

AMENDED IN SENATE AUGUST 30, 2021

AMENDED IN SENATE JULY 6, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Robert Rivas

February 1, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Robert Rivas. Open meetings: local agencies: teleconferences.

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 the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. 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. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings 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, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body 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. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

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, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

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 local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

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: ~~majority~~^{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 of the Government Code is
 2 amended to read:
 3 54953. (a) All meetings of the legislative body of a local
 4 agency shall be open and public, and all persons shall be permitted
 5 to attend any meeting of the legislative body of a local agency,
 6 except as otherwise provided in this chapter.
 7 (b) (1) Notwithstanding any other provision of law, the
 8 legislative body of a local agency may use teleconferencing for
 9 the benefit of the public and the legislative body of a local agency
 10 in connection with any meeting or proceeding authorized by law.
 11 The teleconferenced meeting or proceeding shall comply with all
 12 otherwise applicable requirements of this chapter and all otherwise
 13 applicable provisions of law relating to a specific type of meeting
 14 or proceeding.
 15 (2) Teleconferencing, as authorized by this section, may be used
 16 for all purposes in connection with any meeting within the subject
 17 matter jurisdiction of the legislative body. All votes taken during
 18 a teleconferenced meeting shall be by rollcall.
 19 (3) If the legislative body of a local agency elects to use
 20 teleconferencing, it shall post agendas at all teleconference
 21 locations and conduct teleconference meetings in a manner that
 22 protects the statutory and constitutional rights of the parties or the
 23 public appearing before the legislative body of a local agency.
 24 Each teleconference location shall be identified in the notice and
 25 agenda of the meeting or proceeding, and each teleconference
 26 location shall be accessible to the public. During the teleconference,

1 at least a quorum of the members of the legislative body shall
2 participate from locations within the boundaries of the territory
3 over which the local agency exercises jurisdiction, except as
4 provided in subdivisions (d) and (e). The agenda shall provide an
5 opportunity for members of the public to address the legislative
6 body directly pursuant to Section 54954.3 at each teleconference
7 location.

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

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

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

18 (3) Prior to taking final action, the legislative body shall orally
19 report a summary of a recommendation for a final action on the
20 salaries, salary schedules, or compensation paid in the form of
21 fringe benefits of a local agency executive, as defined in
22 subdivision (d) of Section 3511.1, during the open meeting in
23 which the final action is to be taken. This paragraph shall not affect
24 the public’s right under the California Public Records Act (Chapter
25 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
26 inspect or copy records created or received in the process of
27 developing the recommendation.

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

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

8 (3) For purposes of this subdivision, a health authority means
9 any entity created pursuant to Sections 14018.7, 14087.31,
10 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
11 and Institutions Code, any joint powers authority created pursuant
12 to Article 1 (commencing with Section 6500) of Chapter 5 of
13 Division 7 for the purpose of contracting pursuant to Section
14 14087.3 of the Welfare and Institutions Code, and any advisory
15 committee to a county-sponsored health plan licensed pursuant to
16 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
17 Health and Safety Code if the advisory committee has 12 or more
18 members.

19 (e) (1) A local agency may use teleconferencing without
20 complying with the requirements of paragraph (3) of subdivision
21 (b) if the legislative body complies with the requirements of
22 paragraph (2) of this subdivision in any of the following
23 circumstances:

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

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

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

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

38 (A) The legislative body shall give notice of the meeting and
39 post agendas as otherwise required by this chapter.

1 (B) The legislative body shall allow members of the public to
2 access the meeting and the agenda shall provide an opportunity
3 for members of the public to address the legislative body directly
4 pursuant to Section 54954.3. In each instance in which notice of
5 the time of the teleconferenced meeting is otherwise given or the
6 agenda for the meeting is otherwise posted, the legislative body
7 shall also give notice of the means by which members of the public
8 may access the meeting and offer public comment. The agenda
9 shall identify and include an opportunity for all persons to attend
10 via a call-in option or an internet-based service option. This
11 subparagraph shall not be construed to require the legislative body
12 to provide a physical location from which the public may attend
13 or comment.

14 (C) The legislative body shall conduct teleconference meetings
15 in a manner that protects the statutory and constitutional rights of
16 the parties and the public appearing before the legislative body of
17 a local agency.

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

29 (E) The legislative body shall not require public comments to
30 be submitted in advance of the meeting and must provide an
31 opportunity for the public to address the legislative body and offer
32 comment in real time. This subparagraph shall not be construed
33 to require the legislative body to provide a physical location from
34 which the public may attend or comment.

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

1 (G) (i) A legislative body that provides a timed public comment
 2 period for each agenda item shall not close the public comment
 3 period for the agenda item, or the opportunity to register, pursuant
 4 to subparagraph (F), to provide public comment until that timed
 5 public comment period has elapsed.

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

13 (iii) A legislative body that provides a timed general public
 14 comment period that does not correspond to a specific agenda item
 15 shall not close the public comment period or the opportunity to
 16 register, pursuant to subparagraph (F), until the timed general
 17 public comment period has elapsed.

18 (3) If a state of emergency remains active, or state or local
 19 officials have imposed or recommended measures to promote
 20 social distancing, in order to continue to teleconference without
 21 compliance with paragraph (3) of subdivision (b), the legislative
 22 body shall, not later than 30 days after teleconferencing for the
 23 first time pursuant to subparagraph (A), (B), or (C) of paragraph
 24 (1), and every 30 days thereafter, make the following findings by
 25 majority vote:

26 (A) The legislative body has reconsidered the circumstances of
 27 the state of emergency.

28 (B) Any of the following circumstances exist:

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

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

33 (4) For the purposes of this subdivision, “state of emergency”
 34 means a state of emergency proclaimed pursuant to Section 8625
 35 of the California Emergency Services Act (Article 1 (commencing
 36 with Section 8550) of Chapter 7 of Division 1 of Title 2).

37 (f) This section shall remain in effect only until January 1, 2024,
 38 and as of that date is repealed.

39 *SEC. 1.1. Section 54953 of the Government Code is amended*
 40 *to read:*

1 54953. (a) All meetings of the legislative body of a local
2 agency shall be open and public, and all persons shall be permitted
3 to attend any meeting of the legislative body of a local ~~agency;~~
4 *agency in person*, except as otherwise provided in this chapter.
5 *Local agencies shall conduct meetings subject to this chapter*
6 *consistent with applicable state and federal civil rights laws,*
7 *including, but not limited to, the language access and other*
8 *nondiscrimination obligations of Section 11135 and Subchapter*
9 *V (commencing with Section 2000d) of Chapter 21 of Title 42 of*
10 *the United States Code.*

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

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

23 (3) If the legislative body of a local agency elects to use
24 teleconferencing, it shall post agendas at all teleconference
25 locations and conduct teleconference meetings in a manner that
26 protects the statutory and constitutional rights of the parties or the
27 public appearing before the legislative body of a local agency.
28 Each teleconference location shall be identified in the notice and
29 agenda of the meeting or proceeding, and each teleconference
30 location shall be accessible to the public. During the teleconference,
31 at least a quorum of the members of the legislative body shall
32 participate from locations within the boundaries of the territory
33 over which the local agency exercises jurisdiction, except as
34 provided in ~~subdivision (d).~~ *subdivisions (d) and (e)*. The agenda
35 shall provide an opportunity for members of the public to address
36 the legislative body directly pursuant to Section 54954.3 at each
37 teleconference location.

38 (4) For the purposes of this section, “teleconference” means a
39 meeting of a legislative body, the members of which are in different
40 locations, connected by electronic means, through either audio or

1 video, or both. Nothing in this section shall prohibit a local agency
2 from providing the public with additional teleconference locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 *(B) 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. In each instance in which notice of*
33 *the time of the teleconferenced meeting is otherwise given or the*
34 *agenda for the meeting is otherwise posted, the legislative body*
35 *shall also give notice of the means by which members of the public*
36 *may access the meeting and offer public comment. The agenda*
37 *shall identify and include an opportunity for all persons to attend*
38 *via a call-in option or an internet-based service option. This*
39 *subparagraph shall not be construed to require the legislative*

1 *body to provide a physical location from which the public may*
2 *attend or comment.*

3 *(C) The legislative body shall conduct teleconference meetings*
4 *in a manner that protects the statutory and constitutional rights*
5 *of the parties and the public appearing before the legislative body*
6 *of a local agency.*

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

18 *(E) The legislative body shall not require public comments to*
19 *be submitted in advance of the meeting and must provide an*
20 *opportunity for the public to address the legislative body and offer*
21 *comment in real time. This subparagraph shall not be construed*
22 *to require the legislative body to provide a physical location from*
23 *which the public may attend or comment.*

24 *(F) Notwithstanding Section 54953.3, an individual desiring to*
25 *provide public comment through the use of an internet website, or*
26 *other online platform, not under the control of the local 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 *(G) (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 (F), 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 (F), 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 (F), until the timed general
7 public comment period has elapsed.

8 (3) If a state of emergency remains active, or state or local
9 officials have imposed or recommended measures to promote
10 social distancing, in order to continue to teleconference without
11 compliance with paragraph (3) of subdivision (b), the legislative
12 body shall, not later than 30 days after teleconferencing for the
13 first time pursuant to subparagraph (A), (B), or (C) of paragraph
14 (1), and every 30 days thereafter, make the following findings by
15 majority vote:

16 (A) The legislative body has reconsidered the circumstances of
17 the state of emergency.

18 (B) Any of the following circumstances exist:

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

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

23 (4) For the purposes of this subdivision, “state of emergency”
24 means a state of emergency proclaimed pursuant to Section 8625
25 of the California Emergency Services Act (Article 1 (commencing
26 with Section 8550) of Chapter 7 of Division 1 of Title 2).

27 (f) This section shall remain in effect only until January 1, 2024,
28 and as of that date is repealed.

29 SEC. 2. Section 54953 is added to the Government Code, to
30 read:

31 54953. (a) All meetings of the legislative body of a local
32 agency shall be open and public, and all persons shall be permitted
33 to attend any meeting of the legislative body of a local agency,
34 except as otherwise provided in this chapter.

35 (b) (1) Notwithstanding any other provision of law, the
36 legislative body of a local agency may use teleconferencing for
37 the benefit of the public and the legislative body of a local agency
38 in connection with any meeting or proceeding authorized by law.
39 The teleconferenced meeting or proceeding shall comply with all

1 requirements of this chapter and all otherwise applicable provisions
2 of law relating to a specific type of meeting or proceeding.

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

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

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

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

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

32 (3) Prior to taking final action, the legislative body shall orally
33 report a summary of a recommendation for a final action on the
34 salaries, salary schedules, or compensation paid in the form of
35 fringe benefits of a local agency executive, as defined in
36 subdivision (d) of Section 3511.1, during the open meeting in
37 which the final action is to be taken. This paragraph shall not affect
38 the public’s right under the California Public Records Act (Chapter
39 3.5 (commencing with Section 6250) of Division 7 of Title 1) to

1 inspect or copy records created or received in the process of
2 developing the recommendation.

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

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

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

33 (e) This section shall become operative January 1, 2024.

34 *SEC. 2.1. Section 54953 is added to the Government Code, to*
35 *read:*

36 *54953. (a) All meetings of the legislative body of a local*
37 *agency shall be open and public, and all persons shall be permitted*
38 *to attend any meeting of the legislative body of a local agency, in*
39 *person except as otherwise provided in this chapter. Local agencies*
40 *shall conduct meetings subject to this chapter consistent with*

1 applicable state and federal civil rights laws, including, but not
2 limited to, the language access and other nondiscrimination
3 obligations of Section 11135 and Subchapter V (commencing with
4 Section 2000d) of Chapter 21 of Title 42 of the United States Code.

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

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

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

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

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

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

4 (3) *Prior to taking final action, the legislative body shall orally*
5 *report a summary of a recommendation for a final action on the*
6 *salaries, salary schedules, or compensation paid in the form of*
7 *fringe benefits of a local agency executive, as defined in subdivision*
8 *(d) of Section 3511.1, during the open meeting in which the final*
9 *action is to be taken. This paragraph shall not affect the public's*
10 *right under the California Public Records Act (Chapter 3.5*
11 *(commencing with Section 6250) of Division 7 of Title 1) to inspect*
12 *or copy records created or received in the process of developing*
13 *the recommendation.*

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

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

33 (3) *For purposes of this subdivision, a health authority means*
34 *any entity created pursuant to Sections 14018.7, 14087.31,*
35 *14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare*
36 *and Institutions Code, any joint powers authority created pursuant*
37 *to Article 1 (commencing with Section 6500) of Chapter 5 of*
38 *Division 7 for the purpose of contracting pursuant to Section*
39 *14087.3 of the Welfare and Institutions Code, and any advisory*
40 *committee to a county-sponsored health plan licensed pursuant to*

1 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
 2 Health and Safety Code if the advisory committee has 12 or more
 3 members.

4 (e) This section shall become operative January 1, 2024.

5 SEC. 3. Sections 1.1 and 2.1 of this bill incorporate
 6 amendments to Section 54953 of the Government Code proposed
 7 by both this bill and Assembly Bill 339. Those sections of this bill
 8 shall only become operative if (1) both bills are enacted and
 9 become effective on or before January 1, 2022, but this bill
 10 becomes operative first, (2) each bill amends Section 54953 of the
 11 Government Code, and (3) this bill is enacted after Assembly Bill
 12 339, in which case Section 54953 of the Government Code, as
 13 amended by Sections 1 and 2 of this bill, shall remain operative
 14 only until the operative date of Assembly Bill 339, at which time
 15 Sections 1.1 and 2.1 of this bill shall become operative.

16 ~~SEC. 3.~~

17 SEC. 4. It is the intent of the Legislature in enacting this act to
 18 improve and enhance public access to local agency meetings during
 19 the COVID-19 pandemic and future applicable emergencies, by
 20 allowing broader access through teleconferencing options
 21 consistent with the Governor’s Executive Order No. N-29-20 dated
 22 March 17, 2020, permitting expanded use of teleconferencing
 23 during the COVID-19 pandemic.

24 ~~SEC. 4.~~

25 SEC. 5. The Legislature finds and declares that ~~Section 1~~
 26 ~~Sections 1 and 2~~ of this act, which ~~amends amend, repeal, and add~~
 27 Section 54953 of the Government Code, ~~further, further,~~ within
 28 the meaning of paragraph (7) of subdivision (b) of Section 3 of
 29 Article I of the California Constitution, the purposes of that
 30 constitutional section as it relates to the right of public access to
 31 the meetings of local public bodies or the writings of local public
 32 officials and local agencies. Pursuant to paragraph (7) of
 33 subdivision (b) of Section 3 of Article I of the California
 34 Constitution, the Legislature makes the following findings:

35 This act is necessary to ensure minimum standards for public
 36 participation and notice requirements allowing for greater public
 37 participation in teleconference meetings during applicable
 38 emergencies.

39 SEC. 6. This act is an urgency statute necessary for the
 40 immediate preservation of the public peace, health, or safety within

1 *the meaning of Article IV of the California Constitution and shall*
2 *go into immediate effect. The facts constituting the necessity are:*
3 *In order to ensure that local agencies can continue holding*
4 *public meetings while providing essential services like water,*
5 *power, and fire protection to their constituents during public*
6 *health, wildfire, or other states of emergencies, it is necessary that*
7 *this act take effect immediately.*

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