


Agenda Report Reviewed by:  
City Manager: 

CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM REPORT

**Meeting Date:** February 7, 2023  
**To:** Honorable Mayor and Honorable City Councilmembers  
**From:** City Administration  
**Subject:** Discussion of In Person or Hybrid (in person and remote) City Meetings and Direction to Staff  
**Recommendation:** Council is asked to provide Direction to staff on In Person or Hybrid City Meetings and Discussion of Proposed Amendments to City Council Protocols Based Upon Direction of In Person or Hybrid (in person and remote) Meetings  
**Funding:** Currently Budgeted: \_\_\_\_\_ Yes \_\_\_\_\_ No  X  N/A  
Net General Fund Cost:  
Amount: \$ \_\_\_\_\_

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

**PURPOSE/INTRODUCTION:**

This item requests that the City Council provide Direction to staff for In person or Hybrid (in person and remote) meeting accommodations following the Declaration from the State of California Governor to rescind the statewide emergency declaration on February 28, 2023.

**BACKGROUND:**

The Ralph M. Brown Act (Brown Act) allows for meetings via teleconferencing subject to certain requirements, including 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. (Government Code Section 54953(b)(3)).

Under the Brown Act, the City of Sebastopol’s legislative bodies include the City Council and all Commission, Boards, and Committees (to include Standing Committees such as Public Art Committee, Budget Committee, etc.).

While the Brown Act has historically allowed legislative body members to participate in meetings remotely (known as participation by “teleconference”), the Act has historically contained stringent noticing requirements for members who wish to participate remotely, including the publication of the member’s physical address on the agenda itself, as well as the posting of the agenda, allowing public access (to include Americans with Disabilities Act (ADA), calling for public comment at the remote location. This traditional teleconference model has been utilized only occasionally in Sebastopol.

**Emergency Teleconference Regulations / AB 361**

In early 2020, Governor’s Orders N-29-20 and N-08-21 effectively suspended traditional teleconference requirements for health and safety reasons, making it possible for legislative body members to join a meeting virtually without the need for advance noticing or providing direct public access to the location. AB 361 (Rivas), which became effective October 1, 2021, originally codified these provisions in the Brown Act through January 2024, allowing agencies to continue to utilize relaxed teleconferencing standards if desired during declared states of emergency, provided that the legislative body made certain findings every 30 days relating to the continued need to hold remote/hybrid meetings for health and safety reasons.

Currently the City utilizes AB 361. AB 361 amends Government Code Section 54953 applicable to public meetings held by cities and counties. AB 361 provides an alternative to the teleconferencing requirements of Government Code Section 54953(b)(3), as long as a state of emergency exists and the local legislative body makes certain factual findings regarding the state of emergency, including that meeting in person would present imminent risks to the health or safety of attendees. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, AB 361 requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to AB 361, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. AB 361 requires the City Council to make these findings every 30 days to continue holding teleconference hearings without members of the City Council and the public being physically present.

However, Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023 at which time the Council will need to return to in person or could approve use of hybrid (in person and remote) meetings.

#### New Teleconference Regulations / AB 2449

Assembly Bill 2449 essentially supersedes AB 361. While AB 2449 does preserve some provisions of AB 361 permitting a legislative body to hold meetings with relaxed teleconferencing during declared states of emergency, the Governor's Office has indicated its intent to terminate the statewide COVID-19 emergency on February 28, 2023, and the City will concurrently end its local emergency order, nullifying those options for the time being. In the event a qualifying emergency order were to be enacted for any reason prior to January 1, 2024, the provisions of AB 361 would again be an available option, if appropriate findings could be made. On January 1, 2024, AB 361 will sunset entirely or February 28, 2023 (termination of emergency) whichever is first.

AB 2449 further amends the Brown Act to regulate teleconference participation in legislative meetings, offering a complex alternative to traditional teleconferencing regulations. This bill will significantly limit the use of remote teleconferencing compared to that which has been permitted under emergency teleconference regulations enacted at the start of the COVID-19 pandemic.

AB 2449 regulates only the teleconference attendance by legislative body members and does not regulate attendance by staff or the public. However, the bill does impose a number of requirements on the City relating to meeting administration, creating additional implementation workload for staff. The traditional Brown Act model will remain available in the event both the City and the legislative body member wish to comply with the full teleconference noticing requirements pre-pandemic.

#### DISCUSSION:

Governor Gavin Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023 at which time the City meetings will need to return to in person or implement the conduct of hybrid meetings. However, on September 13, 2022, Governor Newsom signed AB 2449 into law, again amending the Brown Act procedures for meetings, effective January 1, 2023. The City currently follows the virtual meeting provisions of State law in effect until January 1, 2024 or upon the end of the State of Emergency (2-28-2023 as listed above), whichever comes first.

#### Provisions of AB 2449 for Legislative Body Members

AB 2449 authorizes legislative body members to use teleconferencing without complying with traditional teleconference requirements, under the following conditions:

#### Limitations on use:

Legislative body members may participate remotely under AB 2449 a limited number of times per year. The overall maximum for each member is calculated based on the number of meetings held by their legislative body in a year.

Overall, a member may participate in meetings by teleconference under this law for no more than three consecutive months; and for no more than 20% of the regular meetings for the legislative body within a calendar year (capped at 2 meetings per year for bodies that meet fewer than 10 times per year). This calculation will be based on the number of regular meetings a legislative body would have in a year under its adopted schedule, not accounting for any cancellations. These limits factor in Regular, Special, and Closed Session meetings. The overall maximums are as follows based on the normally scheduled number of meetings:

- City Council (24 regular meetings): \*4 meetings per year
- Planning Commission (24 regular meetings): \*4 meetings per year
- Design Review Board (24 regular meetings): \*4 meetings per year
- Public Arts Committee (12 regular meetings): \*2 meetings per year
- Climate Action Committee (24 regular meetings): \*4 meetings per year

Any teleconference attendance that is fully noticed under traditional Brown Act teleconference requirements would not count against the maximum number of meetings that may be attended remotely under the relaxed AB 2449 provisions.

A member of a legislative body wishing to participate remotely under AB 2449 may do so either for **“just cause”** or under **“emergency circumstances.”** as those terms are defined. The law does not clearly delineate the difference between the circumstances of two exceptions, and as such the individual legislative body member must choose which exception to pursue. The **use of the “just cause” exception is capped at 2 meetings per year** regardless of the body’s meeting schedule.

#### **Exception #1: “Just Cause”**

Circumstances: Defined as any one of the following:

- Caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely.
- A contagious illness that prevents the member from attending in person.
- A need related to a physical or mental disability.
- Travel while on business of the legislative body or another state or local agency.

*Notification to Council/Legislative Body:* In order to participate remotely under the “just cause” exception, the member must notify the legislative body at the earliest possible opportunity, up to and including at the start of a meeting, of their need to participate remotely.

*General Description:* The notification must include a “general description” of the circumstances relating to the member’s need to appear remotely. Per the law, the description does not have to be more than 20 words and the member does not have to disclose any personal medical information. If implemented, the City would propose notification and description of circumstances may be given by the member via email in advance of the meeting, in which case the message will be retained as agenda correspondence, and/or submitted orally at the beginning of the meeting during a period on the agenda set aside for this purpose prior to roll call, in which case the statement will be reflected in the meeting record.

*Action at Meeting:* The member must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individual. This disclosure must take place during the meeting itself, even if the notification and description were given in advance. If implemented , the member attending virtually will be asked to make this disclosure prior to Roll Call.

*Limits:* Use of the “just cause” exception is limited to 2 meetings per year, regardless of other factors.

**Exception #2: “Emergency Circumstances”**

Circumstances: Defined as a physical or family medical emergency that prevents a member from attending in person.

*Request and Council/Legislative Body Approval:* The member’s ability to participate remotely under the “emergency circumstances” exception is contingent on making a request to the legislative body, which must take action by majority vote to approve the request.

*General Description:* The legislative body must receive into the record a “general description” of the circumstances relating to the member’s need to appear remotely. Per the law, the description does not have to be more than 20 words and the member does not have to disclose any personal medical information.

*Action at Meeting:* If implemented, this request will be made, the description given, and action to approve or deny taken, at the beginning of the meeting during a period on the agenda set aside for this purpose prior to roll call. The member must also disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individual. The request, action, and statement will be reflected in the meeting record.

*Limits:* subject to the meeting Limitations on Use as noted above for each body (20% of meetings).

**UNDER EITHER EXCEPTION:**

*Physical quorum:* Under either exception, at least a quorum of the members of the legislative body must participate at a singular physical meeting location that is clearly identified on the agenda, situated within the local agency’s jurisdiction, and open to the public.

For City Council as an example, this means that no more than two members of a legislative body may utilize these relaxed teleconference provisions at one time. In the event fewer than three members were to be physically present at the beginning of a legislative meeting, no meeting could be called to order. For this reason, it is advisable for legislative body members to notify staff at the earliest opportunity of their desire to attend a meeting via teleconference under AB 2449.

*Audio and Visual Participation:* Members participating remotely must participate through both audio and visual technology. (i.e. cameras and microphones on) A member’s notice and general description of need to appear remotely must include a statement that the member will participate with both audio and video capabilities turned on throughout the meeting.

**Other Provisions of AB 2449**

In addition to the above provisions relating the conduct of legislative body members, the City is required to comply with a number of other requirements that are already being met, such as:

- allowing the public to make “real time” public comment;
- providing a way for the public to remotely hear, visually observe, and remotely address the legislative body, either by a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting (provided via Zoom)
- providing notice of the same (provided in the agenda and at the start of each meeting); and
- suspending the proceedings if there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment.

It should be noted that additional language will need to be added to City Meeting Agendas for accommodations.

AB 2449 also adds new subsections to Government Section 54953 regarding ADA accessibility and nondiscrimination in conducting meetings pursuant to the Brown Act. The ADA provision will require cities that have not done so already to adopt a stated policy and procedure for receiving and acting on reasonable accommodation requests of individuals with disabilities (including members of the public) for accessibility to meetings.

**Enforcement of AB 2449**

While legislative body members will generally be responsible for their own conduct in terms of complying with AB 2449, failure to comply with the bill will constitute a violation of the Brown Act, potentially jeopardizing the validity of meeting proceedings. The City, therefore, has an interest in assuring to the best of its ability that any legislative body members attending a meeting via teleconference do so in compliance with the law.

As such, staff recommends that any legislative body member who attempts to join a legislative meeting virtually in excess of the number of meetings allowed per year, or whose request to join a meeting virtually under the “Emergency Circumstances “exception is not approved by the legislative body, be marked absent for purposes of the meeting record and not be permitted to attend other than to observe the meeting as a public attendee.

**Absences**

If a legislative body member is unable to attend a meeting in person, and unable for whatever reason to attend a meeting via teleconference in compliance with the Brown Act (either traditional or AB 2449), the member will be deemed absent.

**Sunset Date:**

AB 2449 is projected to sunset on January 1, 2026, after which, unless further legislation is adopted, only the pre-pandemic, traditional Brown Act rules will remain.

**Analysis:**

Returning to meeting in the Council Chambers or smaller conference rooms means being in an enclosed space for meetings that commonly last for one to five hours and would seem to create additional exposure for participants to a possible transmission of the COVID virus, flu virus, etc. Per the Fire Chief,

**Location of Meetings:**

The seating maximum for the Youth Annex Main Room (occupancy load) is 193 seating at 7 square feet (sq ft) per person; with tables, would reduce occupancy load to about half (97). The city would calculate 15 sq ft per person. If the meetings are set up with chairs for general auditorium seating head tables for council/commission dais and staff table(s), it would reduce the total occupancy slightly. Calculating a reduction for the dais/staff tables would reduce the occupancy to about 130 total) The City is proposing to use the Youth Annex for all City Meetings. Use of the Youth Annex or Main Hall would avail the City Council/and Legislative Bodies to either in person or hybrid (in person or remote) meetings.

**Public Participation component:**

Staff recommends continuing use of teleconference technology (i.e. Zoom) for all legislative body meetings to broadcast all City Council and board / commission / committee meetings, which would allow remote public participation in meetings and allow designated staff and consultants to participate in meetings via in person or teleconference. Staff attendance would be approved by the City Manager or City Manager’s designee.

**Streaming (non-participation component):**

Prior to the COVID-19 pandemic, the City broadcasted City Council and Planning Commission meetings with the assistance of a contractor attending the meetings in person. Public Art Committee and Design Review Board meetings were facilitated (recorded and streamed) by staff (Climate Action Committee was formed during Covid) via You Tube. The introduction of teleconferencing technology during the pandemic provided a means to broadcast

meetings through use of Zoom for increased public participation as well as continued broadcasting utilizing Live Stream (non-interactive streaming on the web for viewing only). If hybrid meetings are implemented, it is proposed that all meetings continue to utilize Zoom for the public participation component, but that, other than Council and Planning Commission, You Tube would continue to be utilized for Broadcasting of these meetings. This would allow Planning Department staff to continue to facilitate these meetings without assistance other than the Community Center staff to coordinate the ‘hybrid’ approach.

Logistics:

For in person or hybrid meetings, if Legislative body members choose to wear masks while sitting at the dais, this can make it difficult to determine how each member votes during a voice vote. Therefore, staff recommends legislative bodies continue to use roll call voting to ensure the legislative bodies, the public and staff can clearly understand how members vote on each item.

City staff has been working with the Community Center regarding use of the Youth Annex for City Meetings. As of the writing of this report, the City has conducted a walk through with the Community Center for potential in person or hybrid meetings. A recap of the walkthrough conducted on January 24<sup>th</sup> is as follows:

Community Center will be responsible for:

- Set up/take down of meeting room (chairs/tables/microphones/cameras)
- SCCC will be responsible for running of cameras/audio equipment
- PCA (Petaluma Community Access) will be responsible for televising meetings to the Internet through use of Zoom and Live Stream (for City Council and Planning Commission only) If in person meetings only, only Live Stream will be utilized. PCA will also be responsible for technical support to SCCC and post meeting actions.
- City staff would be responsible for televising meetings to the Internet through use of Zoom and You Tube for other standing committees and boards. SCCC staff would facilitate the zoom component during meetings. City Staff would be responsible for post-meeting actions (posting videos, etc.)
- Costs incurred for City by In Person Only or Hybrid Meetings for those meetings other than City Council or Planning Commission:
  - \$2,400-\$3,000 (depending on length of meetings (March 2023-June 2023 – Current Fiscal Year) (cost is for DRB, PAC and CAC meetings only as CC and PC are incorporated into SCCC budget). This cost can be absorbed in the Planning Department’s current Fiscal year budget.

The following options should be considered.

1. In Person Only Meetings
2. Hybrid Meetings (City Council in attendance in person; \*All City staff in attendance; consultants/applicants/public members to utilize zoom or be in Council meeting room). Council could require Traditional Brown Act requirements or Use of AB 2449
3. Hybrid Meetings (City Council in attendance; \*limited City staff in attendance; consultants/ applicants/public members to utilize zoom or be in Council meeting room). Council could require Traditional Brown Act requirements or Use of AB 2449
4. Amendments to City Council Meeting Protocols language to address decision (in person or hybrid).

AB 2449: \*The law does not restrict the ability of a legislative body to make teleconference participation available to members of the public, staff, and/or consultants to participate in meetings virtually if the legislative body so desires. The limitations on remote participation discussed above apply only to the members of the legislative body. Staff (as approved by the City Manager or City Manager’s designee) and/or members of the public may still appear in meetings remotely without any additional notice requirements. If the legislative body is meeting entirely in person, the public must be permitted to participate in person and may be permitted to participate remotely. If a

teleconference option is used by a member of the body, the public must be permitted to participate both in person and remotely.

*Under Traditional Brown Act requirements, there is no limit on amount of teleconferencing as long as the agenda is noticed with all required information and there is a quorum in person.*

Use of AB 2449's teleconference scheme will make it difficult to administer and would require a lot of administrative support and record-keeping of highly complicated procedures before and after the meeting but can be used for Just cause or emergency situations. AB 2449 is going to require administrative support and record-keeping of:

- Which member has made a request to appear remotely under AB 2449's procedures.
- How many times each member has appeared remotely under its terms.
- The member's reason for appearing remotely, and any action taken by the legislative body.
- Whether staff can confirm ahead of each meeting that there will be a physical quorum of members for any given meeting, and who will be in physical attendance. Unless there is a physical quorum of members present, the governing body may not utilize AB 2449.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5: Provide Open and Responsive Municipal Government Leadership

5.3.3. Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal 6: Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors and business of this community.

Action CHW 5c: Practice an open-door policy in City programs, and actively engage and encourage participation from all individuals regardless of ethnicity, race, religion, class, disability, sexual orientation, and gender.

Goal CIR 5: Reduce Vehicle Miles Traveled (VMT) in Order to Reduce Congestion and Help Achieve Regional Efforts to Reduce Greenhouse Gas (GHG) Emissions

ENVIRONMENTAL REVIEW

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a resolution making required findings and authorizing the City Manager to implement teleconferenced public meetings for the City Council and all City subordinate bodies pursuant to Assembly Bill 361 does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. and is exempt pursuant to Section 15269(c) of the CEQA Guidelines, as specific actions necessary to prevent or mitigate an emergency.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT:

The implementation of virtual meetings during the pandemic has seen increased costs for the City. Prior to the pandemic, the only staff required to attend a meeting was the staff liaison to the body or if a Department Director had an agenda item for that meeting. Returning to in person or hybrid meetings will require use of equipment owned and operated by the Community Center who will be responsible for the cameras/equipment in the Youth Annex /Main hall buildings as well as PCA to handle the logistics and operations of the virtual software platform used for the meeting, Zoom (and Live Stream for Council and Commission). Though running a virtual or hybrid meeting may not seem overly complicated, the operations which happen behind the scenes, including handling public speakers, coordinating panelists and presentations, broadcasting, potential equipment malfunction, after meeting duties for posting of meetings, etc are added responsibilities post pandemic. Because the City of Sebastopol does not have a dedicated Council Chambers, if City meetings allow for remote participation of any kind, Community Center staff will need to be on site to operate their cameras and sound system in the Youth Annex or Main Hall.

The Community Center has absorbed the costs for the City Council and Planning Commission meetings; Planning Department will absorb the costs for the remainder of this fiscal year for other meetings within its department budget. SCCC has tentatively proposed \$60.00 an hour for these three meetings, which average about five hours total per month.

While these costs do add up, the ability of community members to remotely participate in meetings of the City's legislative bodies has generally been considered an enhancement of the ability of the community to participate in government decision making process.

RECOMMENDATION:

Staff is requesting the City Council provide Direction to staff for In person or Hybrid (in person and remote) meeting accommodations following the Declaration from the State of California Governor to rescind the statewide emergency declaration on February 28, 2023.

City Council is asked to provide direction to City staff on the following and would apply to all City of Sebastopol legislative bodies subject to the California Brown Act.

1. In Person Only Meetings
2. Hybrid Meetings (City Council in attendance in person; \*All City staff in attendance; consultants/applicants/public members to utilize zoom or be in Council meeting room). Council could require Traditional Brown Act requirements or Use of AB 2449
3. Hybrid Meetings (City Council in attendance; \*limited City staff in attendance; consultants/ applicants/public members to utilize zoom or be in Council meeting room). Council could require Traditional Brown Act requirements or Use of AB 2449
4. Amendments to City Council Meeting Protocols language to address decision (in person or hybrid).

Attachment:

Comparison of Brown Act; AB 2449; and AB 361 (Information has been lined out as AB 361 will be rescinded 2-28-2023)

Attendance Procedures

DRAFT Language for Meetings

DRAFT Notification to Commission, Boards and Committees

AB 2449 Bill

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<u>Brown Act Remote Participation Rules</u>			
	<u>Traditional Brown Act</u>	<u>AB 2449</u>	<u>AB 361</u>
<b>Expiration</b>	N/A	01/01/2026	Officially 01/01/2024 but, ends when State of Emergency is lifted (scheduled for 02/28/2023)
<b>Quorum</b>	Quorum must meet from locations within City limit boundaries	Quorum must meet in-person from single physical location open to public	Quorum can meet from any remote location
<b>Notice &amp; Agenda</b>	Must identify each physical teleconference location  Must post 72 hours prior to regular meeting at every teleconference location	Must include remote meeting link & procedure for receiving & resolving requests for accommodation  Identify single publicly-accessible physical location where quorum will meet	Must contain remote meeting link & information about participating
<b>Public Access</b>	Must provide public access to each teleconference location  Must provide public the opportunity to address the body from each teleconference location	Must provide public access to the single physical location  Must provide public with remote access through two-way audiovisual platform or telephonic service & live webcasting of meeting	Must provide call in/internet-based service option
<b>Remote Participation by Member of Body</b>	OK as long as the agenda is publicized as such with all required teleconferencing information.	Only permitted if:  <b>Just Cause</b> (childcare; contagious illness; physical/mental disability; travel while on official business of body/state or local agency) - Member may utilize only 2x/year - Member must provide a general description of the circumstances relating to their need to appear remotely at the given	OK

# AB 2449 BROWN ACT TELECONFERENCING REQUIREMENTS

# BACKGROUND

- 09/13/22: Signed by Governor Newsom
  
- 01/01/23: Effective date
  
- 3 Teleconferencing Options
  - Option 1: Tradition (pre-pandemic), or
  - Option 2: State of Emergency (AB 361), or
  - Justification (AB 2449)

# OPTION 1: TRADITIONAL (PRE-PANDEMIC)

- Participate from various teleconference locations
- Quorum of teleconference locations must be within City jurisdiction
- Agenda to list location address (including teleconference locations)
- All locations must meet ADA accessibility requirements and be open to the public to attend and provide comments
- Public Participation:
  - Option A (In-Person): public may provide written comments in advance or attend the meeting in-person.
  - Option B (In-Person and/or Teleconference): public may provide written comments in advance of the meeting, attending the meeting in-person, use the call-in option, or use an internet-based service provider.

# OPTION 2: STATE OF EMERGENCY (AB 361) (\*IT SHOULD BE NOTED THAT GOVERNOR NEWSOM HAS ANNOUNCED RESCINDING OF THE EMERGENCY ORDER EFFECTIVE 2/28/2023

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- Only available during declared state of emergency
- Legislative body to make findings every 30 days to continue to teleconference
- Allows for remote teleconference participation (location does not need to be noticed on the agenda or made available to the public)
- Public ability to address the legislative body via call-in or internet-based service
- AB 361 expires on 01/01/2024 or when declared state of emergency no longer exists, whichever occurs first
- State's COVID 19 State of Emergency will end on 02/28/2023
- City currently conducts its public meetings under AB 361 and will no longer have the ability to do this after 02/28/2023

# OPTION 3: JUSTIFICATION (AB 2449)

## ➤ Teleconference for *just cause* or *emergency circumstances*

### ➤ *Just Cause:*

- Childcare, caregiving, contagious illness, physical or mental disability, travel on official business
- Limited to twice in a calendar year
- Notice to legislative body at earliest opportunity
- Legislative body approval not needed
- Meeting must be webcast (two-way audio and visual)

### ➤ *Emergency Circumstances:*

- Physical or family medical emergency
- Requires legislative body approval to participate remotely
- Separate request submitted for each remote meeting
- If there is not sufficient time to place it on the meeting agenda, legislative body may take action on the request at the beginning of the meeting.
- Requires majority vote of legislative body

# ADDITIONAL REQUIREMENTS FOR REMOTE PARTICIPATION

1. In-Person board meeting must allow public to remotely hear, visually observe, and remotely address the Board during the meeting by:
  - Two-Way Audiovisual Platform: online platform allowing public to participate via interactive video conference and two-way telephonic function; or
  - Two-Way Telephonic Service and Live Webcasting: requires a telephone service allowing participants to dial a telephone number to listen and verbally participate. Webcasting includes an online video streaming broadcast or a television using streaming media technology.
2. Remote board required to participate using both audio and visual technology
3. Other adults present in the room and the member's relationship with the other adults must be disclose the Board member before action is taken
4. Meeting agenda must give notice of the teleconference, how to access the meeting and offer public comment, identify opportunities for persons to attend and address the Board directly (via call-in option, internet-based service option, or in-person.
5. Board Member may not participate solely by teleconference for *just cause* or *emergency circumstances* for more than three consecutive months or 20% of the regular meetings within a calendar year. If the Board meets less than 10 times per calendar year, then no more than two meetings per calendar year.
6. No action if a disruption occurs, preventing the broadcast or public comment, until access is restored

# CONCLUSION

- Legislative bodies may still meet in-person without teleconferencing, or may meet via teleconferencing under the Traditional Rules.
- AB 2449 does not require a legislative body to use teleconferencing, and does not change or repeal the Traditional Rules.
- Rather, AB 2449 provides an alternative to the Traditional Rules that is available for the next three years, as discussed above.



## AB 2449 ATTENDANCE BY A MEMBER VIRTUALLY - PROCEDURE

Member prior to the meeting must do the following:

1. Notify the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for “just cause” including a general description of the circumstances relating to their need to appear remotely at the given meeting;

Just Cause - is limited to one or more of the following:

- a. a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely’;
- b. a contagious illness that prevents a member from attending in person;
- c. a need related to a physical or mental disability as defined by law; or
- d. travel while on official business of the legislative body or another state or local agency;

or

Emergency Circumstances – means a physical or family medical emergency that prevents a member from attending in person.

- a. The member requires the legislative body to allow them to participate in the meeting remotely due to the “emergency circumstances” and the legislative body takes action to approve the request.
- b. The legislative body requires a general description (generally not exceeding 20 words) of the circumstances relating to the member’s need to appear remotely at the given meeting, this shall not require a member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

### Limitations:

May not be used by a member to teleconference for a period of more than three (3) consecutive months or 20% of regular meetings (4 meetings for City Council) within a calendar year, or more than two (2) meetings per calendar year if the board meets less than ten (10) times per calendar year.

Members participating remotely must do so through **both audio and visual technology** and must **publicly disclose whether any individual over the age of 18 is present** at the remote location with the member and the **general nature of the member’s relationship with the individual**.

### Required Procedures for Remote Participation under AB 2449

1. Notice and General Description. A member shall make a written request to participate remotely at a meeting as soon as possible. The request must state whether the member is claiming “just cause” or “emergency circumstances” and shall include a general description explaining their need to meet remotely. Members must make a separate request for each meeting in which they seek to participate remotely.
2. Action on the Request for Remote Participation due to “Emergency Circumstances”. The legislative body must take action on a request to participate remotely due to “emergency circumstances” at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with the requirements of the Brown Act for taking action on items of business not appearing on the posted agenda.
3. Limitations on Frequency. A member cannot participate solely by teleconference based on emergency circumstances for more than three (3) consecutive months or more than twenty (20) percent of the agency’s regular meetings, or more than two meetings per year if the agency meets fewer than 10 times

per year. A member participating remotely under the “just cause” provision is limited to two (2) remote meetings per calendar year.

4. Required Disclosures for Remote Participation. A member participating telephonically shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.
5. Audio and Visual Participation Required. A member of the legislative body participating from a remote location under the AB 2449 rules for teleconferencing must participate through both audio and visual technology during the entire meeting. A member’s notice and general description of need to appear remotely must include a statement that the member will participate with both audio and video capabilities turned on throughout the meeting.

PROPOSED DRAFT LANGUAGE FOR USE OF AB 2449:

**MAYOR AND CHAIR OF LEGISLATIVE BODIES – INSTRUCTION**

This must be addressed at the beginning of the meeting prior to Roll Call.

- \_\_\_\_\_ Confirm at least a quorum of the legislative body is present at the location (City Council Chamber or Large Conference Room) identified on the agenda.
- \_\_\_\_\_ Confirm a two-way visual or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body. The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting.
- \_\_\_\_\_ Address remote attendee and ask the reason for absence: \_\_\_\_\_ “Just Cause” or \_\_\_\_\_ “Emergency Circumstances”? They may elaborate on the reason or read from their statement presented.
- \_\_\_\_\_ Ask the member if any individual over the age of 18 is present at the remote location with them. If yes, they must identify them and their relationship to the member.
  
- \_\_\_\_\_ Confirm with the City Clerk/Board Secretary the number of times the specific member has appeared remotely within the calendar year.
  
- \_\_\_\_\_ Address body for a roll call vote:
  - \_\_\_\_\_ Accept the virtual attendance due to “just cause” reason
  - \_\_\_\_\_ Accept the virtual attendance due to “emergency circumstance”

**ALL VOTES WILL BE MADE BY ROLL CALL VOTE**

If a member seeks to participate due to a specified “emergency circumstance” and the legislative body **votes not to accept** the basis for virtual attendance under AB 2449, then the member may only participate as a general member of the public and cannot vote on any action item.

**Minutes Must Reflect:**

- \_\_\_\_\_ The name and position of the member who appeared remotely under AB 2449’s procedures;
- \_\_\_\_\_ Number of times each member has appeared remotely within the calendar year.
- \_\_\_\_\_ Motion read into the record and vote recorded on minutes.
- \_\_\_\_\_ Any action taken by the legislative body, such as not accepting the circumstances, and whether the member remained as a member of the public or left the virtual meeting environment.

## DRAFT NOTIFICATION TO COMMISSION, BOARDS AND COMMITTEES

As of March 1, 2023, ALL of the City's Board and Commissions and Standing Committees will be returning to in-person (or in person/remote) public meetings (Zoom will continue for members of the public who would like to participate remotely (If Council approves Hybrid). This means that all board, commission, and committee members and City staff will be participating at designated meeting locations.

The [INSERT BOARD/COMMISSION/COMMITTEE] is currently operating under the provisions of AB 361, which allows Board, Commission, and Committee members to participate in [meetings remotely with little restriction. We can continue to operate under these provisions so long as (1) the public health declaration of emergency remains in place, and (2) the City Council continues to adopt the requisite findings no less than every thirty days.

The Governor, however, has stated his intent to terminate the Statewide public health declaration of emergency in late February, assuming Covid continues to moderate. Upon expiration of the emergency declaration, the provisions of AB 361 will no longer be applicable and we will return to standard provisions of the Brown Act, as recently amended.

Similar to pre-Covid times, Board, Commission, and Committee members will continue to be able to participate remotely if necessary. With recent amendments to the Brown Act (AB 2449, effective January 1, 2023) there are now three paths:

1. Preexisting Brown Act Provisions: If you wish to participate in a meeting remotely, the public must be informed of and have access to your off-site location:
  - You must notify the recording secretary and City Staff Liaison by Final Packet Preparation that is posted before the Council meeting, so that the address of your off-site location can be added to the meeting agenda. The address must be precise (for example, if you are staying in a hotel, the location must include the name and location of the hotel, as well as your room number or name of conference room from which you will be attending the meeting).
  - The meeting agenda must be posted at the door of your location and your location must be made open and accessible to the public.
  - The public must be provided a means of also participating from your location, for example through a speakerphone.
2. New provisions of AB 2449 (two new paths for remote participation): AB 2449 amends the Brown Act to add new "just cause" and "emergency" provisions to allow members of legislative bodies to attend public meetings remotely without need to identify their location or open the location to the public. However, there are very specific requirements that must be met in each case, and these procedures can only be used if a quorum of the Board, Commission, or Committee is present in person at the meeting.

- Just Cause. Just cause is defined as any one of the following:
  - Childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely;
  - A contagious illness that prevents a member from attending in person;
  - A need related to a physical or mental disability; or
  - Travel while on business of the City or another State or local agency.

In order to participate remotely under the *just cause* provisions, the Board, Commission, or Committee member must notify the recording secretary or Staff Liaison at the earliest possible opportunity, including at the start of a meeting, of their need to participate remotely and provide a general description of the circumstances related to one of the four items above.

**A Board, Commission, or Committee member may only participate remotely under the *just cause* provisions up to two meetings per calendar year.**

- Emergency Circumstances. Emergency is defined as a physical or family medical emergency that prevents a member from attending in person.

In order to participate remotely under the *emergency circumstances* provisions, the Board, Commission, or Committee member must request permission to participate in the meeting remotely because of the emergency circumstances and the Board, Commission, or Committee must take action to approve the request.

The Board, Commission, or Committee member must submit the request for remote participation to their Board, Commission, or Committee recording secretary and staff liaison as soon as possible. The Board, Commission, or Committee should take action on the request at the earliest opportunity. If the request does not allow sufficient time to place it on the agenda for the meeting, the Board, Commission, or Committee may take action on the request at the beginning of the meeting by majority vote.

The Board, Commission, or Committee member must provide a general description of the emergency circumstances relating to the need to appear remotely. This description does not have to be more than 20 words and the member does not have to disclose any personal medical information.
- **If a Board, Commission, or Committee member participates remotely under AB 2449 under either the *just cause* or *emergency circumstances* provisions described above, then the following rules apply:** (Note: Many of these rules are already in place, the new requirements are marked with an asterisk.)

- The City must provide for remote participation by the public as well, either through a two-way audio visual system or two-way phone service, in addition to live webcasting.
- The City must provide notice of how the public can access the meeting and offer comments.
- The agenda must identify and include an opportunity for the public to attend and directly address the Board, Commission, or Committee through a call-in option, an internet-based service option, and in-person at the location of the meeting.
- The City cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.
- If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
- The City must implement a procedure for receiving and resolving requests for reasonable accommodations for individuals with disabilities, and must give notice of these procedures.
- \* Board, Commission, or Committee members participating remotely must participate through both audio and visual technology.
- \* Board, Commission, or Committee members participating remotely must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individuals.

\*A Board, Commission, or Committee member may not participate in meetings solely by teleconference under this law for more than three consecutive months or more than 20% of the regular meetings for the public agency within a calendar year.


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## AB-2449 Open meetings: local agencies: teleconferences. (2021-2022)

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Date Published: 09/14/2022 09:00 PM

### Assembly Bill No. 2449

#### CHAPTER 285

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

[ Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2449, 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 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, 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 Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

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

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

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

(i) A two-way audiovisual platform.

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

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

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

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

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

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

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

(A) One of the following circumstances applies:

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

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

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

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

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

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

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

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

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

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

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with physical locations in which the public may observe and address the legislative body.

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

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A two-way audiovisual platform.

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

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

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

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

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

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

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

(A) One of the following circumstances applies:

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

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

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

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

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

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

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

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities

Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

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

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

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

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

(1) "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person.

(2) "Just cause" means any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**54954.2.** (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42



U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

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

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

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

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

(ii) Platform independent and machine readable.

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

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

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

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

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

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

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

(i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

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

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

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in

response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

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

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

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

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

(4) To consider action on a request from a member to participate in a meeting remotely due to emergency circumstances, pursuant to Section 54953, 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 legislative body may approve such a request by a majority vote of the legislative body.

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

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

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

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

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

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

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

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

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not

be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

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

- (i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.
- (ii) Platform independent and machine readable.
- (iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

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

- (i) A direct link to the integrated agenda management platform shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an Internet Web site with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.
- (ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.
- (iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.
- (iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

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

- (i) "Integrated agenda management platform" means an Internet Web site of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.
- (ii) "Legislative body" has the same meaning as that term is used in subdivision (a) of Section 54952.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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