public comments using the  
 3 call-in option or internet-based service option, the legislative body  
 4 shall take no further action on items appearing on the meeting  
 5 agenda until public access to the meeting via the call-in option or  
 6 internet-based service option is restored. Actions taken on agenda  
 7 items during a disruption that prevents the legislative body from  
 8 broadcasting the meeting may be challenged pursuant to Section  
 9 54960.1.

10 (E) The legislative body shall not require public comments to  
 11 be submitted in advance of the meeting and must provide an  
 12 opportunity for the public to address the legislative body and offer  
 13 comment in real time.

14 (F) Notwithstanding Section 54953.3, an individual desiring to  
 15 provide public comment through the use of an internet website, or  
 16 other online platform, not under the control of the local legislative  
 17 body, that requires registration to log in to a teleconference may  
 18 be required to register as required by the third-party internet  
 19 website or online platform to participate.

20 (2) A member of the legislative body shall only participate in  
 21 the meeting remotely pursuant to this subdivision, if all of the  
 22 following requirements are met:

23 (A) One of the following circumstances applies:

24 (i) The member notifies the legislative body at the earliest  
 25 opportunity possible, including at the start of a regular meeting,  
 26 of their need to participate remotely for just cause, including a  
 27 general description of the circumstances relating to their need to  
 28 appear remotely at the given meeting. The provisions of this clause  
 29 shall not be used by any member of the legislative body for more  
 30 than two meetings per calendar year.

31 (ii) The member requests the legislative body to allow them to  
 32 participate in the meeting remotely due to emergency circumstances  
 33 and the legislative body takes action to approve the request. The  
 34 legislative body shall request a general description of the  
 35 circumstances relating to their need to appear remotely at the given  
 36 meeting. A general description of an item generally need not exceed  
 37 20 words and shall not require the member to disclose any medical  
 38 diagnosis or disability, or any personal medical information that  
 39 is already exempt under existing law, such as the Confidentiality  
 40 of Medical Information Act (Chapter 1 (commencing with Section

1 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
2 of this clause, the following requirements apply:

3 (I) A member shall make a request to participate remotely at a  
4 meeting pursuant to this clause as soon as possible. The member  
5 shall make a separate request for each meeting in which they seek  
6 to participate remotely.

7 (II) The legislative body may take action on a request to  
8 participate remotely at the earliest opportunity. If the request does  
9 not allow sufficient time to place proposed action on such a request  
10 on the posted agenda for the meeting for which the request is made,  
11 the legislative body may take action at the beginning of the meeting  
12 in accordance with paragraph (4) of subdivision (b) of Section  
13 54954.2.

14 (B) The member shall publicly disclose at the meeting before  
15 any action is taken, whether any other individuals 18 years of age  
16 or older are present in the room at the remote location with the  
17 member, and the general nature of the member's relationship with  
18 any such individuals.

19 (C) The member shall participate through both audio and visual  
20 technology.

21 (3) The provisions of this subdivision shall not serve as a means  
22 for any member of a legislative body to participate in meetings of  
23 the legislative body solely by teleconference from a remote location  
24 for a period of more than three consecutive months or 20 percent  
25 of the regular meetings for the local agency within a calendar year,  
26 or more than two meetings if the legislative body regularly meets  
27 fewer than 10 times per calendar year.

28 (g) The legislative body shall have and implement a procedure  
29 for receiving and swiftly resolving requests for reasonable  
30 accommodation for individuals with disabilities, consistent with  
31 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
32 Sec. 12132), and resolving any doubt in favor of accessibility. In  
33 each instance in which notice of the time of the meeting is  
34 otherwise given or the agenda for the meeting is otherwise posted,  
35 the legislative body shall also give notice of the procedure for  
36 receiving and resolving requests for accommodation.

37 (h) The legislative body shall conduct meetings subject to this  
38 chapter consistent with applicable civil rights and  
39 nondiscrimination laws.

1 (i) (1) Nothing in this section shall prohibit a legislative body  
2 from providing the public with additional teleconference locations.  
3 (2) Nothing in this section shall prohibit a legislative body from  
4 providing ~~members of~~ the public with additional physical locations  
5 in which the public may observe and address the legislative body  
6 by electronic means.  
7 (j) For the purposes of this section, the following definitions  
8 shall apply:  
9 (1) “Emergency circumstances” means a physical or family  
10 medical emergency that prevents a member from attending in  
11 person.  
12 (2) “Just cause” means any of the following:  
13 (A) A childcare or caregiving need of a child, parent,  
14 grandparent, grandchild, sibling, spouse, or domestic partner that  
15 requires them to participate remotely. “Child,” “parent,”  
16 “grandparent,” “grandchild,” and “sibling” have the same meaning  
17 as those terms do in Section 12945.2.  
18 (B) A contagious illness that prevents a member from attending  
19 in person.  
20 (C) A need related to a physical or mental disability as defined  
21 in Sections 12926 and 12926.1 not otherwise accommodated by  
22 subdivision (g).  
23 (D) Travel while on official business of the legislative body or  
24 another state or local agency.  
25 (3) “Remote location” means a location from which a member  
26 of a legislative body participates in a meeting pursuant to  
27 subdivision (f), other than any physical meeting location designated  
28 in the notice of the meeting. Remote locations need not be  
29 accessible to the public.  
30 (4) “Remote participation” means participation in a meeting by  
31 teleconference at a location other than any physical meeting  
32 location designated in the notice of the meeting. Watching or  
33 listening to a meeting via webcasting or another similar electronic  
34 medium that does not permit members to interactively hear,  
35 discuss, or deliberate on matters, does not constitute remote  
36 participation.  
37 (5) “State of emergency” means a state of emergency proclaimed  
38 pursuant to Section 8625 of the California Emergency Services  
39 Act (Article 1 (commencing with Section 8550) of Chapter 7 of  
40 Division 1 of Title 2).

1 (6) “Teleconference” means a meeting of a legislative body,  
2 the members of which are in different locations, connected by  
3 electronic means, through either audio or video, or both.

4 (7) “Two-way audiovisual platform” means an online platform  
5 that provides participants with the ability to participate in a meeting  
6 via both an interactive video conference and a two-way telephonic  
7 function.

8 (8) “Two-way telephonic service” means a telephone service  
9 that does not require internet access, is not provided as part of a  
10 two-way audiovisual platform, and allows participants to dial a  
11 telephone number to listen and verbally participate.

12 (9) “Webcasting” means a streaming video broadcast online or  
13 on television, using streaming media technology to distribute a  
14 single content source to many simultaneous listeners and viewers.

15 (k) This section shall remain in effect only until January 1, ~~2024,~~  
16 ~~2026,~~ and as of that date is repealed.

17 SEC. 2. Section 54953 of the Government Code, as amended  
18 by Section 2 of Chapter 285 of the Statutes of 2022, is amended  
19 to read:

20 54953. (a) All meetings of the legislative body of a local  
21 agency shall be open and public, and all persons shall be permitted  
22 to attend any meeting of the legislative body of a local agency,  
23 except as otherwise provided in this chapter.

24 (b) (1) Notwithstanding any other provision of law, the  
25 legislative body of a local agency may use teleconferencing for  
26 the benefit of the public and the legislative body of a local agency  
27 in connection with any meeting or proceeding authorized by law.  
28 The teleconferenced meeting or proceeding shall comply with all  
29 otherwise applicable requirements of this chapter and all otherwise  
30 applicable provisions of law relating to a specific type of meeting  
31 or proceeding.

32 (2) Teleconferencing, as authorized by this section, may be used  
33 for all purposes in connection with any meeting within the subject  
34 matter jurisdiction of the legislative body. If the legislative body  
35 of a local agency elects to use teleconferencing, the legislative  
36 body of a local agency shall comply with all of the following:

37 (A) All votes taken during a teleconferenced meeting shall be  
38 by rollcall.

39 (B) The teleconferenced meetings shall be conducted in a  
40 manner that protects the statutory and constitutional rights of the

1 parties or the public appearing before the legislative body of a  
2 local agency.

3 (C) The legislative body shall give notice of the meeting and  
4 post agendas as otherwise required by this chapter.

5 (D) The legislative body shall allow members of the public to  
6 access the meeting and the agenda shall provide an opportunity  
7 for members of the public to address the legislative body directly  
8 pursuant to Section 54954.3.

9 (3) If the legislative body of a local agency elects to use  
10 teleconferencing, it shall post agendas at all teleconference  
11 locations. Each teleconference location shall be identified in the  
12 notice and agenda of the meeting or proceeding, and each  
13 teleconference location shall be accessible to the public. During  
14 the teleconference, at least a quorum of the members of the  
15 legislative body shall participate from locations within the  
16 boundaries of the territory over which the local agency exercises  
17 jurisdiction, except as provided in ~~subdivision (d)~~. *subdivisions*  
18 *(d) and (e)*.

19 (c) (1) No legislative body shall take action by secret ballot,  
20 whether preliminary or final.

21 (2) The legislative body of a local agency shall publicly report  
22 any action taken and the vote or abstention on that action of each  
23 member present for the action.

24 (3) Prior to taking final action, the legislative body shall orally  
25 report a summary of a recommendation for a final action on the  
26 salaries, salary schedules, or compensation paid in the form of  
27 fringe benefits of a local agency executive, as defined in  
28 subdivision (d) of Section 3511.1, during the open meeting in  
29 which the final action is to be taken. This paragraph shall not affect  
30 the public's right under the California Public Records Act (Division  
31 10 (commencing with Section 7920.000) of Title 1) to inspect or  
32 copy records created or received in the process of developing the  
33 recommendation.

34 (d) (1) Notwithstanding the provisions relating to a quorum in  
35 paragraph (3) of subdivision (b), if a health authority conducts a  
36 teleconference meeting, members who are outside the jurisdiction  
37 of the authority may be counted toward the establishment of a  
38 quorum when participating in the teleconference if at least 50  
39 percent of the number of members that would establish a quorum  
40 are present within the boundaries of the territory over which the



1 authority exercises jurisdiction, and the health authority provides  
2 a teleconference number, and associated access codes, if any, that  
3 allows any person to call in to participate in the meeting and the  
4 number and access codes are identified in the notice and agenda  
5 of the meeting.

6 (2) Nothing in this subdivision shall be construed as  
7 discouraging health authority members from regularly meeting at  
8 a common physical site within the jurisdiction of the authority or  
9 from using teleconference locations within or near the jurisdiction  
10 of the authority. A teleconference meeting for which a quorum is  
11 established pursuant to this subdivision shall be subject to all other  
12 requirements of this section.

13 (3) For purposes of this subdivision, a health authority means  
14 any entity created pursuant to Sections 14018.7, 14087.31,  
15 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
16 and Institutions Code, any joint powers authority created pursuant  
17 to Article 1 (commencing with Section 6500) of Chapter 5 of  
18 Division 7 for the purpose of contracting pursuant to Section  
19 14087.3 of the Welfare and Institutions Code, and any advisory  
20 committee to a county-sponsored health plan licensed pursuant to  
21 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
22 Health and Safety Code if the advisory committee has 12 or more  
23 members.

24 (e) (1) The legislative body of a local agency may use  
25 teleconferencing without complying with *the requirements of*  
26 *paragraph (3) of subdivision (b) if, during the teleconference*  
27 *meeting, at least a quorum of the members of the legislative body*  
28 *participates in person from a singular physical location clearly*  
29 *identified on the agenda, which location shall be open to the public*  
30 *and situated within the boundaries of the territory over which the*  
31 *local agency exercises jurisdiction and the legislative body*  
32 *complies with all of the following:*

33 (A) ~~The legislative body shall provide at least one of the~~  
34 ~~following as a means by which the public may remotely hear and~~  
35 ~~visually observe the meeting, and remotely address the legislative~~  
36 ~~body:~~

37 (i) ~~A two-way audiovisual platform.~~

38 (ii) ~~A two-way telephonic service and a live webcasting of the~~  
39 ~~meeting.~~

1 if the legislative body complies with the requirements of  
2 paragraph (2) of this subdivision in any of the following  
3 circumstances:

4 (A) The legislative body holds a meeting during a proclaimed  
5 state of emergency, and state or local officials have imposed or  
6 recommended measures to promote social distancing.

7 (B) The legislative body holds a meeting during a proclaimed  
8 state of emergency for the purpose of determining, by majority  
9 vote, whether as a result of the emergency, meeting in person  
10 would present imminent risks to the health or safety of attendees.

11 (C) The legislative body holds a meeting during a proclaimed  
12 state of emergency and has determined, by majority vote, pursuant  
13 to subparagraph (B), that, as a result of the emergency, meeting  
14 in person would present imminent risks to the health or safety of  
15 attendees.

16 (2) A legislative body that holds a meeting pursuant to this  
17 subdivision shall do all of the following:

18 ~~(B)~~

19 (A) In each instance in which notice of the time of the  
20 teleconferenced meeting is otherwise given or the agenda for the  
21 meeting is otherwise posted, the legislative body shall also give  
22 notice of the means by which members of the public may access  
23 the meeting and offer public comment. *The agenda shall identify  
24 and include an opportunity for all persons to attend via a call-in  
25 option or an internet-based service option.*

26 ~~(C) The agenda shall identify and include an opportunity for all  
27 persons to attend and address the legislative body directly pursuant  
28 to Section 54954.3 via a call-in option, via an internet-based service  
29 option, and at the in-person location of the meeting.~~

30 ~~(D)~~

31 (B) In the event of a disruption that prevents the legislative body  
32 from broadcasting the meeting to members of the public using the  
33 call-in option or internet-based service option, or in the event of  
34 a disruption within the local agency’s control that prevents  
35 members of the public from offering public comments using the  
36 call-in option or internet-based service option, the legislative body  
37 shall take no further action on items appearing on the meeting  
38 agenda until public access to the meeting via the call-in option or  
39 internet-based service option is restored. Actions taken on agenda  
40 items during a disruption that prevents the legislative body from

1 broadcasting the meeting may be challenged pursuant to Section  
2 54960.1.

3 ~~(E)~~

4 (C) The legislative body shall not require public comments to  
5 be submitted in advance of the meeting and must provide an  
6 opportunity for the public to address the legislative body and offer  
7 comment in real time.

8 ~~(F)~~

9 (D) Notwithstanding Section 54953.3, an individual desiring to  
10 provide public comment through the use of an internet website, or  
11 other online platform, not under the control of the local legislative  
12 body, that requires registration to log in to a teleconference may  
13 be required to register as required by the third-party internet  
14 website or online platform to participate.

15 ~~(2) A member of the legislative body shall only participate in~~  
16 ~~the meeting remotely pursuant to this subdivision, if all of the~~  
17 ~~following requirements are met:~~

18 ~~(A) One of the following circumstances applies:~~

19 ~~(i) The member notifies the legislative body at the earliest~~  
20 ~~opportunity possible, including at the start of a regular meeting,~~  
21 ~~of their need to participate remotely for just cause, including a~~  
22 ~~general description of the circumstances relating to their need to~~  
23 ~~appear remotely at the given meeting. The provisions of this clause~~  
24 ~~shall not be used by any member of the legislative body for more~~  
25 ~~than two meetings per calendar year.~~

26 ~~(ii) The member requests the legislative body to allow them to~~  
27 ~~participate in the meeting remotely due to emergency circumstances~~  
28 ~~and the legislative body takes action to approve the request. The~~  
29 ~~legislative body shall request a general description of the~~  
30 ~~circumstances relating to their need to appear remotely at the given~~  
31 ~~meeting. A general description of an item generally need not exceed~~  
32 ~~20 words and shall not require the member to disclose any medical~~  
33 ~~diagnosis or disability, or any personal medical information that~~  
34 ~~is already exempt under existing law, such as the Confidentiality~~  
35 ~~of Medical Information Act (Chapter 1 (commencing with Section~~  
36 ~~56) of Part 2.6 of Division 1 of the Civil Code). For the purposes~~  
37 ~~of this clause, the following requirements apply:~~

38 ~~(I) A member shall make a request to participate remotely at a~~  
39 ~~meeting pursuant to this clause as soon as possible. The member~~

1 shall make a separate request for each meeting in which they seek  
2 to participate remotely.

3 ~~(H) The legislative body may take action on a request to~~  
4 ~~participate remotely at the earliest opportunity. If the request does~~  
5 ~~not allow sufficient time to place proposed action on such a request~~  
6 ~~on the posted agenda for the meeting for which the request is made,~~  
7 ~~the legislative body may take action at the beginning of the meeting~~  
8 ~~in accordance with paragraph (4) of subdivision (b) of Section~~  
9 ~~54954.2.~~

10 ~~(B) The member shall publicly disclose at the meeting before~~  
11 ~~any action is taken whether any other individuals 18 years of age~~  
12 ~~or older are present in the room at the remote location with the~~  
13 ~~member, and the general nature of the member's relationship with~~  
14 ~~any such individuals.~~

15 ~~(C) The member shall participate through both audio and visual~~  
16 ~~technology.~~

17 ~~(3) The provisions of this subdivision shall not serve as a means~~  
18 ~~for any member of a legislative body to participate in meetings of~~  
19 ~~the legislative body solely by teleconference from a remote location~~  
20 ~~for a period of more than three consecutive months or 20 percent~~  
21 ~~of the regular meetings for the local agency within a calendar year,~~  
22 ~~or more than two meetings if the legislative body regularly meets~~  
23 ~~fewer than 10 times per calendar year.~~

24 *(E) (i) A legislative body that provides a timed public comment*  
25 *period for each agenda item shall not close the public comment*  
26 *period for the agenda item, or the opportunity to register, pursuant*  
27 *to subparagraph (D), to provide public comment until that timed*  
28 *public comment period has elapsed.*

29 *(ii) A legislative body that does not provide a timed public*  
30 *comment period, but takes public comment separately on each*  
31 *agenda item, shall allow a reasonable amount of time per agenda*  
32 *item to allow public members the opportunity to provide public*  
33 *comment, including time for members of the public to register*  
34 *pursuant to subparagraph (D), or otherwise be recognized for the*  
35 *purpose of providing public comment.*

36 *(iii) A legislative body that provides a timed general public*  
37 *comment period that does not correspond to a specific agenda*  
38 *item shall not close the public comment period or the opportunity*  
39 *to register, pursuant to subparagraph (D), until the timed general*  
40 *public comment period has elapsed.*

1 (3) *If a state of emergency remains active, or state or local*  
2 *officials have imposed or recommended measures to promote*  
3 *social distancing, in order to continue to teleconference without*  
4 *compliance with paragraph (3) of subdivision (b), the legislative*  
5 *body shall, not later than 45 days after teleconferencing for the*  
6 *first time pursuant to subparagraph (A), (B), or (C) of paragraph*  
7 *(1), and every 45 days thereafter, make the following findings by*  
8 *majority vote:*

9 (A) *The legislative body has reconsidered the circumstances of*  
10 *the state of emergency.*

11 (B) *Any of the following circumstances exist:*

12 (i) *The state of emergency continues to directly impact the ability*  
13 *of the members to meet safely in person.*

14 (ii) *State or local officials continue to impose or recommend*  
15 *measures to promote social distancing.*

16 (4) *This subdivision shall not be construed to require the*  
17 *legislative body to provide a physical location from which the*  
18 *public may attend or comment.*

19 (f) *The legislative body shall have and implement a procedure*  
20 *for receiving and swiftly resolving requests for reasonable*  
21 *accommodation for individuals with disabilities, consistent with*  
22 *the federal Americans with Disabilities Act of 1990 (42 U.S.C.*  
23 *Sec. 12132), and resolving any doubt in favor of accessibility. In*  
24 *each instance in which notice of the time of the meeting is*  
25 *otherwise given or the agenda for the meeting is otherwise posted,*  
26 *the legislative body shall also give notice of the procedure for*  
27 *receiving and resolving requests for accommodation.*

28 (g) *The legislative body shall conduct meetings subject to this*  
29 *chapter consistent with applicable civil rights and*  
30 *nondiscrimination laws.*

31 (h) (1) *Nothing in this section shall prohibit a legislative body*  
32 *from providing the public with additional teleconference locations.*

33 (2) *Nothing in this section shall prohibit a legislative body from*  
34 *providing ~~members~~ of the public with additional physical locations*  
35 *in which the public may observe and address the legislative body*  
36 *by electronic means.*

37 (i) *For the purposes of this section, the following definitions*  
38 *shall apply:*

1 (1) ~~“Emergency circumstances” means a physical or family~~  
2 ~~medical emergency that prevents a member from attending in~~  
3 ~~person.~~

4 (2) ~~“Just cause” means any of the following:~~

5 (A) ~~A childcare or caregiving need of a child, parent,~~  
6 ~~grandparent, grandchild, sibling, spouse, or domestic partner that~~  
7 ~~requires them to participate remotely. “Child,” “parent,”~~  
8 ~~“grandparent,” “grandchild,” and “sibling” have the same meaning~~  
9 ~~as those terms do in Section 12945.2.~~

10 (B) ~~A contagious illness that prevents a member from attending~~  
11 ~~in person.~~

12 (C) ~~A need related to a physical or mental disability as defined~~  
13 ~~in Sections 12926 and 12926.1 not otherwise accommodated by~~  
14 ~~subdivision (f).~~

15 (D) ~~Travel while on official business of the legislative body or~~  
16 ~~another state or local agency.~~

17 (3) ~~“Remote location” means a location from which a member~~  
18 ~~of a legislative body participates in a meeting pursuant to~~  
19 ~~subdivision (e), other than any physical meeting location designated~~  
20 ~~in the notice of the meeting. Remote locations need not be~~  
21 ~~accessible to the public.~~

22 (4) ~~“Remote participation” means participation in a meeting by~~  
23 ~~teleconference at a location other than any physical meeting~~  
24 ~~location designated in the notice of the meeting. Watching or~~  
25 ~~listening to a meeting via webcasting or another similar electronic~~  
26 ~~medium that does not permit members to interactively hear,~~  
27 ~~discuss, or deliberate on matters, does not constitute remote~~  
28 ~~participation.~~

29 (1) *“State of emergency” means a state of emergency*  
30 *proclaimed pursuant to Section 8625 of the California Emergency*  
31 *Services Act (Article 1 (commencing with Section 8550) of Chapter*  
32 *7 of Division 1 of Title 2).*

33 (5)

34 (2) ~~“Teleconference” means a meeting of a legislative body,~~  
35 ~~the members of which are in different locations, connected by~~  
36 ~~electronic means, through either audio or video, or both.~~

37 (6) ~~“Two-way audiovisual platform” means an online platform~~  
38 ~~that provides participants with the ability to participate in a meeting~~  
39 ~~via both an interactive video conference and a two-way telephonic~~  
40 ~~function.~~

1 ~~(7) “Two-way telephonic service” means a telephone service~~  
2 ~~that does not require internet access, is not provided as part of a~~  
3 ~~two-way audiovisual platform, and allows participants to dial a~~  
4 ~~telephone number to listen and verbally participate.~~

5 ~~(8) “Webcasting” means a streaming video broadcast online or~~  
6 ~~on television, using streaming media technology to distribute a~~  
7 ~~single content source to many simultaneous listeners and viewers.~~

8 ~~(j) This section shall become operative January 1, 2024, shall~~  
9 ~~remain in effect only until January 1, 2026, and as of that date is~~  
10 ~~repealed.~~

11 ~~(j) This section shall become operative January 1, 2026.~~

12 SEC. 3. Section 54953 of the Government Code, as added by  
13 Section 3 of Chapter 285 of the Statutes of 2022, is repealed.

14 54953. ~~(a) All meetings of the legislative body of a local~~  
15 ~~agency shall be open and public, and all persons shall be permitted~~  
16 ~~to attend any meeting of the legislative body of a local agency,~~  
17 ~~except as otherwise provided in this chapter.~~

18 ~~(b) (1) Notwithstanding any other provision of law, the~~  
19 ~~legislative body of a local agency may use teleconferencing for~~  
20 ~~the benefit of the public and the legislative body of a local agency~~  
21 ~~in connection with any meeting or proceeding authorized by law.~~  
22 ~~The teleconferenced meeting or proceeding shall comply with all~~  
23 ~~requirements of this chapter and all otherwise applicable provisions~~  
24 ~~of law relating to a specific type of meeting or proceeding.~~

25 ~~(2) Teleconferencing, as authorized by this section, may be used~~  
26 ~~for all purposes in connection with any meeting within the subject~~  
27 ~~matter jurisdiction of the legislative body. All votes taken during~~  
28 ~~a teleconferenced meeting shall be by rollcall.~~

29 ~~(3) If the legislative body of a local agency elects to use~~  
30 ~~teleconferencing, it shall post agendas at all teleconference~~  
31 ~~locations and conduct teleconference meetings in a manner that~~  
32 ~~protects the statutory and constitutional rights of the parties or the~~  
33 ~~public appearing before the legislative body of a local agency.~~  
34 ~~Each teleconference location shall be identified in the notice and~~  
35 ~~agenda of the meeting or proceeding, and each teleconference~~  
36 ~~location shall be accessible to the public. During the teleconference,~~  
37 ~~at least a quorum of the members of the legislative body shall~~  
38 ~~participate from locations within the boundaries of the territory~~  
39 ~~over which the local agency exercises jurisdiction, except as~~  
40 ~~provided in subdivision (d). The agenda shall provide an~~

1 opportunity for members of the public to address the legislative  
2 body directly pursuant to Section 54954.3 at each teleconference  
3 location.

4 (4) For the purposes of this section, “teleconference” means a  
5 meeting of a legislative body, the members of which are in different  
6 locations, connected by electronic means, through either audio or  
7 video, or both. Nothing in this section shall prohibit a local agency  
8 from providing the public with additional teleconference locations.

9 (e) (1) No legislative body shall take action by secret ballot,  
10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report  
12 any action taken and the vote or abstention on that action of each  
13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally  
15 report a summary of a recommendation for a final action on the  
16 salaries, salary schedules, or compensation paid in the form of  
17 fringe benefits of a local agency executive, as defined in  
18 subdivision (d) of Section 3511.1, during the open meeting in  
19 which the final action is to be taken. This paragraph shall not affect  
20 the public’s right under the California Public Records Act (Chapter  
21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to  
22 inspect or copy records created or received in the process of  
23 developing the recommendation.

24 (d) (1) Notwithstanding the provisions relating to a quorum in  
25 paragraph (3) of subdivision (b), if a health authority conducts a  
26 teleconference meeting, members who are outside the jurisdiction  
27 of the authority may be counted toward the establishment of a  
28 quorum when participating in the teleconference if at least 50  
29 percent of the number of members that would establish a quorum  
30 are present within the boundaries of the territory over which the  
31 authority exercises jurisdiction, and the health authority provides  
32 a teleconference number, and associated access codes, if any, that  
33 allows any person to call in to participate in the meeting and the  
34 number and access codes are identified in the notice and agenda  
35 of the meeting.

36 (2) Nothing in this subdivision shall be construed as  
37 discouraging health authority members from regularly meeting at  
38 a common physical site within the jurisdiction of the authority or  
39 from using teleconference locations within or near the jurisdiction  
40 of the authority. A teleconference meeting for which a quorum is



1 established pursuant to this subdivision shall be subject to all other  
2 requirements of this section.

3 ~~(3) For purposes of this subdivision, a health authority means~~  
4 ~~any entity created pursuant to Sections 14018.7, 14087.31,~~  
5 ~~14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare~~  
6 ~~and Institutions Code, any joint powers authority created pursuant~~  
7 ~~to Article 1 (commencing with Section 6500) of Chapter 5 of~~  
8 ~~Division 7 for the purpose of contracting pursuant to Section~~  
9 ~~14087.3 of the Welfare and Institutions Code, and any advisory~~  
10 ~~committee to a county-sponsored health plan licensed pursuant to~~  
11 ~~Chapter 2.2 (commencing with Section 1340) of Division 2 of the~~  
12 ~~Health and Safety Code if the advisory committee has 12 or more~~  
13 ~~members.~~

14 ~~(e) This section shall become operative January 1, 2026.~~

15 SEC. 4. The Legislature finds and declares that Sections 1 and  
16 2 of this act, which amend Section 54953 of the Government Code,  
17 furthers, within the meaning of paragraph (7) of subdivision (b)  
18 of Section 3 of Article I of the California Constitution, the purposes  
19 of that constitutional section as it relates to the right of public  
20 access to the meetings of local public bodies or the writings of  
21 local public officials and local agencies. Pursuant to paragraph (7)  
22 of subdivision (b) of Section 3 of Article I of the California  
23 Constitution, the Legislature makes the following findings:

24 This act is necessary to ensure minimum standards for public  
25 participation and notice requirements allowing for greater public  
26 participation in teleconference meetings.

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AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL****No. 817**

**Introduced by Assembly Member Pacheco  
(Coauthor: Assembly Member Wilson)**

February 13, 2023

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An act to amend Section 54950 of the Government Code, relating to local government; *add Section 54953.05 to the Government Code, relating to local government.*

## LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. ~~Local government: open meetings.~~  
*Open meetings: teleconferencing: subsidiary body.*

Existing law, the Ralph M. Brown Act, ~~requires~~ *requires, with specified exceptions*, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. *The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.*

*Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.*

*Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.*

*This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

*The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

*This bill would make legislative findings to that effect.*

~~This bill would make nonsubstantive changes to a provision of the Ralph M. Brown Act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 54953.05 is added to the Government*  
2 *Code, to read:*

3     54953.05. (a) (1) *The definitions in Section 54953, as that*  
4 *section may be amended from time to time, apply for purposes of*  
5 *this section.*

6     (2) *For purposes of this section, “subsidiary body” means a*  
7 *legislative body that meets all of the following:*

8     (A) *Is described in subdivision (b) of Section 54952.*

9     (B) *Serves exclusively in an advisory capacity.*

10    (C) *Is not authorized to take final action on legislation,*  
11 *regulations, contracts, licenses, permits, or any other entitlements.*

12    (b) *A subsidiary body may use teleconferencing without*  
13 *complying with paragraph (3) of subdivision (b) of Section 54953,*  
14 *if the subsidiary body complies with all of the following:*

15    (1) *The teleconferenced meetings shall be conducted in a manner*  
16 *that protects the statutory and constitutional rights of the parties*  
17 *or the public appearing before the subsidiary body.*

18    (2) *Each member of the subsidiary body shall participate*  
19 *through both audio and visual technology.*

20    (3) *The subsidiary body shall provide at least one of the*  
21 *following as a means by which the public may remotely hear and*  
22 *visually observe the meeting, and remotely address the subsidiary*  
23 *body:*

24    (A) *A two-way audiovisual platform.*

25    (B) *A two-way telephonic service and a live webcasting of the*  
26 *meeting.*

27    (4) *The subsidiary body shall give notice of the meeting and*  
28 *post agendas as otherwise required by this chapter.*

29    (5) *In each instance in which notice of the time of the*  
30 *teleconferenced meeting is otherwise given or the agenda for the*  
31 *meeting is otherwise posted, the subsidiary body shall also give*  
32 *notice of the means by which members of the public may access*  
33 *the meeting and offer public comment.*

34    (6) *The agenda shall identify and include an opportunity for all*  
35 *persons to attend and address the subsidiary body directly pursuant*  
36 *to Section 54954.3 via a call-in option or via an internet-based*  
37 *service option.*

1     (7) *In the event of a disruption that prevents the subsidiary body*  
2 *from broadcasting the meeting to members of the public using the*  
3 *call-in option or internet-based service option, or in the event of*  
4 *a disruption within the subsidiary body's control that prevents*  
5 *members of the public from offering public comments using the*  
6 *call-in option or internet-based service option, the subsidiary body*  
7 *shall take no further action on items appearing on the meeting*  
8 *agenda until public access to the meeting via the call-in option or*  
9 *internet-based service option is restored. Actions taken on agenda*  
10 *items during a disruption that prevents the subsidiary body from*  
11 *broadcasting the meeting may be challenged pursuant to Section*  
12 *54960.1.*

13     (8) *Notwithstanding Section 54953.3, an individual desiring to*  
14 *provide public comment through the use of an internet website, or*  
15 *other online platform, not under the control of the subsidiary body,*  
16 *that requires registration to log in to a teleconference may be*  
17 *required to register as required by the third-party internet website*  
18 *or online platform to participate.*

19     (9) *The subsidiary body shall not require public comments to*  
20 *be submitted in advance of the meeting and must provide an*  
21 *opportunity for the public to address the subsidiary body and offer*  
22 *comment in real time.*

23     (A) *A subsidiary body that provides a timed public comment*  
24 *period for each agenda item shall not close the public comment*  
25 *period for the agenda item, or the opportunity to register, pursuant*  
26 *to paragraph (8), to provide public comment until that timed public*  
27 *comment period has elapsed.*

28     (B) *A subsidiary body that does not provide a timed public*  
29 *comment period, but takes public comment separately on each*  
30 *agenda item, shall allow a reasonable amount of time per agenda*  
31 *item to allow public members the opportunity to provide public*  
32 *comment, including time for members of the public to register*  
33 *pursuant to paragraph (8), or otherwise be recognized for the*  
34 *purpose of providing public comment.*

35     (C) *A subsidiary body that provides a timed general public*  
36 *comment period that does not correspond to a specific agenda*  
37 *item shall not close the public comment period or the opportunity*  
38 *to register, pursuant to paragraph (8), until the timed general*  
39 *public comment period has elapsed.*

1 (c) In order to use teleconferencing pursuant to this section, the  
2 legislative body that established the subsidiary body by charter,  
3 ordinance, resolution, or other formal action shall make the  
4 following findings by majority vote before the subsidiary body  
5 uses teleconferencing pursuant to this section for the first time,  
6 and every 12 months thereafter:

7 (1) The legislative body has considered the circumstances of  
8 the subsidiary body.

9 (2) Teleconference meetings of the subsidiary body would  
10 enhance public access to meetings of the subsidiary body.

11 (3) Teleconference meetings of the subsidiary body would  
12 promote the attraction, retention, and diversity of subsidiary body  
13 members.

14 SEC. 2. The Legislature finds and declares that Section 1 of  
15 this act, which adds Section 54953.05 to the Government Code,  
16 imposes a limitation on the public's right of access to the meetings  
17 of public bodies or the writings of public officials and agencies  
18 within the meaning of Section 3 of Article I of the California  
19 Constitution. Pursuant to that constitutional provision, the  
20 Legislature makes the following findings to demonstrate the interest  
21 protected by this limitation and the need for protecting that  
22 interest:

23 By removing the requirement for agendas to be placed at the  
24 location of each public official participating in a public meeting  
25 remotely, this act protects the personal, private information of  
26 public officials and their families while preserving the public's  
27 right to access information concerning the conduct of the people's  
28 business.

29 SEC. 3. The Legislature finds and declares that Section 1 of  
30 this act, which adds Section 54953.05 to the Government Code,  
31 furthers, within the meaning of paragraph (7) of subdivision (b)  
32 of Section 3 of Article I of the California Constitution, the purposes  
33 of that constitutional section as it relates to the right of public  
34 access to the meetings of local public bodies or the writings of  
35 local public officials and local agencies. Pursuant to paragraph  
36 (7) of subdivision (b) of Section 3 of Article I of the California  
37 Constitution, the Legislature makes the following findings:

38 This act is necessary to provide opportunities for public  
39 participation in meetings of specified public agencies and to  
40 promote the attraction and retention of members of those agencies.

1 SECTION 1. ~~Section 54950 of the Government Code is~~  
2 ~~amended to read:~~

3 54950. (a) ~~In enacting this chapter, the Legislature finds and~~  
4 ~~declares that the public commissions, boards, councils, and the~~  
5 ~~other public agencies in this state exist to aid in the conduct of the~~  
6 ~~people's business. It is the intent of the law that their actions be~~  
7 ~~taken openly and that their deliberations be conducted openly.~~

8 (b) ~~The people of this state do not yield their sovereignty to the~~  
9 ~~agencies that serve them. The people, in delegating authority, do~~  
10 ~~not give their public servants the right to decide what is good for~~  
11 ~~the people to know and what is not good for them to know. The~~  
12 ~~people insist on remaining informed, so that they may retain control~~  
13 ~~over the instruments they have created.~~

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AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL****No. 1379****Introduced by Assembly Member Papan**

February 17, 2023

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An act to amend ~~Section 53908~~ of and repeal Section 54953 of the Government Code, relating to local government.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as amended, Papan. ~~Local agencies: financial affairs. Open meetings: local agencies: teleconferences.~~

*Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.*

*This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that*

*each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would instead provide that, for purposes of establishing a quorum of the legislative body, members of the body may participate remotely, at the designated physical location, or at both the designated physical meeting location and remotely. The bill would require the legislative body to have at least 2 meetings per year in which the legislative body's members are in person at a singular designated physical meeting location.*

*Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing provisions without complying with the general teleconferencing requirements that agendas be posted at each teleconference, that each teleconference location be identified in the notice and agenda, and that each teleconference location be accessible to the public, if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under existing law, these alternative teleconferencing provisions require the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. Under existing law, these alternative teleconferencing provisions authorize a member to participate remotely if the member is participating remotely for just cause, limited to twice per year, or due to emergency circumstances, contingent upon a request to, and action by, the legislative body, as prescribed. Existing law specifies that just cause includes travel while on official business of the legislative body or another state or local agency.*

*This bill would revise the alternative provisions, operative until January 1, 2026, to make these provisions operative indefinitely. The bill would delete the restriction that prohibits a member, based on just cause, from participating remotely for more than 2 meetings per calendar year. The bill would delete the requirement for the legislative body to provide at least one of 2 specified means by which the public may remotely hear and visually observe the meeting. The bill would also delete a provision that requires a member participating remotely to publicly disclose at the meeting before action is taken whether there are individuals 18 years of age present in the room at the remote location and the general nature of the member's relationship to those*

individuals. The bill would further delete a provision that prohibits a member from participating remotely for a period of more than 3 consecutive months or 20% of the regular meetings within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. The bill would expand the definition of just cause to include travel related to a member of a legislative body’s occupation. The bill would make related, conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Existing law requires that the officer of each local agency who has charge of the financial records furnish to the Controller a report of all the financial transactions of the local agency during the preceding fiscal year. If a local agency maintains an internet website, existing law requires that the local agency post information on the annual compensation of its elected officials, as specified.

This bill would make nonsubstantive changes to that law.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 2 of Chapter 285 of the Statutes of 2022, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

1 (b) (1) Notwithstanding any other provision of law, the  
2 legislative body of a local agency may use teleconferencing for  
3 the benefit of the public and the legislative body of a local agency  
4 in connection with any meeting or proceeding authorized by law.  
5 The teleconferenced meeting or proceeding shall comply with all  
6 otherwise applicable requirements of this chapter and all otherwise  
7 applicable provisions of law relating to a specific type of meeting  
8 or proceeding.

9 (2) Teleconferencing, as authorized by this section, may be used  
10 for all purposes in connection with any meeting within the subject  
11 matter jurisdiction of the legislative body. If the legislative body  
12 of a local agency elects to use teleconferencing, the legislative  
13 body of a local agency shall comply with all of the following:

14 (A) All votes taken during a teleconferenced meeting shall be  
15 by rollcall.

16 (B) The teleconferenced meetings shall be conducted in a  
17 manner that protects the statutory and constitutional rights of the  
18 parties or the public appearing before the legislative body of a  
19 local agency.

20 (C) The legislative body shall give notice of the meeting and  
21 post agendas as otherwise required by this chapter.

22 (D) The legislative body shall allow members of the public to  
23 access the meeting and the agenda shall provide an opportunity  
24 for members of the public to address the legislative body directly  
25 pursuant to Section 54954.3.

26 (3) (A) If the legislative body of a local agency elects to use  
27 teleconferencing, it shall post agendas at ~~all teleconference~~  
28 ~~locations. Each teleconference location shall be identified in the~~  
29 ~~notice and agenda of the meeting or proceeding, and each~~  
30 ~~teleconference location shall be accessible to the public. During~~  
31 ~~the teleconference, at least a quorum of the members of the~~  
32 ~~legislative body shall participate from locations within the~~  
33 ~~boundaries of the territory over which the local agency exercises~~  
34 ~~jurisdiction, except as provided in subdivision (d). *the singular*~~  
35 ~~*designated physical meeting location, as defined in subparagraph*~~  
36 ~~*(B). Establishment of a quorum of a legislative body may include*~~  
37 ~~*all of the following:*~~

38 (i) *A legislative body consisting of members participating*  
39 *remotely.*

1 (ii) A legislative body consisting of members participating at  
2 the designated physical meeting location.

3 (iii) A legislative body consisting of members participating at  
4 the designated physical meeting location and members  
5 participating remotely.

6 (B) “Singular designated physical meeting location” means the  
7 location that is clearly identified on the agenda, is open to the  
8 public and situated within the boundaries of the territory over  
9 which the local agency exercises jurisdiction, and the legislative  
10 body provides at least one of the following as a means by which  
11 the public may remotely hear and visually observe the meeting,  
12 and remotely address the legislative body:

13 (i) A two-way audiovisual platform.

14 (ii) A two-way telephonic service.

15 (C) The legislative body shall have at least two meetings per  
16 calendar year in which the legislative body’s members are in  
17 person at a singular designated physical meeting location.

18 (c) (1) No legislative body shall take action by secret ballot,  
19 whether preliminary or final.

20 (2) The legislative body of a local agency shall publicly report  
21 any action taken and the vote or abstention on that action of each  
22 member present for the action.

23 (3) Prior to taking final action, the legislative body shall orally  
24 report a summary of a recommendation for a final action on the  
25 salaries, salary schedules, or compensation paid in the form of  
26 fringe benefits of a local agency executive, as defined in  
27 subdivision (d) of Section 3511.1, during the open meeting in  
28 which the final action is to be taken. This paragraph shall not affect  
29 the public’s right under the California Public Records Act (Division  
30 10 (commencing with Section 7920.000) of Title 1) to inspect or  
31 copy records created or received in the process of developing the  
32 recommendation.

33 (d) (1) Notwithstanding the provisions relating to a quorum in  
34 paragraph (3) of subdivision (b), if a health authority conducts a  
35 teleconference meeting, members who are outside the jurisdiction  
36 of the authority may be counted toward the establishment of a  
37 quorum when participating in the teleconference if at least 50  
38 percent of the number of members that would establish a quorum  
39 are present within the boundaries of the territory over which the  
40 authority exercises jurisdiction, and the health authority provides

1 a teleconference number, and associated access codes, if any, that  
2 allows any person to call in to participate in the meeting and the  
3 number and access codes are identified in the notice and agenda  
4 of the meeting.

5 (2) Nothing in this subdivision shall be construed as  
6 discouraging health authority members from regularly meeting at  
7 a common physical site within the jurisdiction of the authority or  
8 from using teleconference locations within or near the jurisdiction  
9 of the authority. A teleconference meeting for which a quorum is  
10 established pursuant to this subdivision shall be subject to all other  
11 requirements of this section.

12 (3) For purposes of this subdivision, a health authority means  
13 any entity created pursuant to Sections 14018.7, 14087.31,  
14 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
15 and Institutions Code, any joint powers authority created pursuant  
16 to Article 1 (commencing with Section 6500) of Chapter 5 of  
17 Division 7 for the purpose of contracting pursuant to Section  
18 14087.3 of the Welfare and Institutions Code, and any advisory  
19 committee to a county-sponsored health plan licensed pursuant to  
20 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
21 Health and Safety Code if the advisory committee has 12 or more  
22 members.

23 (e) (1) The legislative body of a local agency may *also* use  
24 teleconferencing ~~without complying in accordance~~ with paragraph  
25 (3) of subdivision (b) if, during the teleconference meeting, ~~at least~~  
26 ~~a quorum of the members of the legislative body participates in~~  
27 ~~person from a singular physical location clearly identified on the~~  
28 ~~agenda, which location shall be open to the public and situated~~  
29 ~~within the boundaries of the territory over which the local agency~~  
30 ~~exercises jurisdiction and the legislative body complies with all~~  
31 ~~of the following: the legislative body complies with all of the~~  
32 ~~following:~~

33 (A) ~~The legislative body shall provide at least one of the~~  
34 ~~following as a means by which the public may remotely hear and~~  
35 ~~visually observe the meeting, and remotely address the legislative~~  
36 ~~body:~~

- 37 (i) ~~A two-way audiovisual platform.~~
- 38 (ii) ~~A two-way telephonic service and a live webcasting of the~~  
39 ~~meeting.~~
- 40 (B)

1 (A) In each instance in which notice of the time of the  
2 teleconferenced meeting is otherwise given or the agenda for the  
3 meeting is otherwise posted, the legislative body shall also give  
4 notice of the means by which members of the public may access  
5 the meeting and offer public comment.

6 ~~(C)~~

7 (B) The agenda shall identify and include an opportunity for all  
8 persons to attend and address the legislative body directly pursuant  
9 to Section 54954.3 via a call-in option, via an internet-based service  
10 option, and at the in-person location of the meeting.

11 ~~(D)~~

12 (C) In the event of a disruption that prevents the legislative body  
13 from broadcasting the meeting to members of the public using the  
14 call-in option or internet-based service option, or in the event of  
15 a disruption within the local agency's control that prevents  
16 members of the public from offering public comments using the  
17 call-in option or internet-based service option, the legislative body  
18 shall take no further action on items appearing on the meeting  
19 agenda until public access to the meeting via the call-in option or  
20 internet-based service option is restored. Actions taken on agenda  
21 items during a disruption that prevents the legislative body from  
22 broadcasting the meeting may be challenged pursuant to Section  
23 54960.1.

24 ~~(E)~~

25 (D) The legislative body shall not require public comments to  
26 be submitted in advance of the meeting and must provide an  
27 opportunity for the public to address the legislative body and offer  
28 comment in real time.

29 ~~(F)~~

30 (E) Notwithstanding Section 54953.3, an individual desiring to  
31 provide public comment through the use of an internet website, or  
32 other online platform, not under the control of the local legislative  
33 body, that requires registration to log in to a teleconference may  
34 be required to register as required by the third-party internet  
35 website or online platform to participate.

36 (2) A member of the legislative body shall only participate in  
37 the meeting remotely pursuant to this subdivision, if all of the  
38 following requirements are met:

39 (A) One of the following circumstances applies:

1 (i) The member notifies the legislative body at the earliest  
 2 opportunity possible, including at the start of a regular meeting,  
 3 of their need to participate remotely for just cause, including a  
 4 general description of the circumstances relating to their need to  
 5 appear remotely at the given meeting. ~~The provisions of this clause  
 6 shall not be used by any member of the legislative body for more  
 7 than two meetings per calendar year.~~

8 (ii) The member requests the legislative body to allow them to  
 9 participate in the meeting remotely due to emergency circumstances  
 10 and the legislative body takes action to approve the request. The  
 11 legislative body shall request a general description of the  
 12 circumstances relating to their need to appear remotely at the given  
 13 meeting. A general description of an item generally need not exceed  
 14 20 words and shall not require the member to disclose any medical  
 15 diagnosis or disability, or any personal medical information that  
 16 is already exempt under existing law, such as the Confidentiality  
 17 of Medical Information Act (Chapter 1 (commencing with Section  
 18 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
 19 of this clause, the following requirements apply:

20 (I) A member shall make a request to participate remotely at a  
 21 meeting pursuant to this clause as soon as possible. The member  
 22 shall make a separate request for each meeting in which they seek  
 23 to participate remotely.

24 (II) The legislative body may take action on a request to  
 25 participate remotely at the earliest opportunity. If the request does  
 26 not allow sufficient time to place proposed action on such a request  
 27 on the posted agenda for the meeting for which the request is made,  
 28 the legislative body may take action at the beginning of the meeting  
 29 in accordance with paragraph (4) of subdivision (b) of Section  
 30 54954.2.

31 ~~(B) The member shall publicly disclose at the meeting before  
 32 any action is taken whether any other individuals 18 years of age  
 33 or older are present in the room at the remote location with the  
 34 member, and the general nature of the member's relationship with  
 35 any such individuals.~~

36 ~~(C)~~

37 (B) The member shall participate through both audio and visual  
 38 technology.

39 ~~(3) The provisions of this subdivision shall not serve as a means  
 40 for any member of a legislative body to participate in meetings of~~



1 the legislative body solely by teleconference from a remote location  
2 for a period of more than three consecutive months or 20 percent  
3 of the regular meetings for the local agency within a calendar year,  
4 or more than two meetings if the legislative body regularly meets  
5 fewer than 10 times per calendar year.

6 (f) The legislative body shall have and implement a procedure  
7 for receiving and swiftly resolving requests for reasonable  
8 accommodation for individuals with disabilities, consistent with  
9 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
10 Sec. 12132), and resolving any doubt in favor of accessibility. In  
11 each instance in which notice of the time of the meeting is  
12 otherwise given or the agenda for the meeting is otherwise posted,  
13 the legislative body shall also give notice of the procedure for  
14 receiving and resolving requests for accommodation.

15 (g) The legislative body shall conduct meetings subject to this  
16 chapter consistent with applicable civil rights and  
17 nondiscrimination laws.

18 (h) (1) Nothing in this section shall prohibit a legislative body  
19 from providing the public with additional teleconference locations.

20 (2) Nothing in this section shall prohibit a legislative body from  
21 providing members of the public with additional physical locations  
22 in which the public may observe and address the legislative body  
23 by electronic means.

24 (i) For the purposes of this section, the following definitions  
25 shall apply:

26 (1) “Emergency circumstances” means a physical or family  
27 medical emergency that prevents a member from attending in  
28 person.

29 (2) “Just cause” means any of the following:

30 (A) A childcare or caregiving need of a child, parent,  
31 grandparent, grandchild, sibling, spouse, or domestic partner that  
32 requires them to participate remotely. “Child,” “parent,”  
33 “grandparent,” “grandchild,” and “sibling” have the same meaning  
34 as those terms do in Section 12945.2.

35 (B) A contagious illness that prevents a member from attending  
36 in person.

37 (C) A need related to a physical or mental disability as defined  
38 in Sections 12926 and 12926.1 not otherwise accommodated by  
39 subdivision (f).

1 (D) Travel while on official business of the legislative body or  
 2 another state or local ~~agency~~. *agency, or travel related to a member*  
 3 *of a legislative body’s occupation.*

4 (3) “Remote location” means a location from which a member  
 5 of a legislative body participates in a meeting pursuant to  
 6 subdivision (e), other than any physical meeting location designated  
 7 in the notice of the meeting. Remote locations need not be  
 8 accessible to the public.

9 (4) “Remote participation” means participation in a meeting by  
 10 teleconference at a location other than any physical meeting  
 11 location designated in the notice of the meeting. Watching or  
 12 listening to a meeting via webcasting or another similar electronic  
 13 medium that does not permit members to interactively hear,  
 14 discuss, or deliberate on matters, does not constitute remote  
 15 participation.

16 (5) “Teleconference” means a meeting of a legislative body,  
 17 the members of which are in different locations, connected by  
 18 electronic means, through either audio or video, or both.

19 (6) “Two-way audiovisual platform” means an online platform  
 20 that provides participants with the ability to participate in a meeting  
 21 via both an interactive video conference and a two-way telephonic  
 22 function.

23 (7) “Two-way telephonic service” means a telephone service  
 24 that does not require internet access, is not provided as part of a  
 25 two-way audiovisual platform, and allows participants to dial a  
 26 telephone number to listen and verbally participate.

27 ~~(8) “Webcasting” means a streaming video broadcast online or~~  
 28 ~~on television, using streaming media technology to distribute a~~  
 29 ~~single content source to many simultaneous listeners and viewers.~~

30 (j) This section shall become operative January 1, ~~2024~~, shall  
 31 remain in effect only until January 1, 2026, and as of that date is  
 32 repealed. 2024.

33 *SEC. 2. Section 54953 of the Government Code, as added by*  
 34 *Section 3 of Chapter 285 of the Statutes of 2022, is repealed.*

35 ~~54953. (a) All meetings of the legislative body of a local~~  
 36 ~~agency shall be open and public, and all persons shall be permitted~~  
 37 ~~to attend any meeting of the legislative body of a local agency,~~  
 38 ~~except as otherwise provided in this chapter.~~

39 ~~(b) (1) Notwithstanding any other provision of law, the~~  
 40 ~~legislative body of a local agency may use teleconferencing for~~

1 the benefit of the public and the legislative body of a local agency  
2 in connection with any meeting or proceeding authorized by law.  
3 The teleconferenced meeting or proceeding shall comply with all  
4 requirements of this chapter and all otherwise applicable provisions  
5 of law relating to a specific type of meeting or proceeding.

6 ~~(2) Teleconferencing, as authorized by this section, may be used  
7 for all purposes in connection with any meeting within the subject  
8 matter jurisdiction of the legislative body. All votes taken during  
9 a teleconferenced meeting shall be by rollcall.~~

10 ~~(3) If the legislative body of a local agency elects to use  
11 teleconferencing, it shall post agendas at all teleconference  
12 locations and conduct teleconference meetings in a manner that  
13 protects the statutory and constitutional rights of the parties or the  
14 public appearing before the legislative body of a local agency.  
15 Each teleconference location shall be identified in the notice and  
16 agenda of the meeting or proceeding, and each teleconference  
17 location shall be accessible to the public. During the teleconference,  
18 at least a quorum of the members of the legislative body shall  
19 participate from locations within the boundaries of the territory  
20 over which the local agency exercises jurisdiction, except as  
21 provided in subdivision (d). The agenda shall provide an  
22 opportunity for members of the public to address the legislative  
23 body directly pursuant to Section 54954.3 at each teleconference  
24 location.~~

25 ~~(4) For the purposes of this section, "teleconference" means a  
26 meeting of a legislative body, the members of which are in different  
27 locations, connected by electronic means, through either audio or  
28 video, or both. Nothing in this section shall prohibit a local agency  
29 from providing the public with additional teleconference locations.~~

30 ~~(e) (1) No legislative body shall take action by secret ballot,  
31 whether preliminary or final.~~

32 ~~(2) The legislative body of a local agency shall publicly report  
33 any action taken and the vote or abstention on that action of each  
34 member present for the action.~~

35 ~~(3) Prior to taking final action, the legislative body shall orally  
36 report a summary of a recommendation for a final action on the  
37 salaries, salary schedules, or compensation paid in the form of  
38 fringe benefits of a local agency executive, as defined in  
39 subdivision (d) of Section 3511.1, during the open meeting in  
40 which the final action is to be taken. This paragraph shall not affect~~

1 the public's right under the California Public Records Act (Chapter  
 2 3.5 (commencing with Section 6250) of Division 7 of Title 1) to  
 3 inspect or copy records created or received in the process of  
 4 developing the recommendation.

5 (d) (1) Notwithstanding the provisions relating to a quorum in  
 6 paragraph (3) of subdivision (b), if a health authority conducts a  
 7 teleconference meeting, members who are outside the jurisdiction  
 8 of the authority may be counted toward the establishment of a  
 9 quorum when participating in the teleconference if at least 50  
 10 percent of the number of members that would establish a quorum  
 11 are present within the boundaries of the territory over which the  
 12 authority exercises jurisdiction, and the health authority provides  
 13 a teleconference number, and associated access codes, if any, that  
 14 allows any person to call in to participate in the meeting and the  
 15 number and access codes are identified in the notice and agenda  
 16 of the meeting.

17 (2) Nothing in this subdivision shall be construed as  
 18 discouraging health authority members from regularly meeting at  
 19 a common physical site within the jurisdiction of the authority or  
 20 from using teleconference locations within or near the jurisdiction  
 21 of the authority. A teleconference meeting for which a quorum is  
 22 established pursuant to this subdivision shall be subject to all other  
 23 requirements of this section.

24 (3) For purposes of this subdivision, a health authority means  
 25 any entity created pursuant to Sections 14018.7, 14087.31,  
 26 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
 27 and Institutions Code, any joint powers authority created pursuant  
 28 to Article 1 (commencing with Section 6500) of Chapter 5 of  
 29 Division 7 for the purpose of contracting pursuant to Section  
 30 14087.3 of the Welfare and Institutions Code, and any advisory  
 31 committee to a county-sponsored health plan licensed pursuant to  
 32 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
 33 Health and Safety Code if the advisory committee has 12 or more  
 34 members.

35 (e) This section shall become operative January 1, 2026.

36 *SEC. 3. The Legislature finds and declares that Section 1 of*  
 37 *this act, which amends Section 54953 of the Government Code,*  
 38 *imposes a limitation on the public's right of access to the meetings*  
 39 *of public bodies or the writings of public officials and agencies*  
 40 *within the meaning of Section 3 of Article I of the California*

1 *Constitution. Pursuant to that constitutional provision, the*  
2 *Legislature makes the following findings to demonstrate the interest*  
3 *protected by this limitation and the need for protecting that*  
4 *interest:*

5 *By removing the requirement for agendas to be posted at all*  
6 *teleconference locations, and removing the requirement for*  
7 *members to publicly disclose whether any other individuals 18*  
8 *years of age or older are present at the remote location with the*  
9 *member, and the general nature of the member's relationship with*  
10 *individuals before action is taken, this act protects the personal,*  
11 *private information of public officials and their families while*  
12 *preserving the public's right to access information concerning the*  
13 *conduct of the people's business.*

14 *SEC. 4. The Legislature finds and declares that Section 1 of*  
15 *this act, which amends Section 54953 of the Government Code,*  
16 *further, within the meaning of paragraph (7) of subdivision (b)*  
17 *of Section 3 of Article I of the California Constitution, the purposes*  
18 *of that constitutional section as it relates to the right of public*  
19 *access to the meetings of local public bodies or the writings of*  
20 *local public officials and local agencies. Pursuant to paragraph*  
21 *(7) of subdivision (b) of Section 3 of Article I of the California*  
22 *Constitution, the Legislature makes the following findings:*

23 *This act is necessary to ensure minimum standards for public*  
24 *participation and notice requirements allowing for greater public*  
25 *participation in teleconference meetings.*

26 ~~SECTION 1. Section 53908 of the Government Code is~~  
27 ~~amended to read:~~

28 ~~53908. (a) If a local agency, which is required to report to the~~  
29 ~~Controller under Section 53891, maintains an internet website, it~~  
30 ~~shall post, in a conspicuous location on its internet website,~~  
31 ~~information on the annual compensation of its elected officials,~~  
32 ~~officers, and employees that is submitted to the Controller under~~  
33 ~~Section 53891.~~

34 ~~(b) A local agency may comply with subdivision (a) by posting,~~  
35 ~~in a conspicuous location on its internet website, a link to the~~  
36 ~~Controller's Government Compensation in California internet~~  
37 ~~website.~~

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## SENATE BILL

No. 411

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**Introduced by Senator Portantino**  
**(Coauthor: Senator Menjivar)**  
(Coauthor: Assembly Member Luz Rivas)

February 9, 2023

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An act to add Section 54953.4 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 411, as introduced, Portantino. Open meetings: teleconferences: bodies with appointed membership.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice,

agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54953.4 is added to the Government  
2 Code, to read:



1 54953.4. (a) (1) A legislative body included in subdivision  
2 (c) may use teleconferencing without complying with paragraph  
3 (3) of subdivision (b) of Section 54953 if the legislative body  
4 complies with paragraph (2) of this section.

5 (2) A legislative body that holds a meeting pursuant to this  
6 subdivision shall do all of the following:

7 (A) In each instance in which notice of the time of the  
8 teleconferenced meeting is otherwise given or the agenda for the  
9 meeting is otherwise posted, the legislative body shall also give  
10 notice of the means by which members of the public may access  
11 the meeting and offer public comment. The agenda shall identify  
12 and include an opportunity for all persons to attend via a call-in  
13 option or an internet-based service option.

14 (B) In the event of a disruption that prevents the legislative body  
15 from broadcasting the meeting to members of the public using the  
16 call-in option or internet-based service option, or in the event of  
17 a disruption within the local agency's control that prevents  
18 members of the public from offering public comments using the  
19 call-in option or internet-based service option, the legislative body  
20 shall take no further action on items appearing on the meeting  
21 agenda until public access to the meeting via the call-in option or  
22 internet-based service option is restored. Actions taken on agenda  
23 items during a disruption that prevents the legislative body of a  
24 neighborhood council from broadcasting the meeting may be  
25 challenged pursuant to Section 54960.1.

26 (C) The legislative body shall not require public comments to  
27 be submitted in advance of the meeting and must provide an  
28 opportunity for the public to address the legislative body and offer  
29 comment in real time.

30 (D) Notwithstanding Section 54953.3, an individual desiring to  
31 provide public comment through the use of an internet website, or  
32 other online platform, not under the control of the legislative body,  
33 that requires registration to log in to a teleconference may be  
34 required to register as required by the third-party internet website  
35 or online platform to participate.

36 (E) (i) A legislative body that provides a timed public comment  
37 period for each agenda item shall not close the public comment  
38 period for the agenda item, or the opportunity to register, pursuant  
39 to subparagraph (D), to provide public comment until that timed  
40 public comment period has elapsed.

1 (ii) A legislative body that does not provide a timed public  
2 comment period, but takes public comment separately on each  
3 agenda item, shall allow a reasonable amount of time per agenda  
4 item to allow public members the opportunity to provide public  
5 comment, including time for members of the public to register  
6 pursuant to subparagraph (D), or otherwise be recognized for the  
7 purpose of providing public comment.

8 (iii) A legislative body that provides a timed general public  
9 comment period that does not correspond to a specific agenda item  
10 shall not close the public comment period or the opportunity to  
11 register, pursuant to subparagraph (D), until the timed general  
12 public comment period has elapsed.

13 (3) This subdivision shall not be construed to require the  
14 legislative body to provide a physical location from which the  
15 public may attend or comment.

16 (b) The legislative body shall comply with all other requirements  
17 of Section 54953.

18 (c) As used in this section, “legislative body” means a board,  
19 commission, or advisory body of a local agency, the membership  
20 of which board, commission, or advisory body is appointed and  
21 which board, commission, or advisory body is otherwise subject  
22 to this chapter. As used in this subdivision, “advisory body”  
23 includes, but is not limited to, a neighborhood council that is an  
24 advisory body with the purpose to promote more citizen  
25 participation in government and make government more responsive  
26 to local needs that is established pursuant to the charter of a city  
27 with a population of more than 3,000,000 people that is subject to  
28 this chapter.

29 SEC. 2. The Legislature finds and declares that Section 1 of  
30 this act, which adds Section 54953.4 to the Government Code,  
31 imposes a limitation on the public’s right of access to the meetings  
32 of public bodies or the writings of public officials and agencies  
33 within the meaning of Section 3 of Article I of the California  
34 Constitution. Pursuant to that constitutional provision, the  
35 Legislature makes the following findings to demonstrate the interest  
36 protected by this limitation and the need for protecting that interest:

37 During the COVID-19 public health emergency, audio and video  
38 teleconference were widely used to conduct public meetings in  
39 lieu of physical location meetings, and those public meetings have  
40 been productive, increased public participation by all members of

1 the public regardless of their location and ability to travel to  
2 physical meeting locations, increased the pool of people who are  
3 able to serve on these bodies, and protected the health and safety  
4 of civil servants and the public. Extending the operation of  
5 teleconference as conducted during the COVID-19 public health  
6 emergency for bodies of local agencies with appointed membership  
7 will continue these benefits.

8 SEC. 3. The Legislature finds and declares that Section 1 of  
9 this act, which adds Section 54953.4 to the Government Code,  
10 furthers, within the meaning of paragraph (7) of subdivision (b)  
11 of Section 3 of Article I of the California Constitution, the purposes  
12 of that constitutional section as it relates to the right of public  
13 access to the meetings of local public bodies or the writings of  
14 local public officials and local agencies. Pursuant to paragraph (7)  
15 of subdivision (b) of Section 3 of Article I of the California  
16 Constitution, the Legislature makes the following findings:

17 During the COVID-19 public health emergency, audio and video  
18 teleconference were widely used to conduct public meetings in  
19 lieu of physical location meetings, and those public meetings have  
20 been productive, increased public participation by all members of  
21 the public regardless of their location and ability to travel to  
22 physical meeting locations, increased the pool of people who are  
23 able to serve on these bodies, and protected the health and safety  
24 of civil servants and the public. Extending the operation of  
25 teleconference as conducted during the COVID-19 public health  
26 emergency for bodies of local agencies with appointed membership  
27 will continue these benefits.

28 SEC. 4. This act is an urgency statute necessary for the  
29 immediate preservation of the public peace, health, or safety within  
30 the meaning of Article IV of the California Constitution and shall  
31 go into immediate effect. The facts constituting the necessity are:

32 Virtual meetings have allowed much easier access to appointed  
33 bodies of local agencies with far more members of the public  
34 participating in each meeting. This has created greater equity in  
35 the process and fostered the health of our democracy. In-person  
36 meetings may jeopardize the health and safety of vulnerable  
37 citizens due to ongoing risks of COVID-19 and other illnesses.

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AMENDED IN SENATE MARCH 22, 2023

**SENATE BILL****No. 537****Introduced by Senator Becker**

February 14, 2023

*An act to amend Section 54953 of, and to add Section 54953.4 to, the Government Code, relating to local ~~government~~. government, and declaring the urgency thereof, to take effect immediately.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Becker. Open meetings: local agencies: teleconferences.

*Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.*

*Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice,*

*agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.*

*Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely.*

*This bill would authorize certain legislative bodies to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would also require a legislative body to provide a record of attendance on its internet website within 7 days after a teleconference meeting, as specified. The bill would define "legislative body" for this purpose to mean a board, commission, or advisory body of a multijurisdictional cross county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act. The bill would also define "multijurisdictional" to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity.*

*With respect to the alternative teleconferencing provisions operative until January 1, 2026, the bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

*The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or*

*open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

*This bill would make legislative findings to that effect.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur through teleconference, subject to specified requirements.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation that expands local government’s access to hold public meetings through teleconferencing and remote access.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 54953 of the Government Code, as*  
2     *amended by Section 2 of Chapter 285 of the Statutes of 2022, is*  
3     *amended to read:*

4     54953. (a) All meetings of the legislative body of a local  
5     agency shall be open and public, and all persons shall be permitted  
6     to attend any meeting of the legislative body of a local agency,  
7     except as otherwise provided in this chapter.

8     (b) (1) Notwithstanding any other provision of law, the  
9     legislative body of a local agency may use teleconferencing for  
10    the benefit of the public and the legislative body of a local agency  
11    in connection with any meeting or proceeding authorized by law.  
12    The teleconferenced meeting or proceeding shall comply with all  
13    otherwise applicable requirements of this chapter and all otherwise  
14    applicable provisions of law relating to a specific type of meeting  
15    or proceeding.

16    (2) Teleconferencing, as authorized by this section, may be used  
17    for all purposes in connection with any meeting within the subject  
18    matter jurisdiction of the legislative body. If the legislative body  
19    of a local agency elects to use teleconferencing, the legislative  
20    body of a local agency shall comply with all of the following:

1 (A) All votes taken during a teleconferenced meeting shall be  
2 by rollcall.

3 (B) The teleconferenced meetings shall be conducted in a  
4 manner that protects the statutory and constitutional rights of the  
5 parties or the public appearing before the legislative body of a  
6 local agency.

7 (C) The legislative body shall give notice of the meeting and  
8 post agendas as otherwise required by this chapter.

9 (D) The legislative body shall allow members of the public to  
10 access the meeting and the agenda shall provide an opportunity  
11 for members of the public to address the legislative body directly  
12 pursuant to Section 54954.3.

13 (3) If the legislative body of a local agency elects to use  
14 teleconferencing, it shall post agendas at all teleconference  
15 locations. Each teleconference location shall be identified in the  
16 notice and agenda of the meeting or proceeding, and each  
17 teleconference location shall be accessible to the public. During  
18 the teleconference, at least a quorum of the members of the  
19 legislative body shall participate from locations within the  
20 boundaries of the territory over which the local agency exercises  
21 jurisdiction, except as provided in subdivision (d).

22 (c) (1) No legislative body shall take action by secret ballot,  
23 whether preliminary or final.

24 (2) The legislative body of a local agency shall publicly report  
25 any action taken and the vote or abstention on that action of each  
26 member present for the action.

27 (3) Prior to taking final action, the legislative body shall orally  
28 report a summary of a recommendation for a final action on the  
29 salaries, salary schedules, or compensation paid in the form of  
30 fringe benefits of a local agency executive, as defined in  
31 subdivision (d) of Section 3511.1, during the open meeting in  
32 which the final action is to be taken. This paragraph shall not affect  
33 the public's right under the California Public Records Act (Division  
34 10 (commencing with Section 7920.000) of Title 1) to inspect or  
35 copy records created or received in the process of developing the  
36 recommendation.

37 (d) (1) Notwithstanding the provisions relating to a quorum in  
38 paragraph (3) of subdivision (b), if a health authority conducts a  
39 teleconference meeting, members who are outside the jurisdiction  
40 of the authority may be counted toward the establishment of a



1 quorum when participating in the teleconference if at least 50  
2 percent of the number of members that would establish a quorum  
3 are present within the boundaries of the territory over which the  
4 authority exercises jurisdiction, and the health authority provides  
5 a teleconference number, and associated access codes, if any, that  
6 allows any person to call in to participate in the meeting and the  
7 number and access codes are identified in the notice and agenda  
8 of the meeting.

9 (2) Nothing in this subdivision shall be construed as  
10 discouraging health authority members from regularly meeting at  
11 a common physical site within the jurisdiction of the authority or  
12 from using teleconference locations within or near the jurisdiction  
13 of the authority. A teleconference meeting for which a quorum is  
14 established pursuant to this subdivision shall be subject to all other  
15 requirements of this section.

16 (3) For purposes of this subdivision, a health authority means  
17 any entity created pursuant to Sections 14018.7, 14087.31,  
18 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
19 and Institutions Code, any joint powers authority created pursuant  
20 to Article 1 (commencing with Section 6500) of Chapter 5 of  
21 Division 7 for the purpose of contracting pursuant to Section  
22 14087.3 of the Welfare and Institutions Code, and any advisory  
23 committee to a county-sponsored health plan licensed pursuant to  
24 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
25 Health and Safety Code if the advisory committee has 12 or more  
26 members.

27 (e) (1) The legislative body of a local agency may use  
28 teleconferencing without complying with paragraph (3) of  
29 subdivision (b) if, during the teleconference meeting, at least a  
30 quorum of the members of the legislative body participates in  
31 person from a singular physical location clearly identified on the  
32 agenda, which location shall be open to the public and situated  
33 within the boundaries of the territory over which the local agency  
34 exercises jurisdiction and the legislative body complies with all  
35 of the following:

36 (A) The legislative body shall provide at least one of the  
37 following as a means by which the public may remotely hear and  
38 visually observe the meeting, and remotely address the legislative  
39 body:

40 (i) A two-way audiovisual platform.

1 (ii) A two-way telephonic service and a live webcasting of the  
2 meeting.

3 (B) In each instance in which notice of the time of the  
4 teleconferenced meeting is otherwise given or the agenda for the  
5 meeting is otherwise posted, the legislative body shall also give  
6 notice of the means by which members of the public may access  
7 the meeting and offer public comment.

8 (C) The agenda shall identify and include an opportunity for all  
9 persons to attend and address the legislative body directly pursuant  
10 to Section 54954.3 via a call-in option, via an internet-based service  
11 option, and at the in-person location of the meeting.

12 (D) In the event of a disruption that prevents the legislative body  
13 from broadcasting the meeting to members of the public using the  
14 call-in option or internet-based service option, or in the event of  
15 a disruption within the local agency's control that prevents  
16 members of the public from offering public comments using the  
17 call-in option or internet-based service option, the legislative body  
18 shall take no further action on items appearing on the meeting  
19 agenda until public access to the meeting via the call-in option or  
20 internet-based service option is restored. Actions taken on agenda  
21 items during a disruption that prevents the legislative body from  
22 broadcasting the meeting may be challenged pursuant to Section  
23 54960.1.

24 (E) The legislative body shall not require public comments to  
25 be submitted in advance of the meeting and must provide an  
26 opportunity for the public to address the legislative body and offer  
27 comment in real time.

28 (F) Notwithstanding Section 54953.3, an individual desiring to  
29 provide public comment through the use of an internet website, or  
30 other online platform, not under the control of the local legislative  
31 body, that requires registration to log in to a teleconference may  
32 be required to register as required by the third-party internet  
33 website or online platform to participate.

34 (2) A member of the legislative body shall only participate in  
35 the meeting remotely pursuant to this subdivision, if all of the  
36 following requirements are met:

37 (A) One of the following circumstances applies:

38 (i) The member notifies the legislative body at the earliest  
39 opportunity possible, including at the start of a regular meeting,  
40 of their need to participate remotely for just cause, including a

1 general description of the circumstances relating to their need to  
2 appear remotely at the given meeting. The provisions of this clause  
3 shall not be used by any member of the legislative body for more  
4 than two meetings per calendar year.

5 (ii) The member requests the legislative body to allow them to  
6 participate in the meeting remotely due to emergency circumstances  
7 and the legislative body takes action to approve the request. The  
8 legislative body shall request a general description of the  
9 circumstances relating to their need to appear remotely at the given  
10 meeting. A general description of an item generally need not exceed  
11 20 words and shall not require the member to disclose any medical  
12 diagnosis or disability, or any personal medical information that  
13 is already exempt under existing law, such as the Confidentiality  
14 of Medical Information Act (Chapter 1 (commencing with Section  
15 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
16 of this clause, the following requirements apply:

17 (I) A member shall make a request to participate remotely at a  
18 meeting pursuant to this clause as soon as possible. The member  
19 shall make a separate request for each meeting in which they seek  
20 to participate remotely.

21 (II) The legislative body may take action on a request to  
22 participate remotely at the earliest opportunity. If the request does  
23 not allow sufficient time to place proposed action on such a request  
24 on the posted agenda for the meeting for which the request is made,  
25 the legislative body may take action at the beginning of the meeting  
26 in accordance with paragraph (4) of subdivision (b) of Section  
27 54954.2.

28 (B) The member shall publicly disclose at the meeting before  
29 any action is taken whether any other individuals 18 years of age  
30 or older are present in the room at the remote location with the  
31 member, and the general nature of the member's relationship with  
32 any such individuals.

33 (C) The member shall participate through both audio and visual  
34 technology.

35 (3) The provisions of this subdivision shall not serve as a means  
36 for any member of a legislative body to participate in meetings of  
37 the legislative body solely by teleconference from a remote location  
38 for a period of more than three consecutive months or 20 percent  
39 of the regular meetings for the local agency within a calendar year,

1 or more than two meetings if the legislative body regularly meets  
2 fewer than 10 times per calendar year.

3 (f) The legislative body shall have and implement a procedure  
4 for receiving and swiftly resolving requests for reasonable  
5 accommodation for individuals with disabilities, consistent with  
6 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
7 Sec. 12132), and resolving any doubt in favor of accessibility. In  
8 each instance in which notice of the time of the meeting is  
9 otherwise given or the agenda for the meeting is otherwise posted,  
10 the legislative body shall also give notice of the procedure for  
11 receiving and resolving requests for accommodation.

12 (g) The legislative body shall conduct meetings subject to this  
13 chapter consistent with applicable civil rights and  
14 nondiscrimination laws.

15 (h) (1) Nothing in this section shall prohibit a legislative body  
16 from providing the public with additional teleconference locations.

17 (2) Nothing in this section shall prohibit a legislative body from  
18 providing members of the public with additional physical locations  
19 in which the public may observe and address the legislative body  
20 by electronic means.

21 (i) For the purposes of this section, the following definitions  
22 shall apply:

23 (1) “Emergency circumstances” means a physical or family  
24 medical emergency that prevents a member from attending in  
25 person.

26 (2) “Just cause” means any of the following:

27 (A) A childcare or caregiving need of a child, parent,  
28 grandparent, grandchild, sibling, spouse, or domestic partner that  
29 requires them to participate remotely. “Child,” “parent,”  
30 “grandparent,” “grandchild,” and “sibling” have the same meaning  
31 as those terms do in Section 12945.2.

32 (B) A contagious illness that prevents a member from attending  
33 in person.

34 (C) A need related to a physical or mental disability as defined  
35 in Sections 12926 and 12926.1 not otherwise accommodated by  
36 subdivision (f).

37 (D) Travel while on official business of the legislative body or  
38 another state or local agency.

1 (E) *An immunocompromised child, parent, grandparent,*  
2 *grandchild, sibling, spouse, or domestic partner that requires them*  
3 *to participate remotely.*

4 (3) “Remote location” means a location from which a member  
5 of a legislative body participates in a meeting pursuant to  
6 subdivision (e), other than any physical meeting location designated  
7 in the notice of the meeting. Remote locations need not be  
8 accessible to the public.

9 (4) “Remote participation” means participation in a meeting by  
10 teleconference at a location other than any physical meeting  
11 location designated in the notice of the meeting. Watching or  
12 listening to a meeting via webcasting or another similar electronic  
13 medium that does not permit members to interactively hear,  
14 discuss, or deliberate on matters, does not constitute remote  
15 participation.

16 (5) “Teleconference” means a meeting of a legislative body,  
17 the members of which are in different locations, connected by  
18 electronic means, through either audio or video, or both.

19 (6) “Two-way audiovisual platform” means an online platform  
20 that provides participants with the ability to participate in a meeting  
21 via both an interactive video conference and a two-way telephonic  
22 function.

23 (7) “Two-way telephonic service” means a telephone service  
24 that does not require internet access, is not provided as part of a  
25 two-way audiovisual platform, and allows participants to dial a  
26 telephone number to listen and verbally participate.

27 (8) “Webcasting” means a streaming video broadcast online or  
28 on television, using streaming media technology to distribute a  
29 single content source to many simultaneous listeners and viewers.

30 (j) This section shall become operative January 1, 2024, shall  
31 remain in effect only until January 1, 2026, and as of that date is  
32 repealed.

33 *SEC. 2. Section 54953.4 is added to the Government Code, to*  
34 *read:*

35 *54953.4. (a) (1) A legislative body included in subdivision*  
36 *(c) may use teleconferencing without complying with paragraph*  
37 *(3) of subdivision (b) of Section 54953 if the legislative body*  
38 *complies with paragraph (2) of this section.*

39 *(2) A legislative body that holds a meeting pursuant to this*  
40 *subdivision shall do all of the following:*

1 (A) In each instance in which notice of the time of the  
2 teleconferenced meeting is otherwise given or the agenda for the  
3 meeting is otherwise posted, the legislative body shall also give  
4 notice of the means by which members of the public may access  
5 the meeting and offer public comment. The agenda shall identify  
6 and include an opportunity for all persons to attend via a call-in  
7 option or an internet-based service option.

8 (B) In the event of a disruption that prevents the legislative body  
9 from broadcasting the meeting to members of the public using the  
10 call-in option or internet-based service option, or in the event of  
11 a disruption within the local agency's control that prevents  
12 members of the public from offering public comments using the  
13 call-in option or internet-based service option, the legislative body  
14 shall take no further action on items appearing on the meeting  
15 agenda until public access to the meeting via the call-in option or  
16 internet-based service option is restored. Actions taken on agenda  
17 items during a disruption that prevents the legislative body from  
18 broadcasting the meeting may be challenged pursuant to Section  
19 54960.1.

20 (C) The legislative body shall not require public comments to  
21 be submitted in advance of the meeting and shall provide an  
22 opportunity for the public to address the legislative body and offer  
23 comment in real time.

24 (D) Notwithstanding Section 54953.3, an individual desiring  
25 to provide public comment through the use of an internet website,  
26 or other online platform, not under the control of the legislative  
27 body, that requires registration to log in to a teleconference may  
28 be required to register as required by the third-party internet  
29 website or online platform to participate.

30 (E) (i) A legislative body that provides a timed public comment  
31 period for each agenda item shall not close the public comment  
32 period for the agenda item, or the opportunity to register, pursuant  
33 to subparagraph (D), to provide public comment until that timed  
34 public comment period has elapsed.

35 (ii) A legislative body that does not provide a timed public  
36 comment period, but takes public comment separately on each  
37 agenda item, shall allow a reasonable amount of time per agenda  
38 item to allow public members the opportunity to provide public  
39 comment, including time for members of the public to register

1 pursuant to subparagraph (D), or otherwise be recognized for the  
2 purpose of providing public comment.

3 (iii) A legislative body that provides a timed general public  
4 comment period that does not correspond to a specific agenda  
5 item shall not close the public comment period or the opportunity  
6 to register, pursuant to subparagraph (D), until the timed general  
7 public comment period has elapsed.

8 (F) Except as provided in Section 54953.3, a legislative body  
9 shall provide a record of attendance of both community members,  
10 and legislative body seven days after a teleconference meeting on  
11 its internet website. The legislative body shall also note on its  
12 website the number of public comments in the previous meeting  
13 within seven days.

14 (3) This subdivision shall not be construed to require the  
15 legislative body to provide a physical location from which the  
16 public may attend or comment.

17 (b) The legislative body shall comply with all other requirements  
18 of Section 54953.

19 (c) As used in this section, “legislative body” means a board,  
20 commission, or advisory body of a multijurisdictional, cross county  
21 agency, the membership of which board, commission, or advisory  
22 body is appointed and which board, commission, or advisory body  
23 is otherwise subject to this chapter. As used in this subdivision,  
24 “multijurisdictional” means a legislative body that includes  
25 representatives from more than one county, city, city and county,  
26 special district, or a joint powers entity formed pursuant to Article  
27 1 (commencing with Section 6500) of Chapter 5 of Division 7 of  
28 Title 1.

29 SEC. 3. The Legislature finds and declares that Sections 1 and  
30 2 of this act, which amend Section 54953 of, and add Section  
31 54953.4 to, the Government Code, impose a limitation on the  
32 public’s right of access to the meetings of public bodies or the  
33 writings of public officials and agencies within the meaning of  
34 Section 3 of Article I of the California Constitution. Pursuant to  
35 that constitutional provision, the Legislature makes the following  
36 findings to demonstrate the interest protected by this limitation  
37 and the need for protecting that interest:

38 Permitting remote participation for just cause due to a member’s  
39 immunocompromised family member, as well as extending the  
40 operation of teleconferencing for legislative bodies of

1 *multijurisdictional, cross county agencies with appointed*  
 2 *membership, will further increase public participation, increase*  
 3 *the pool of people who are able to serve on these bodies, and*  
 4 *protect the health and safety of the public.*

5 *SEC. 4. The Legislature finds and declares that Sections 1 and*  
 6 *2 of this act, which amend Section 54953 of, and add Section*  
 7 *54953.4 to, the Government Code, further, within the meaning of*  
 8 *paragraph (7) of subdivision (b) of Section 3 of Article I of the*  
 9 *California Constitution, the purposes of that constitutional section*  
 10 *as it relates to the right of public access to the meetings of local*  
 11 *public bodies or the writings of local public officials and local*  
 12 *agencies. Pursuant to paragraph (7) of subdivision (b) of Section*  
 13 *3 of Article I of the California Constitution, the Legislature makes*  
 14 *the following findings:*

15 *Permitting remote participation for just cause due to a member's*  
 16 *immunocompromised family member, as well as extending the*  
 17 *operation of teleconferencing for legislative bodies of*  
 18 *multijurisdictional, cross county agencies with appointed*  
 19 *membership, will further increase public participation, increase*  
 20 *the pool of people who are able to serve on these bodies, and*  
 21 *protect the health and safety of the public.*

22 *SEC. 5. This act is an urgency statute necessary for the*  
 23 *immediate preservation of the public peace, health, or safety within*  
 24 *the meaning of Article IV of the California Constitution and shall*  
 25 *go into immediate effect. The facts constituting the necessity are:*

26 *Virtual meetings have allowed much easier access to appointed*  
 27 *bodies of local agencies with far more members of the public*  
 28 *participating in each meeting. This has created greater equity in*  
 29 *the process and fostered the health of our democracy. In-person*  
 30 *meetings may jeopardize the health and safety of vulnerable*  
 31 *citizens due to ongoing risks of illnesses.*

32 ~~*SECTION 1. It is the intent of the Legislature to enact*~~  
 33 ~~*subsequent legislation that expands local government's access to*~~  
 34 ~~*hold public meetings through teleconferencing and remote access.*~~

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