

AMENDED IN ASSEMBLY APRIL 29, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 703

Introduced by Assembly Member Blanca Rubio

February 16, 2021

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

LEGISLATIVE COUNSEL’S DIGEST

AB 703, as amended, Blanca Rubio. Open meetings: local agencies: teleconferences.

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

Existing law, Executive Order *No.* N-29-20, suspends the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19

pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill would remove *the notice requirements particular to teleconferencing and would revise the requirements of the act particular to teleconferencing and to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.* The bill would require that, 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 local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body 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, as provided.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to local agency meetings into the future, and considering the digital age, by allowing broader access through teleconferencing options.

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

This bill would make legislative findings to that effect.

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

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

SECTION 1. Section 54953 of the Government Code 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. 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 allow members of the public to observe the meeting and address the legislative body, *and it body directly pursuant to Section 54954.3 both at an in-person location and remotely via a call-in option or internet-based service option. The local agency shall give notice of the meeting and post agendas as otherwise required by this chapter. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.* 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 local agency must also give notice of the means by which members of the public may observe the meeting and offer public comment. The legislative body shall 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. *During the teleconference meeting, at least a quorum of the members of the legislative body shall participate in person from a singular location clearly identified on the agenda, which location shall be open to the public and situated within the*

1 *boundaries of the territory over which the local agency exercises*
2 *jurisdiction.* If the legislative body uses teleconferencing to hold
3 a meeting, the legislative body must have and implement a
4 procedure for receiving and swiftly resolving requests for
5 reasonable accommodation for individuals with disabilities,
6 consistent with the federal Americans with Disabilities Act of 1990
7 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of
8 accessibility. The procedure for receiving and resolving requests
9 for accommodation must be noticed each time notice of the means
10 by which members of the public may observe the teleconference
11 meeting and offer public comment is made.

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

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

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

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

32 (d) Nothing in this subdivision shall be construed as
33 discouraging members of a legislative body from regularly meeting
34 at a common physical site within the jurisdiction of the local
35 agency or from using teleconference locations within or near the
36 jurisdiction of the local agency.

37 SEC. 2. It is the intent of the Legislature in enacting this
38 measure to improve and enhance public access to local agency
39 meetings into the future, and considering the digital age, by
40 allowing broader access through teleconferencing options

1 consistent with the Governor's Executive Order ~~29-20~~ *No. N-29-20*
2 dated March 17, 2020, permitting expanded use of teleconferencing
3 during the COVID-19 pandemic.

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

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