

**City of Palo Alto****(ID # 14661)****Utilities Advisory Commission Staff Report****Meeting Date: 9/14/2022****Report Type: V. UNFINISHED BUSINESS****Title: Discussion and Consideration of the Remote Attendance Policy****From: Director of Utilities****Lead Department: Utilities****Recommended Action**

Delay discussion of a remote attendance policy for the Utilities Advisory Commission (UAC) until the UAC's next meeting.

**Background and Discussion**

During the City Council meeting on April 4, 2022, it was suggested the UAC, as a City Commission, should establish a remote attendance policy.

The Council's Final Motion was:

Council Member Tanaka motioned, seconded by Mayor Burt, to direct staff to continue to present the findings for AB 361 for the Council, Commissions and Boards and

a) Council Members can participate remotely in Council Committee meetings up to 3 times per year;

b) Board Members and Commissioners can participate remotely, but are encouraged to meet in person, and the Boards and Commissions should establish a remote attendance policy.

MOTION PASSED: 7-0

Section 8.4 of the UAC Bylaws provides that the UAC may, by a majority vote of its members, adopt or amend any rules and procedures to be followed at UAC meetings and study sessions, to the extent such rules and procedures are not in conflict with the UAC's Bylaws or other applicable law. Staff has thus brought forward a recommended attendance policy for the UAC's consideration and adoption.

When the UAC adopts a remote attendance policy, staff will, in accordance with Section 10.1 of the UAC Bylaws, transmit a copy to each member of the Commission, to the Council, and to the City Clerk. Copies of the Bylaws and any other rules and procedures shall be made available to the public, upon request, and at each meeting of the Commission.

At its meeting on August 3, 2022, the UAC considered establishing a remote attendance policy, per Council direction. Staff presented a remote attendance policy for the UAC's consideration. Several Commissioners requested legal advice regarding whether the remote attendance policy presented

would be the most minimally restrictive policy possible under the Brown Act for Commissioners who wish to attend meetings remotely.

Staff recommends that Commissioners delay their discussion of the UAC's remote attendance policy until the UAC's October meeting so that staff may be certain of any changes to state law before providing Commissioners with additional advice. At the time of this writing, the state legislature is considering Assembly Bill 2449, Open meetings: local agencies: teleconferences ([Linked Document](#)). This bill seeks to amend the Brown Act's remote attendance requirements beginning in 2023. If Commissioners wish to adopt a remote attendance policy that imposes no more restrictions than the Brown Act does, staff recommends waiting until it is certain whether the Brown Act's remote attendance rules will change. By September 30, 2022 it will be certain whether AB 2449 will be passed into law this year, at which time staff can prepare more accurate legal advice.

### **Environmental Review**

The adoption of this policy does not meet the definition of a project under Public Resources Code Section 21065, thus no environmental assessment under the California Environmental Quality Act is required.

### **Attachments:**

- Attachment A: AB 2449

AMENDED IN SENATE AUGUST 8, 2022

AMENDED IN SENATE JUNE 30, 2022

AMENDED IN SENATE JUNE 23, 2022

AMENDED IN SENATE JUNE 15, 2022

AMENDED IN ASSEMBLY MAY 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2449**

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**Introduced by Assembly Member Blanca Rubio**

February 17, 2022

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An act to amend, repeal, and add ~~Section~~ *Sections 54953 and 54954.2* of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, Blanca Rubio. 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 generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. The act authorizes a legislative body to take action on items of business not appearing on the posted agenda under specified conditions.* The act contains specified provisions regarding ~~the timelines for posting an~~

agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative ~~body~~. *body, as prescribed. The bill, until January 1, 2026, would authorize a legislative body to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made.* The bill would define terms for purposes of these teleconferencing provisions.

This bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body

to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 3 of Chapter 165 of the Statutes of 2021, is  
3 amended to read:

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

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

16 (2) Teleconferencing, as authorized by this section, may be used  
17 for all purposes in connection with any meeting within the subject  
18 matter jurisdiction of the legislative body. If the legislative body

1 of a local agency elects to use teleconferencing, the legislative  
2 body of a local agency shall comply with all of the following:

3 (A) All votes taken during a teleconferenced meeting shall be  
4 by rollcall.

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

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

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

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

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

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

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

39 (d) (1) Notwithstanding the provisions relating to a quorum in  
40 paragraph (3) of subdivision (b), if a health authority conducts a

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

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

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

29 (e) (1) The legislative body of a local agency may use  
30 teleconferencing without complying with the requirements of  
31 paragraph (3) of subdivision (b) if the legislative body complies  
32 with the requirements of paragraph (2) of this subdivision in any  
33 of the following circumstances:

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

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

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

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

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

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

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

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

37 (E) (i) A legislative body that provides a timed public comment  
38 period for each agenda item shall not close the public comment  
39 period for the agenda item, or the opportunity to register, pursuant



1 to subparagraph (F), to provide public comment until that timed  
2 public comment period has elapsed.

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

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

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

23 (A) The legislative body has reconsidered the circumstances of  
24 the state of emergency.

25 (B) Any of the following circumstances exist:

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

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

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

33 (f) (1) The legislative body of a local agency may use  
34 teleconferencing without complying with paragraph (3) of  
35 subdivision (b) if, during the teleconference meeting, at least a  
36 quorum of the members of the legislative body participates in  
37 person from a singular physical location clearly identified on the  
38 agenda, which location shall be open to the public and situated  
39 within the boundaries of the territory over which the local agency

1 exercises jurisdiction and the legislative body complies with all  
2 of the following:

3 (A) The legislative body shall provide at least one of the  
4 following as a means by which the public may remotely hear and  
5 visually observe the meeting, and remotely address the legislative  
6 body:

- 7 (i) A two-way audiovisual platform.
- 8 (ii) A two-way telephonic service and a live webcasting of the  
9 meeting.

10 (B) In each instance in which notice of the time of the  
11 teleconferenced meeting is otherwise given or the agenda for the  
12 meeting is otherwise posted, the legislative body shall also give  
13 notice of the means by which members of the public may access  
14 the meeting and offer public comment.

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

19 (D) In the event of a disruption that prevents the legislative body  
20 from broadcasting the meeting to members of the public using the  
21 call-in option or internet-based service option, or in the event of  
22 a disruption within the local agency's control that prevents  
23 members of the public from offering public comments using the  
24 call-in option or internet-based service option, the legislative body  
25 shall take no further action on items appearing on the meeting  
26 agenda until public access to the meeting via the call-in option or  
27 internet-based service option is restored. Actions taken on agenda  
28 items during a disruption that prevents the legislative body from  
29 broadcasting the meeting may be challenged pursuant to Section  
30 54960.1.

31 (E) The legislative body shall not require public comments to  
32 be submitted in advance of the meeting and must provide an  
33 opportunity for the public to address the legislative body and offer  
34 comment in real time.

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

4 (A) One of the following circumstances applies:

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

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

24 ~~(I) The legislative body may take action on the member's request~~  
25 ~~to participate remotely at the earliest opportunity, including the~~  
26 ~~beginning of the meeting at which the member has requested the~~  
27 ~~ability to participate remotely.~~

28 ~~(II) The member shall make such a request at each meeting that~~  
29 ~~they desire to participate remotely pursuant to this clause.~~

30 *(I) A member shall make a request to participate remotely at a*  
31 *meeting pursuant to this clause as soon as possible. The member*  
32 *shall make a separate request for each meeting in which they seek*  
33 *to participate remotely.*

34 *(II) The legislative body may take action on a request to*  
35 *participate remotely at the earliest opportunity. If the request does*  
36 *not allow sufficient time to place proposed action on such a request*  
37 *on the posted agenda for the meeting for which the request is made,*  
38 *the legislative body may take action at the beginning of the meeting*  
39 *in accordance with paragraph (4) of subdivision (b) of Section*  
40 *54954.2.*

1 (B) The member shall publicly disclose at the meeting before  
 2 any action is taken, whether any other individuals 18 years of age  
 3 or older are present in the room at the remote location with the  
 4 member, and the general nature of the member’s relationship with  
 5 any such individuals.

6 (C) The member shall participate through both audio and visual  
 7 technology.

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

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

24 (h) The legislative body shall conduct meetings subject to this  
 25 chapter consistent with applicable ~~state and federal civil rights,~~  
 26 ~~language access, civil rights and other~~ nondiscrimination laws.

27 (i) (1) Nothing in this section shall prohibit a legislative body  
 28 from providing the public with additional teleconference locations.

29 (2) Nothing in this section shall prohibit a legislative body from  
 30 providing members of the public with additional physical locations  
 31 in which the public may observe and address the legislative body  
 32 by electronic means.

33 (j) For the purposes of this section, the following definitions  
 34 shall apply:

35 (1) “Emergency circumstances” means a physical or family  
 36 medical emergency that prevents a member from attending in  
 37 person.

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

39 (A) A childcare or caregiving need of a child, parent,  
 40 grandparent, grandchild, sibling, spouse, or domestic partner that

1 requires them to participate remotely. “Child,” “parent,”  
2 “grandparent,” “grandchild,” and “sibling” have the same meaning  
3 as those terms do in Section 12945.2.

4 (B) A contagious illness that prevents a member from attending  
5 in person.

6 (C) A need related to a physical or mental disability as defined  
7 in Sections 12926 and 12926.1 not otherwise accommodated by  
8 subdivision (g).

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

11 (3) “Remote location” means a location from which a member  
12 of a legislative body participates in a meeting pursuant to  
13 subdivision (f), other than any physical meeting location designated  
14 in the notice of the meeting. Remote locations need not be  
15 accessible to the public.

16 (4) “Remote participation” means participation in a meeting by  
17 teleconference at a location other than any physical meeting  
18 location designated in the notice of the meeting. Watching or  
19 listening to a meeting via webcasting or another similar electronic  
20 medium that does not permit members to interactively hear,  
21 discuss, or deliberate on matters, does not constitute remote  
22 participation.

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

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

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

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

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

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

3 SEC. 2. Section 54953 of the Government Code, as added by  
4 Section 4 of Chapter 165 of the Statutes of 2021, is amended to  
5 read:

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

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

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

23 (A) All votes taken during a teleconferenced meeting shall be  
24 by rollcall.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) The legislative body shall provide at least one of the  
19 following as a means by which the public may remotely hear and  
20 visually observe the meeting, and remotely address the legislative  
21 body:

- 22 (i) A two-way audiovisual platform.
- 23 (ii) A two-way telephonic service and a live webcasting of the  
24 meeting.

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

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

34 (D) In the event of a disruption that prevents the legislative body  
35 from broadcasting the meeting to members of the public using the  
36 call-in option or internet-based service option, or in the event of  
37 a disruption within the local agency's control that prevents  
38 members of the public from offering public comments using the  
39 call-in option or internet-based service option, the legislative body  
40 shall take no further action on items appearing on the meeting



1 agenda until public access to the meeting via the call-in option or  
2 internet-based service option is restored. Actions taken on agenda  
3 items during a disruption that prevents the legislative body from  
4 broadcasting the meeting may be challenged pursuant to Section  
5 54960.1.

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

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

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

19 (A) One of the following circumstances applies:

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

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

39 ~~(F) The legislative body may take action on the member's request~~  
40 ~~to participate remotely at the earliest opportunity, including the~~

1 ~~beginning of the meeting at which the member has requested the~~  
2 ~~ability to participate remotely.~~

3 ~~(H) The member shall make such a request at each meeting that~~  
4 ~~they desire to participate remotely pursuant to this clause.~~

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

9 *(II) The legislative body may take action on a request to*  
10 *participate remotely at the earliest opportunity. If the request does*  
11 *not allow sufficient time to place proposed action on such a request*  
12 *on the posted agenda for the meeting for which the request is made,*  
13 *the legislative body may take action at the beginning of the meeting*  
14 *in accordance with paragraph (4) of subdivision (b) of Section*  
15 *54954.2.*

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

21 (C) The member shall participate through both audio and visual  
22 technology.

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

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

1 (g) The legislative body shall conduct meetings subject to this  
2 chapter consistent with applicable ~~state and federal civil rights,~~  
3 ~~language access, *civil rights* and other~~ nondiscrimination laws.

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

6 (2) Nothing in this section shall prohibit a legislative body from  
7 providing members of the public with additional physical locations  
8 in which the public may observe and address the legislative body  
9 by electronic means.

10 (i) For the purposes of this section, the following definitions  
11 shall apply:

12 (1) “Emergency circumstances” means a physical or family  
13 medical emergency that prevents a member from attending in  
14 person.

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

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

21 (B) A contagious illness that prevents a member from attending  
22 in person.

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

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

28 (3) “Remote location” means a location from which a member  
29 of a legislative body participates in a meeting pursuant to  
30 subdivision (e), other than any physical meeting location designated  
31 in the notice of the meeting. Remote locations need not be  
32 accessible to the public.

33 (4) “Remote participation” means participation in a meeting by  
34 teleconference at a location other than any physical meeting  
35 location designated in the notice of the meeting. Watching or  
36 listening to a meeting via webcasting or another similar electronic  
37 medium that does not permit members to interactively hear,  
38 discuss, or deliberate on matters, does not constitute remote  
39 participation.

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

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

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

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

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

18 SEC. 3. Section 54953 is added to the Government Code, to  
19 read:

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

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

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

35 (3) If the legislative body of a local agency elects to use  
36 teleconferencing, it shall post agendas at all teleconference  
37 locations and conduct teleconference meetings in a manner that  
38 protects the statutory and constitutional rights of the parties or the  
39 public appearing before the legislative body of a local agency.  
40 Each teleconference location shall be identified in the notice and

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

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

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

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

21 (3) Prior to taking final action, the legislative body shall orally  
22 report a summary of a recommendation for a final action on the  
23 salaries, salary schedules, or compensation paid in the form of  
24 fringe benefits of a local agency executive, as defined in  
25 subdivision (d) of Section 3511.1, during the open meeting in  
26 which the final action is to be taken. This paragraph shall not affect  
27 the public’s right under the California Public Records Act (Chapter  
28 3.5 (commencing with Section 6250) of Division 7 of Title 1) to  
29 inspect or copy records created or received in the process of  
30 developing the recommendation.

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

1 number and access codes are identified in the notice and agenda  
2 of the meeting.

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

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

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

22 *SEC. 4. Section 54954.2 of the Government Code is amended*  
23 *to read:*

24 54954.2. (a) (1) At least 72 hours before a regular meeting,  
25 the legislative body of the local agency, or its designee, shall post  
26 an agenda containing a brief general description of each item of  
27 business to be transacted or discussed at the meeting, including  
28 items to be discussed in closed session. A brief general description  
29 of an item generally need not exceed 20 words. The agenda shall  
30 specify the time and location of the regular meeting and shall be  
31 posted in a location that is freely accessible to members of the  
32 public and on the local agency’s Internet Web site, if the local  
33 agency has one. If requested, the agenda shall be made available  
34 in appropriate alternative formats to persons with a disability, as  
35 required by Section 202 of the Americans with Disabilities Act of  
36 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
37 adopted in implementation thereof. The agenda shall include  
38 information regarding how, to whom, and when a request for  
39 disability-related modification or accommodation, including  
40 auxiliary aids or services, may be made by a person with a

1 disability who requires a modification or accommodation in order  
2 to participate in the public meeting.

3 (2) For a meeting occurring on and after January 1, 2019, of a  
4 legislative body of a city, county, city and county, special district,  
5 school district, or political subdivision established by the state that  
6 has an Internet Web site, the following provisions shall apply:

7 (A) An online posting of an agenda shall be posted on the  
8 primary Internet Web site homepage of a city, county, city and  
9 county, special district, school district, or political subdivision  
10 established by the state that is accessible through a prominent,  
11 direct link to the current agenda. The direct link to the agenda shall  
12 not be in a contextual menu; however, a link in addition to the  
13 direct link to the agenda may be accessible through a contextual  
14 menu.

15 (B) An online posting of an agenda including, but not limited  
16 to, an agenda posted in an integrated agenda management platform,  
17 shall be posted in an open format that meets all of the following  
18 requirements:

19 (i) Retrievable, downloadable, indexable, and electronically  
20 searchable by commonly used Internet search applications.

21 (ii) Platform independent and machine readable.

22 (iii) Available to the public free of charge and without any  
23 restriction that would impede the reuse or redistribution of the  
24 agenda.

25 (C) A legislative body of a city, county, city and county, special  
26 district, school district, or political subdivision established by the  
27 state that has an Internet Web site and an integrated agenda  
28 management platform shall not be required to comply with  
29 subparagraph (A) if all of the following are met:

30 (i) A direct link to the integrated agenda management platform  
31 shall be posted on the primary Internet Web site homepage of a  
32 city, county, city and county, special district, school district, or  
33 political subdivision established by the state. The direct link to the  
34 integrated agenda management platform shall not be in a contextual  
35 menu. When a person clicks on the direct link to the integrated  
36 agenda management platform, the direct link shall take the person  
37 directly to an Internet Web site with the agendas of the legislative  
38 body of a city, county, city and county, special district, school  
39 district, or political subdivision established by the state.

1 (ii) The integrated agenda management platform may contain  
2 the prior agendas of a legislative body of a city, county, city and  
3 county, special district, school district, or political subdivision  
4 established by the state for all meetings occurring on or after  
5 January 1, 2019.

6 (iii) The current agenda of the legislative body of a city, county,  
7 city and county, special district, school district, or political  
8 subdivision established by the state shall be the first agenda  
9 available at the top of the integrated agenda management platform.

10 (iv) All agendas posted in the integrated agenda management  
11 platform shall comply with the requirements in clauses (i), (ii),  
12 and (iii) of subparagraph (B).

13 (D) For the purposes of this paragraph, both of the following  
14 definitions shall apply:

15 (i) “Integrated agenda management platform” means an Internet  
16 Web site of a city, county, city and county, special district, school  
17 district, or political subdivision established by the state dedicated  
18 to providing the entirety of the agenda information for the  
19 legislative body of the city, county, city and county, special district,  
20 school district, or political subdivision established by the state to  
21 the public.

22 (ii) “Legislative body” has the same meaning as that term is  
23 used in subdivision (a) of Section 54952.

24 (E) The provisions of this paragraph shall not apply to a political  
25 subdivision of a local agency that was established by the legislative  
26 body of the city, county, city and county, special district, school  
27 district, or political subdivision established by the state.

28 (3) No action or discussion shall be undertaken on any item not  
29 appearing on the posted agenda, except that members of a  
30 legislative body or its staff may briefly respond to statements made  
31 or questions posed by persons exercising their public testimony  
32 rights under Section 54954.3. In addition, on their own initiative  
33 or in response to questions posed by the public, a member of a  
34 legislative body or its staff may ask a question for clarification,  
35 make a brief announcement, or make a brief report on his or her  
36 own activities. Furthermore, a member of a legislative body, or  
37 the body itself, subject to rules or procedures of the legislative  
38 body, may provide a reference to staff or other resources for factual  
39 information, request staff to report back to the body at a subsequent



1 meeting concerning any matter, or take action to direct staff to  
2 place a matter of business on a future agenda.

3 (b) Notwithstanding subdivision (a), the legislative body may  
4 take action on items of business not appearing on the posted agenda  
5 under any of the conditions stated below. Prior to discussing any  
6 item pursuant to this subdivision, the legislative body shall publicly  
7 identify the item.

8 (1) Upon a determination by a majority vote of the legislative  
9 body that an emergency situation exists, as defined in Section  
10 54956.5.

11 (2) Upon a determination by a two-thirds vote of the members  
12 of the legislative body present at the meeting, or, if less than  
13 two-thirds of the members are present, a unanimous vote of those  
14 members present, that there is a need to take immediate action and  
15 that the need for action came to the attention of the local agency  
16 subsequent to the agenda being posted as specified in subdivision  
17 (a).

18 (3) The item was posted pursuant to subdivision (a) for a prior  
19 meeting of the legislative body occurring not more than five  
20 calendar days prior to the date action is taken on the item, and at  
21 the prior meeting the item was continued to the meeting at which  
22 action is being taken.

23 (4) *To consider action on a request from a member to participate*  
24 *in a meeting remotely due to emergency circumstances, pursuant*  
25 *to Section 54953, if the request does not allow sufficient time to*  
26 *place the proposed action on the posted agenda for the meeting*  
27 *for which the request is made. The legislative body may approve*  
28 *such a request by a majority vote of the legislative body.*

29 (c) This section is necessary to implement and reasonably within  
30 the scope of paragraph (1) of subdivision (b) of Section 3 of Article  
31 I of the California Constitution.

32 (d) For purposes of subdivision (a), the requirement that the  
33 agenda be posted on the local agency's Internet Web site, if the  
34 local agency has one, shall only apply to a legislative body that  
35 meets either of the following standards:

36 (1) A legislative body as that term is defined by subdivision (a)  
37 of Section 54952.

38 (2) A legislative body as that term is defined by subdivision (b)  
39 of Section 54952, if the members of the legislative body are  
40 compensated for their appearance, and if one or more of the

1 members of the legislative body are also members of a legislative  
2 body as that term is defined by subdivision (a) of Section 54952.

3 *(e) This section shall remain in effect only until January 1, 2026,*  
4 *and as of that date is repealed.*

5 *SEC. 5. Section 54954.2 is added to the Government Code, to*  
6 *read:*

7 *54954.2. (a) (1) At least 72 hours before a regular meeting,*  
8 *the legislative body of the local agency, or its designee, shall post*  
9 *an agenda containing a brief general description of each item of*  
10 *business to be transacted or discussed at the meeting, including*  
11 *items to be discussed in closed session. A brief general description*  
12 *of an item generally need not exceed 20 words. The agenda shall*  
13 *specify the time and location of the regular meeting and shall be*  
14 *posted in a location that is freely accessible to members of the*  
15 *public and on the local agency's Internet Web site, if the local*  
16 *agency has one. If requested, the agenda shall be made available*  
17 *in appropriate alternative formats to persons with a disability, as*  
18 *required by Section 202 of the Americans with Disabilities Act of*  
19 *1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations*  
20 *adopted in implementation thereof. The agenda shall include*  
21 *information regarding how, to whom, and when a request for*  
22 *disability-related modification or accommodation, including*  
23 *auxiliary aids or services, may be made by a person with a*  
24 *disability who requires a modification or accommodation in order*  
25 *to participate in the public meeting.*

26 *(2) For a meeting occurring on and after January 1, 2019, of*  
27 *a legislative body of a city, county, city and county, special district,*  
28 *school district, or political subdivision established by the state*  
29 *that has an Internet Web site, the following provisions shall apply:*

30 *(A) An online posting of an agenda shall be posted on the*  
31 *primary Internet Web site homepage of a city, county, city and*  
32 *county, special district, school district, or political subdivision*  
33 *established by the state that is accessible through a prominent,*  
34 *direct link to the current agenda. The direct link to the agenda*  
35 *shall not be in a contextual menu; however, a link in addition to*  
36 *the direct link to the agenda may be accessible through a*  
37 *contextual menu.*

38 *(B) An online posting of an agenda including, but not limited*  
39 *to, an agenda posted in an integrated agenda management*

1 *platform, shall be posted in an open format that meets all of the*  
2 *following requirements:*

3 *(i) Retrievable, downloadable, indexable, and electronically*  
4 *searchable by commonly used Internet search applications.*

5 *(ii) Platform independent and machine readable.*

6 *(iii) Available to the public free of charge and without any*  
7 *restriction that would impede the reuse or redistribution of the*  
8 *agenda.*

9 *(C) A legislative body of a city, county, city and county, special*  
10 *district, school district, or political subdivision established by the*  
11 *state that has an Internet Web site and an integrated agenda*  
12 *management platform shall not be required to comply with*  
13 *subparagraph (A) if all of the following are met:*

14 *(i) A direct link to the integrated agenda management platform*  
15 *shall be posted on the primary Internet Web site homepage of a*  
16 *city, county, city and county, special district, school district, or*  
17 *political subdivision established by the state. The direct link to the*  
18 *integrated agenda management platform shall not be in a*  
19 *contextual menu. When a person clicks on the direct link to the*  
20 *integrated agenda management platform, the direct link shall take*  
21 *the person directly to an Internet Web site with the agendas of the*  
22 *legislative body of a city, county, city and county, special district,*  
23 *school district, or political subdivision established by the state.*

24 *(ii) The integrated agenda management platform may contain*  
25 *the prior agendas of a legislative body of a city, county, city and*  
26 *county, special district, school district, or political subdivision*  
27 *established by the state for all meetings occurring on or after*  
28 *January 1, 2019.*

29 *(iii) The current agenda of the legislative body of a city, county,*  
30 *city and county, special district, school district, or political*  
31 *subdivision established by the state shall be the first agenda*  
32 *available at the top of the integrated agenda management platform.*

33 *(iv) All agendas posted in the integrated agenda management*  
34 *platform shall comply with the requirements in clauses (i), (ii),*  
35 *and (iii) of subparagraph (B).*

36 *(D) For the purposes of this paragraph, both of the following*  
37 *definitions shall apply:*

38 *(i) “Integrated agenda management platform” means an*  
39 *Internet Web site of a city, county, city and county, special district,*  
40 *school district, or political subdivision established by the state*

1 *dedicated to providing the entirety of the agenda information for*  
2 *the legislative body of the city, county, city and county, special*  
3 *district, school district, or political subdivision established by the*  
4 *state to the public.*

5 *(ii) “Legislative body” has the same meaning as that term is*  
6 *used in subdivision (a) of Section 54952.*

7 *(E) The provisions of this paragraph shall not apply to a*  
8 *political subdivision of a local agency that was established by the*  
9 *legislative body of the city, county, city and county, special district,*  
10 *school district, or political subdivision established by the state.*

11 *(3) No action or discussion shall be undertaken on any item not*  
12 *appearing on the posted agenda, except that members of a*  
13 *legislative body or its staff may briefly respond to statements made*  
14 *or questions posed by persons exercising their public testimony*  
15 *rights under Section 54954.3. In addition, on their own initiative*  
16 *or in response to questions posed by the public, a member of a*  
17 *legislative body or its staff may ask a question for clarification,*  
18 *make a brief announcement, or make a brief report on his or her*  
19 *own activities. Furthermore, a member of a legislative body, or*  
20 *the body itself, subject to rules or procedures of the legislative*  
21 *body, may provide a reference to staff or other resources for factual*  
22 *information, request staff to report back to the body at a subsequent*  
23 *meeting concerning any matter, or take action to direct staff to*  
24 *place a matter of business on a future agenda.*

25 *(b) Notwithstanding subdivision (a), the legislative body may*  
26 *take action on items of business not appearing on the posted*  
27 *agenda under any of the conditions stated below. Prior to*  
28 *discussing any item pursuant to this subdivision, the legislative*  
29 *body shall publicly identify the item.*

30 *(1) Upon a determination by a majority vote of the legislative*  
31 *body that an emergency situation exists, as defined in Section*  
32 *54956.5.*

33 *(2) Upon a determination by a two-thirds vote of the members*  
34 *of the legislative body present at the meeting, or, if less than*  
35 *two-thirds of the members are present, a unanimous vote of those*  
36 *members present, that there is a need to take immediate action*  
37 *and that the need for action came to the attention of the local*  
38 *agency subsequent to the agenda being posted as specified in*  
39 *subdivision (a).*

1     (3) *The item was posted pursuant to subdivision (a) for a prior*  
2 *meeting of the legislative body occurring not more than five*  
3 *calendar days prior to the date action is taken on the item, and at*  
4 *the prior meeting the item was continued to the meeting at which*  
5 *action is being taken.*

6     (c) *This section is necessary to implement and reasonably within*  
7 *the scope of paragraph (1) of subdivision (b) of Section 3 of Article*  
8 *I of the California Constitution.*

9     (d) *For purposes of subdivision (a), the requirement that the*  
10 *agenda be posted on the local agency's Internet Web site, if the*  
11 *local agency has one, shall only apply to a legislative body that*  
12 *meets either of the following standards:*

13     (1) *A legislative body as that term is defined by subdivision (a)*  
14 *of Section 54952.*

15     (2) *A legislative body as that term is defined by subdivision (b)*  
16 *of Section 54952, if the members of the legislative body are*  
17 *compensated for their appearance, and if one or more of the*  
18 *members of the legislative body are also members of a legislative*  
19 *body as that term is defined by subdivision (a) of Section 54952.*

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

21     ~~SEC. 4.~~

22     SEC. 6. The Legislature finds and declares that Sections 1 and  
23 2 of this act, which amend Section 54953 of the Government Code,  
24 impose a limitation on the public's right of access to the meetings  
25 of public bodies or the writings of public officials and agencies  
26 within the meaning of Section 3 of Article I of the California  
27 Constitution. Pursuant to that constitutional provision, the  
28 Legislature makes the following findings to demonstrate the interest  
29 protected by this limitation and the need for protecting that interest:

30     By removing the requirement for agendas to be placed at the  
31 location of each public official participating in a public meeting  
32 remotely, including from the member's private home or hospital  
33 room, this act protects the personal, private information of public  
34 officials and their families while preserving the public's right to  
35 access information concerning the conduct of the people's business.

36     ~~SEC. 5.~~

37     SEC. 7. The Legislature finds and declares that Sections 1 and  
38 2 of this act, which amend Section 54953 of the Government Code,  
39 further, within the meaning of paragraph (7) of subdivision (b) of  
40 Section 3 of Article I of the California Constitution, the purposes

1 of that constitutional section as it relates to the right of public  
2 access to the meetings of local public bodies or the writings of  
3 local public officials and local agencies. Pursuant to paragraph (7)  
4 of subdivision (b) of Section 3 of Article I of the California  
5 Constitution, the Legislature makes the following findings:

6 This act is necessary to ensure minimum standards for public  
7 participation and notice requirements allowing for greater public  
8 participation in teleconference meetings.

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