

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

BILL NUMBER: AB 1733 **VERSION:** INTRODUCED JANUARY 31, 2022

AUTHOR: QUIRK **SPONSOR:** AUTHOR

RECOMMENDED POSITION: NONE

SUBJECT: STATE BODIES: OPEN MEETINGS

Overview:

This bill would modernize the Bagley-Keene Open Meeting Act requirements for state bodies conducting a meeting to include a teleconference component.

Existing Law:

- 1) Establishes the Bagley-Keene Open Meeting Act, which requires that actions and deliberations of state agencies be conducted openly. (Government Code (GC) §11120)
- 2) Defines a “state body” to mean any of the following (GC §11121):
 - A state board, commission, or multimember body of the state created by statute to conduct official meetings.
 - A board, commission or committee that exercises authority of a state body delegated by that state body.
 - An advisory board, commission, committee, or subcommittee that consists of three or more persons and is created by formal action of the state body or any of its members.
 - A board, commission, or committee on which a member of a state body serves in official capacity as a representative and that is supported, wholly or partially, by funds from the state body.
- 3) Requires boards under the Department of Consumer Affairs (DCA) to meet at least two times each calendar year. Boards must meet at least once each calendar year in northern California, and once in southern California, in order to facilitate participation by the public and licensees. (Business and Professions Code (BPC) §101.7)

- 4) Defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place, to hear, discuss, or deliberate an item within its subject matter jurisdiction. (GC §11122.5(a))
- 5) Requires that all meetings of a state body be open and public, and all persons permitted to attend, with certain specified exceptions. (GC §11123(a))
- 6) Does not prohibit a state body from holding an open or closed meeting by teleconference if it otherwise complies with all requirements in law. (GC §11123(b))
- 7) Requires an open teleconferenced meeting to be audible to the public at the location specified in the notice. (GC §11123(b))
- 8) For meetings conducted by teleconference, requires the state body to do the following (GC §11123(b)):
 - Post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body.
 - Identify each teleconference location in the notice and agenda of the meeting and make each teleconference location accessible to the public.
 - Provide an opportunity for members of the public to address the state body directly at each teleconference location.
- 9) Requires at least one member of the state body to be physically present at the location specified in the notice of the meeting. (GC §11123(b))
- 10) Defines a “teleconference” as a meeting of a state body where the members are at different locations, conducted by electronic means, through either audio or both audio and video. (GC §11123(b))
- 11) Sets separate requirements for an advisory board or committee of a state body to hold an open meeting by teleconference. (GC §11123.5)
- 12) Requires a state body to provide notice at least 10 days prior to a meeting, which includes an agenda for that meeting. (GC §11125)

This Bill:

- 1) Exempts DCA boards from the requirement that they meet at least once each calendar year in northern and in southern California, if the board’s meetings are held entirely by teleconference. (BPC §101.7)

- 2) Amends the definition of a “meeting” to include any congregation of a majority of the members of the state body at the same time and place, to include a meeting held entirely by teleconference. (GC §11122.5(a))
- 3) Requires a state body to hold an open meeting by teleconference and allows for use of teleconference in closed sessions. (GC §11123(b))
- 4) Requires the portion of the teleconferenced meeting that is required to be open to the public at any physical location specified in the meeting notice to be both visible and audible to the public at the location specified in the notice. (GC §11123(b)(1)(B)).
- 5) Requires the state body to provide a means for the public to remotely hear audio of the meeting or remotely hear and observe the meeting, and a means by which the public may remotely address the state body via either a two-way audio-visual platform or a two-way telephone service. If two-way telephone service is used, a live webcast of the open meeting must also be provided. The information of how to access the meeting remotely must be specified in the meeting notice. (GC §§11123(b)(1)(C), 11125(a)).
- 6) Requires the state body to provide the public with a physical location to hear, observe, and address the state body, which must be identified in the meeting notice. (GC §§11123(b)(1)(D), 11125(a)).
- 7) Allows the members of the state body to remotely participate in a meeting, or to be physically present at the designated physical meeting location. A member is not required to be physically present at the physical meeting location in order to be deemed present. (GC §11123(b)(1)(F)).
- 8) States that the meeting notice and agenda shall not disclose information regarding any remote location from which a member is participating. Also states that remote locations need not be accessible to the public. (GC §11123(b)(1)(G) and (b)(2)(B)).
- 9) Requires that if a means of required remote participation has failed during a meeting and cannot be restored, the meeting shall be adjourned, and a notice of adjournment must be posted on the state body’s website and emailed to any person who has requested notice of meetings of the state body by email. If reconvening the same day, further notice shall be provided by automated message on a telephone line posted on the agenda or website that communicates when the meeting will reconvene and how to hear audio of or observe the meeting. (GC §11123(b)(1)(H)).
- 10) Amends the definition of “teleconference” as a meeting of a state body that provides for a connection by electronic means, including via telephone, an internet website, or other online platform, through audio and video. (GC §11123(b)(2)(A))

- 11) Does not prohibit a state body from providing the public with additional physical locations in which to observe and address the state body electronically. (GC §11123(b)(2)(A))
- 12) Clarifies that watching or listening to a meeting via a webcast or other medium that does not permit members to interactively hear, discuss, or deliberate does not constitute remote participation. (GC §11123(b)(2)(C))
- 13) Provides that state bodies under DCA that meet at least 2 times each year are not required to meet once in northern California and once in southern California. (GC §11123(d))
- 14) States that it is not the intent of the bill to be interpreted to deny state bodies the ability to encourage full participation by appointees with developmental or other disabilities. (GC §11123(e))
- 15) Requires members of the state body attending a meeting by teleconference from a remote location to disclose whether any other individuals age 18 or older are present in the room with them, and the general nature of the member's relationship to them. (GC §11123(f))
- 16) Deletes separate requirements for an advisory board or committee of a state body to hold an open meeting by teleconference. According to the author's office, their goal is to have one standard for all state bodies, regardless of if they are in an advisory capacity. Therefore, they no longer saw a need for this section. (GC §11123.5)
- 17) Specifies that state bodies shall conduct meetings subject to the above consistent with applicable state and federal civil rights laws, including any applicable language access and other nondiscrimination obligations. (GC §11125(f))

Comment:

- 1) **Author's Intent.** In their fact sheet for the bill, the author's office states the following:

"AB 1733 modernizes the teleconferencing statute of Bagley-Keene to encourage more participation and engagement in public service. AB 1733 maintains that public meetings remain transparent, by requiring public meetings that are conducted via teleconference to be observable to the public both audibly and visually. AB 1733 also clarifies that members of a state body participating remotely shall count towards a quorum and would only require public disclosure of one designated primary physical meeting location from which the public may participate. It is also important to note that the reform in this bill is not replacing physical meetings, but authorizing state bodies to have the ability to have a meeting via teleconference in addition to a physical meeting location."

The author's office also notes that in June 2021, the Little Hoover Commission released a report titled "The Government of Tomorrow: Online Meetings." This report made recommendations for Bagley-Keene reform that increases public access and captures efficiencies and cost-savings advantages of new technologies. A link to that report can be found here:

<https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/261/Report261.pdf>

- 2) **Board Utilization of Teleconference.** Prior to COVID-19, the Board occasionally held a meeting via teleconference, but most meetings were held in-person. Typically, the board met twice a year in northern California, and twice in southern California. Any teleconference meetings held utilized a telephone conference call line, rather than a video platform. Per the law, members utilizing teleconference needed to list their physical location in the agenda and allow it to be accessible to the public, even if that was a home address.

Due to the COVID-19 pandemic, the Board transitioned to using a video platform for all meetings (first Zoom, and now WebEx). This has increased the ability of the public to participate in the Board's meetings. The requirement of Board members to list a physical location in the agenda was temporarily suspended via the Governor's emergency order.

- 3) **Fiscal Impact.** Staff expects a cost savings from this bill due to reduced travel costs. However, there is still a requirement to have a physical location, and Board members can opt to participate in-person. Therefore, it is difficult to estimate an exact cost savings per meeting.

- 4) **Urgency Legislation.** This bill is running as urgency legislation. If signed by the Governor, it would go into effect immediately.

- 5) **Previous Legislation.**

AB 885 (Quirk, 2021) was a previous iteration of this bill that also attempted to modernize the Bagley-Keene Open Meeting Act to better incorporate teleconferencing. AB 885 died in the Assembly.

- 6) **Support and Opposition.**

Support

Little Hoover Commission

Opposition

None at this time.

- 7) **History.**

2022

02/18/22 Referred to Coms. on G.O. and B. & P.

02/01/22 From printer. May be heard in committee March 3.
01/31/22 Read first time. To print.

Introduced by Assembly Member Quirk

January 31, 2022

An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 101.7 of the Business and Professions
2 Code is amended to read:

3 101.7. (a) Notwithstanding any other provision of law, boards
4 shall meet at least two times each calendar year. Boards shall meet
5 at least once each calendar year in northern California and once
6 each calendar year in southern California in order to facilitate
7 participation by the public and its ~~licensees~~. *licensees, unless the*
8 *board’s meetings are held entirely by teleconference.*

9 (b) The director has discretion to exempt any board from the
10 requirement in subdivision (a) upon a showing of good cause that
11 the board is not able to meet at least two times in a calendar year.

12 (c) The director may call for a special meeting of the board
13 when a board is not fulfilling its duties.

14 (d) An agency within the department that is required to provide
15 a written notice pursuant to subdivision (a) of Section 11125 of
16 the Government Code, may provide that notice by regular mail,
17 email, or by both regular mail and email. An agency shall give a
18 person who requests a notice the option of receiving the notice by
19 regular mail, email, or by both regular mail and email. The agency
20 shall comply with the requester’s chosen form or forms of notice.

21 (e) An agency that plans to webcast a meeting shall include in
22 the meeting notice required pursuant to subdivision (a) of Section
23 11125 of the Government Code a statement of the board’s intent
24 to webcast the meeting. An agency may webcast a meeting even
25 if the agency fails to include that statement of intent in the notice.

26 SEC. 2. Section 11122.5 of the Government Code is amended
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any
2 congregation of a majority of the members of a state body at the
3 same time and ~~place~~ *place, including one held entirely by*
4 *teleconference*, to hear, discuss, or deliberate upon any item that
5 is within the subject matter jurisdiction of the state body to which
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,
8 outside of a meeting authorized by this chapter, use a series of
9 communications of any kind, directly or through intermediaries,
10 to discuss, deliberate, or take action on any item of business that
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee
13 or official of a state agency from engaging in separate
14 conversations or communications outside of a meeting authorized
15 by this chapter with members of a legislative body in order to
16 answer questions or provide information regarding a matter that
17 is within the subject matter jurisdiction of the state agency, if that
18 person does not communicate to members of the legislative body
19 the comments or position of any other member or members of the
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the
22 following:

23 (1) Individual contacts or conversations between a member of
24 a state body and any other person that do not violate subdivision
25 (b).

26 (2) (A) The attendance of a majority of the members of a state
27 body at a conference or similar gathering open to the public that
28 involves a discussion of issues of general interest to the public or
29 to public agencies of the type represented by the state body, if a
30 majority of the members do not discuss among themselves, other
31 than as part of the scheduled program, business of a specified
32 nature that is within the subject matter jurisdiction of the state
33 body.

34 (B) Subparagraph (A) does not allow members of the public
35 free admission to a conference or similar gathering at which the
36 organizers have required other participants or registrants to pay
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body
39 at an open and publicized meeting organized to address a topic of
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,
2 other than as part of the scheduled program, business of a specific
3 nature that is within the subject matter jurisdiction of the state
4 body.

5 (4) The attendance of a majority of the members of a state body
6 at an open and noticed meeting of another state body or of a
7 legislative body of a local agency as defined by Section 54951, if
8 a majority of the members do not discuss among themselves, other
9 than as part of the scheduled meeting, business of a specific nature
10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body
12 at a purely social or ceremonial occasion, if a majority of the
13 members do not discuss among themselves business of a specific
14 nature that is within the subject matter jurisdiction of the state
15 body.

16 (6) The attendance of a majority of the members of a state body
17 at an open and noticed meeting of a standing committee of that
18 body, if the members of the state body who are not members of
19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended
21 to read:

22 11123. (a) All meetings of a state body shall be open and
23 public and all persons shall be permitted to attend any meeting of
24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~
26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for
27 the benefit of the public and state ~~body.~~ *body, and allows for use*
28 *of teleconference in closed sessions.* The meeting or proceeding
29 held by teleconference shall otherwise comply with all applicable
30 requirements or laws relating to a specific type of meeting or
31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing teleconferenced~~ meeting shall comply
33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required
35 to be open to the public *at any physical location specified in the*
36 *notice of the meeting* shall be *visible and* audible to the public at
37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~
39 ~~proceeding by teleconference, it shall post agendas at all~~
40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the
 2 public appearing before the state body. *The state body shall provide*
 3 *a means by which the public may remotely hear audio of the*
 4 *meeting or remotely hear and observe the meeting, and a means*
 5 *by which the public may remotely address the state body, as*
 6 *appropriate, via either a two-way audio-visual platform or a*
 7 *two-way telephonic service. Should the state body elect to use a*
 8 *two-way telephonic service only, it must also provide live*
 9 *webcasting of the open meeting. The applicable teleconference*
 10 *phone number or internet website, or other information indicating*
 11 *how the public can access the meeting remotely, shall be specified*
 12 *in any notice required by this article. ~~Each teleconference location~~*
 13 *shall be identified in the notice and agenda of the meeting or
 14 *proceeding, and each teleconference location shall be accessible*
 15 *to the public. The agenda shall provide an opportunity for members*
 16 *of the public to remotely address the state body directly pursuant*
 17 *to Section ~~11125.7 at each teleconference location.~~ 11125.7.**

18 (D) *The state body shall provide members of the public with a*
 19 *physical location at which the public may hear, observe, and*
 20 *address the state body. Each physical location shall be identified*
 21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*
 23 *right to directly address the state body during the teleconferenced*
 24 *meeting without being required to submit public comments prior*
 25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*
 28 *a meeting. The members of the state body may also be physically*
 29 *present and participate at a designated physical meeting location,*
 30 *but no member of the state body shall be required to be physically*
 31 *present at any physical meeting location designated in the notice*
 32 *of the meeting in order to be deemed present at the meeting. All*
 33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*
 35 *to the public may not include the consideration of any agenda item*
 36 *being heard pursuant to Section ~~11125.5.~~*

37 ~~(F)~~ *At least one member of the state body shall be physically*
 38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*
 40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,
 2 including Section 11125, requiring the state body post an agenda
 3 of a meeting at least 10 days in advance of the meeting, Section
 4 11125.4, applicable to special meetings, and Sections 11125.5 and
 5 11125.6, applicable to emergency meetings. The state body shall
 6 post the agenda on its internet website and, on the day of the
 7 meeting, at any physical meeting location designated in the notice
 8 of the meeting. The notice and agenda shall not disclose
 9 information regarding any remote location from which a member
 10 is participating.

11 (H) Upon discovering that a means of remote participation
 12 required by this section has failed during a meeting and cannot
 13 be restored, the state body shall end or adjourn the meeting in
 14 accordance with Section 11128.5. In addition to any other
 15 requirements that may apply, the state body shall provide notice
 16 of the meeting's end or adjournment on the state body's internet
 17 website and by email to any person who has requested notice of
 18 meetings of the state body by email under this article. If the meeting
 19 will be adjourned and reconvened on the same day, further notice
 20 shall be provided by an automated message on a telephone line
 21 posted on the state body's agenda, internet website, or by a similar
 22 means, that will communicate when the state body intends to
 23 reconvene the meeting and how a member of the public may hear
 24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, ~~“teleconference”~~ all of
 26 the following definitions shall apply:

27 (A) ~~“Teleconference”~~ means a meeting of a state body, ~~the~~
 28 ~~members of which are at different locations, connected~~ body that
 29 provides for a connection by electronic means, including by
 30 telephone, an internet website, or other online platform, through
 31 ~~either audio or both~~ audio and video. This section does not prohibit
 32 a state body from providing members of the public with additional
 33 physical locations in which the public may observe ~~or~~ and address
 34 the state body by electronic means, through either audio or both
 35 audio and video.

36 (B) “Remote location” means a location from which a member
 37 of a state body participates in a meeting other than any physical
 38 meeting location designated in the notice of the meeting. Remote
 39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting
2 by teleconference at a location other than any physical meeting
3 location designated in the notice of the meeting. Watching or
4 listening to a meeting via webcasting or another similar electronic
5 medium that does not permit members to interactively hear,
6 discuss, or deliberate on matters, does not constitute participation
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform
9 that provides participants with the ability to participate in a
10 meeting via both an interactive video conference and a two-way
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service
13 that does not require internet access, is not provided as part of a
14 two-way audio-visual platform, and allows participants to dial a
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online
17 or on television, using streaming media technology to distribute
18 a single content source to many simultaneous listeners and viewers.
19 This section does not prohibit a state body from providing members
20 of the public with additional physical locations in which the public
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the
23 vote or abstention on that action of each member present for the
24 action.

25 (d) A state body that is organized within the Department of
26 Consumer Affairs and meets at least two times each calendar year
27 shall be deemed to have met the requirements of subdivision (a)
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the
30 ability to encourage full participation by appointees with
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by
33 teleconference from a remote location, the member shall disclose
34 whether any other individuals 18 years of age or older are present
35 in the room at the remote location with the member, and the
36 general nature of the member’s relationship with any such
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,
2 advisory committee, advisory subcommittee, or similar
3 multimember advisory body may hold an open meeting by
4 teleconference as described in this section, provided the meeting
5 complies with all of the section's requirements and, except as set
6 forth in this section, it also complies with all other applicable
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)
9 who participates in a teleconference meeting from a remote location
10 subject to this section's requirements shall be listed in the minutes
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24
13 hours before the meeting that identifies any member who will
14 participate remotely by posting the notice on its Internet Web site
15 and by emailing notice to any person who has requested notice of
16 meetings of the state body under this article. The location of a
17 member of a state body who will participate remotely is not
18 required to be disclosed in the public notice or email and need not
19 be accessible to the public. The notice of the meeting shall also
20 identify the primary physical meeting location designated pursuant
21 to subdivision (e).

22 (d) This section does not affect the requirement prescribed by
23 this article that the state body post an agenda of a meeting at least
24 10 days in advance of the meeting. The agenda shall include
25 information regarding the physical meeting location designated
26 pursuant to subdivision (e), but is not required to disclose
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the
29 primary physical meeting location in the notice of the meeting
30 where members of the public may physically attend the meeting
31 and participate. A quorum of the members of the state body shall
32 be in attendance at the primary physical meeting location, and
33 members of the state body participating remotely shall not count
34 towards establishing a quorum. All decisions taken during a
35 meeting by teleconference shall be by rollcall vote. The state body
36 shall post the agenda at the primary physical meeting location, but
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)
39 participates remotely in a meeting subject to this section's
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe
 2 the meeting, including, if available, equal access equivalent to
 3 members of the state body participating remotely. The applicable
 4 teleconference phone number or Internet Web site, or other
 5 information indicating how the public can access the meeting
 6 remotely, shall be in the 24-hour notice described in subdivision
 7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required
 9 by subdivision (f) has failed during a meeting, the state body
 10 described in subdivision (a) shall end or adjourn the meeting in
 11 accordance with Section 11128.5. In addition to any other
 12 requirements that may apply, the state body shall provide notice
 13 of the meeting's end or adjournment on its Internet Web site and
 14 by email to any person who has requested notice of meetings of
 15 the state body under this article. If the meeting will be adjourned
 16 and reconvened on the same day, further notice shall be provided
 17 by an automated message on a telephone line posted on the state
 18 body's agenda, or by a similar means, that will communicate when
 19 the state body intends to reconvene the meeting and how a member
 20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at
 23 a location other than the physical location designated in the agenda
 24 of the meeting.

25 (2) "Remote location" means a location other than the primary
 26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body
 29 to hold a teleconference meeting under another provision of this
 30 article.

31 SEC. 5. Section 11124 of the Government Code is amended
 32 to read:

33 11124. (a) No person shall be required, as a condition to
 34 attendance at a meeting of a state body, to register his or her *the*
 35 *person's* name, to provide other information, to complete a
 36 questionnaire, or otherwise to fulfill any condition precedent to
 37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar
 40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to
 2 persons present during the meeting, it shall state clearly that the
 3 signing, registering, or completion of the document is voluntary,
 4 and that all persons may attend the meeting regardless of whether
 5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*
 7 *online platform that may require identification to log into a*
 8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended
 10 to read:

11 11125. (a) The state body shall provide notice of its meeting
 12 to any person who requests that notice in writing. Notice shall be
 13 given and also made available on the ~~Internet~~ *state body's internet*
 14 *website* at least 10 days in advance of the meeting, and shall include
 15 the name, address, and telephone number of any person who can
 16 provide further information prior to the meeting, but need not
 17 include a list of witnesses expected to appear at the meeting. The
 18 written notice shall additionally include the address of the ~~Internet~~
 19 *site internet website* where notices required by this article are made
 20 available. *The notice shall specify the means by which a meeting*
 21 *may be accessed by teleconference in accordance with the*
 22 *requirements of subparagraph (C) of paragraph (1) of subdivision*
 23 *(b) of Section 11123, including sufficient information necessary*
 24 *to access the teleconference. The notice shall also specify any*
 25 *designated physical meeting location at which the public may*
 26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall
 28 include a specific agenda for the meeting, containing a brief
 29 description of the items of business to be transacted or discussed
 30 in either open or closed session. A brief general description of an
 31 item generally need not exceed 20 words. A description of an item
 32 to be transacted or discussed in closed session shall include a
 33 citation of the specific statutory authority under which a closed
 34 session is being held. No item shall be added to the agenda
 35 subsequent to the provision of this notice, unless otherwise
 36 permitted by this article.

37 ~~(c) Notice of a meeting of a state body that complies with this~~
 38 ~~section shall also constitute notice of a meeting of an advisory~~
 39 ~~body of that state body, provided that the business to be discussed~~
 40 ~~by the advisory body is covered by the notice of the meeting of~~

1 ~~the state body, provided that the specific time and place of the~~
2 ~~advisory body's meeting is announced during the open and public~~
3 ~~state body's meeting, and provided that the advisory body's~~
4 ~~meeting is conducted within a reasonable time of, and nearby, the~~
5 ~~meeting of the state body.~~

6 ~~(d)~~

7 (c) A person may request, and shall be provided, notice pursuant
8 to subdivision (a) for all meetings of a state body or for a specific
9 meeting or meetings. In addition, at the state body's discretion, a
10 person may request, and may be provided, notice of only those
11 meetings of a state body at which a particular subject or subjects
12 specified in the request will be discussed.

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

17 (e) The notice shall be made available in appropriate alternative
18 formats, as required by Section 202 of the Americans with
19 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
20 rules and regulations adopted in implementation thereof, upon
21 request by any person with a disability. The notice shall include
22 information regarding how, to whom, and by when a request for
23 any disability-related modification or accommodation, including
24 auxiliary aids or services may be made by a person with a disability
25 who requires these aids or services in order to participate in the
26 public meeting.

27 (f) *State bodies shall conduct meetings subject to this chapter*
28 *consistent with applicable state and federal civil rights laws,*
29 *including, but not limited to, any applicable language access and*
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended
32 to read:

33 11125.4. (a) A special meeting may be called at any time by
34 the presiding officer of the state body or by a majority of the
35 members of the state body. A special meeting may only be called
36 for one of the following purposes when compliance with the 10-day
37 notice provisions of Section 11125 would impose a substantial
38 hardship on the state body or when immediate action is required
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in
- 2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or
- 6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real
- 8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant
- 11 to Division 31 (commencing with Section 50000) of the Health
- 12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit
- 14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body
- 16 upon the death, incapacity, or vacancy in the office of the executive
- 17 officer.
- 18 *(10) To deliberate on a decision to be reached in a proceeding*
- 19 *required to be conducted pursuant to Chapter 5 (commencing with*
- 20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the
- 22 purposes specified in subdivision (a), the state body shall provide
- 23 notice of the special meeting to each member of the state body and
- 24 to all parties that have requested notice of its meetings as soon as
- 25 is practicable after the decision to call a special meeting has been
- 26 made, but shall deliver the notice in a manner that allows it to be
- 27 received by the members and by newspapers of general circulation
- 28 and radio or television stations at least 48 hours before the time
- 29 of the special meeting specified in the notice. Notice shall be made
- 30 available to newspapers of general circulation and radio or
- 31 television stations by providing that notice to all national press
- 32 wire services. Notice shall also be made available on the Internet
- 33 within the time periods required by this section. The notice shall
- 34 specify the time and place of the special meeting and the business
- 35 to be transacted. The written notice shall additionally specify the
- 36 address of the ~~Internet Web site~~ *internet website* where notices
- 37 required by this article are made available. No other business shall
- 38 be considered at a special meeting by the state body. The written
- 39 notice may be dispensed with as to any member who at or prior
- 40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be
2 given by telegram, facsimile transmission, or similar means. The
3 written notice may also be dispensed with as to any member who
4 is actually present at the meeting at the time it convenes. Notice
5 shall be required pursuant to this section regardless of whether any
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body
8 must make a finding in open session that the delay necessitated
9 by providing notice 10 days prior to a meeting as required by
10 Section 11125 would cause a substantial hardship on the body or
11 that immediate action is required to protect the public interest. The
12 finding shall set forth the specific facts that constitute the hardship
13 to the body or the impending harm to the public interest. The
14 finding shall be adopted by a two-thirds vote of the body, or, if
15 less than two-thirds of the members are present, a unanimous vote
16 of those members present. The finding shall be made available on
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned
22 regular, special, or adjourned special meeting to a time and ~~place~~
23 *place, including by teleconference*, specified in the order of
24 adjournment. Less than a quorum may so adjourn from time to
25 time. If all members are absent from any regular or adjourned
26 regular meeting, the clerk or secretary of the state body may declare
27 the meeting adjourned to a stated time and ~~place~~ *place, including*
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall
29 cause a written notice of the adjournment to be given in the same
30 manner as provided in Section 11125.4 for special meetings, unless
31 that notice is waived as provided for special meetings. A copy of
32 the order or notice of adjournment shall be conspicuously posted
33 *on the state body's internet website, and if applicable*, on or near
34 the door of the place where the regular, adjourned regular, special,
35 or adjourned special meeting was held within 24 hours after the
36 time of the adjournment. When a regular or adjourned regular
37 meeting is adjourned as provided in this section, the resulting
38 adjourned regular meeting is a regular meeting for all purposes.
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be
6 held by a state body at any meeting may by order or notice of
7 continuance be continued or recontinued to any subsequent meeting
8 of the state body in the same manner and to the same extent set
9 forth in Section 11128.5 for the adjournment of meetings. A copy
10 of the order or notice of continuance shall be conspicuously posted
11 *on the state body's internet website, and if applicable*, on or near
12 the door of the place where the hearing was held within 24 hours
13 after the time of the continuance; provided, that if the hearing is
14 continued to a time less than 24 hours after the time specified in
15 the order or notice of hearing, a copy of the order or notice of
16 continuance of hearing shall be posted immediately following the
17 meeting at which the order or declaration of continuance was
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act
20 to improve and enhance public access to state and local agency
21 meetings by allowing broader access through teleconferencing
22 options consistent with the Governor's Executive Order No.
23 N-29-20 dated March 17, 2020, and related executive orders,
24 permitting expanded use of teleconferencing during the COVID-19
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the California Constitution and shall
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government
31 participation by the public, and increase transparency in state
32 government operations during the COVID-19 pandemic, it is
33 necessary that this act take effect immediately.

O