

Introduced by Senator Laird

February 19, 2025

An act to amend Section 11123.2 of, and to amend and repeal Section 11123.5 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as introduced, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

The act authorizes an additional, alternative set of provisions under which a state body may hold a meeting by teleconference subject to specified requirements, including, among others, that at least one member of the state body is physically present at each teleconference location, as defined, that a majority of the members of the state body are physically present at the same teleconference location, except as specified, and that members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. The act authorizes,

under specified circumstances, a member of the state body to participate pursuant to these provisions from a remote location, which would not be required to be accessible to the public and which the act prohibits the notice and agenda from disclosing. The act repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026 repeal date, thereby authorizing the above-described additional, alternative set of teleconferencing provisions indefinitely.

The act authorizes a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions that are in addition to the above-described provisions generally applicable to state bodies. These alternative provisions specify requirements, including, among others, that the multimember state advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting, observe and hear the meeting, and participate, that at least one staff member of the state body to be present at the primary physical meeting location during the meeting, and that the members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified. Existing law repeals these provisions on January 1, 2026.

This bill would delete the January 1, 2026 repeal date, thereby authorizing the above-described alternative set of teleconferencing provisions for multimember state advisory bodies indefinitely.

The act, beginning January 1, 2026, removes the above-described requirements for the alternative set of teleconferencing provisions for multimember state advisory bodies, and, instead, requires, among other things, that the multimember state advisory body designates the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate.

This bill would repeal those provisions.

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.

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

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

1 SECTION 1. Section 11123.2 of the Government Code is
2 amended to read:

3 11123.2. (a) For purposes of this section, the following
4 definitions apply:

5 (1) “Teleconference” means a meeting of a state body, the
6 members of which are at different locations, connected by
7 electronic means, through either audio or both audio and video.

8 (2) “Teleconference location” means a physical location that is
9 accessible to the public and from which members of the public
10 may participate in the meeting.

11 (3) “Remote location” means a location from which a member
12 of a state body participates in a meeting other than a teleconference
13 location.

14 (4) “Participate remotely” means participation by a member of
15 the body in a meeting at a remote location other than a
16 teleconference location designated in the notice of the meeting.

17 (b) (1) In addition to the authorization to hold a meeting by
18 teleconference pursuant to subdivision (b) of Section 11123 and
19 Section 11123.5, a state body may hold an open or closed meeting
20 by teleconference as described in this section, provided the meeting
21 complies with all of this section’s requirements and, except as set
22 forth in this section, it also complies with all other applicable
23 requirements of this article relating to the specific type of meeting.

24 (2) This section does not limit or affect the ability of a state
25 body to hold a teleconference meeting under another provision of
26 this article, including Sections 11123 and 11123.5.

27 (c) The portion of the teleconferenced meeting that is required
28 to be open to the public shall be visible and audible to the public
29 at each teleconference location.

30 (d) (1) The state body shall provide a means by which the public
31 may remotely hear audio of the meeting, remotely observe the
32 meeting, remotely address the body, or attend the meeting by
33 providing on the posted agenda a teleconference telephone number,
34 an internet website or other online platform, and a physical address
35 for each teleconference location. The telephonic or online means
36 provided to the public to access the meeting shall be equivalent to
37 the telephonic or online means provided to a member of the state
38 body participating remotely.

(2) The applicable teleconference telephone number, internet website or other online platform, and physical address of each teleconference location, as well as any other information indicating how the public can access the meeting remotely and in person, shall be specified in any notice required by this article.

(3) If the state body allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall do both of the following:

(A) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(B) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment.

(e) This section does not prohibit a state body from providing members of the public with additional locations from which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(f) (1) The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7.

(2) Members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments before the meeting or in writing.

(g) The state body shall post the agenda on its internet website and, on the day of the meeting, at each teleconference location.

(h) This section does not affect the requirement prescribed by this article that the state body post an agenda of a meeting in accordance with the applicable notice requirements of this article, including Section 11125, requiring the state body to post an agenda of a meeting at least 10 days in advance of the meeting, Section 11125.4, applicable to special meetings, and Sections 11125.5 and 11125.6, applicable to emergency meetings.

(i) At least one member of the state body shall be physically present at each teleconference location.

(j) (1) Except as provided in paragraph (2), a majority of the members of the state body shall be physically present at the same

1 teleconference location. Additional members of the state body in
2 excess of a majority of the members may attend and participate in
3 the meeting from a remote location. A remote location is not
4 required to be accessible to the public. The notice and agenda shall
5 not disclose information regarding a remote location.

6 (2) A member attending and participating from a remote location
7 may count toward the majority required to hold a teleconference
8 if both of the following conditions are met:

9 (A) The member has a need related to a physical or mental
10 disability, as those terms are defined in Sections 12926 and
11 12926.1, that is not otherwise reasonably accommodated pursuant
12 to the federal Americans with Disability Act of 1990 (42 U.S.C.
13 Sec. 12101 et seq.).

14 (B) The member notifies the state body at the earliest
15 opportunity possible, including at the start of a meeting, of their
16 need to participate remotely, including providing a general
17 description of the circumstances relating to their need to participate
18 remotely at the given meeting.

19 (3) If a member notifies the body of the member's need to attend
20 and participate remotely pursuant to paragraph (2), the body shall
21 take action to approve the exception and shall request a general
22 description of the circumstances relating to the member's need to
23 participate remotely at the meeting, for each meeting in which the
24 member seeks to participate remotely. The body shall not require
25 the member to provide a general description that exceeds 20 words
26 or to disclose any medical diagnosis or disability, or any personal
27 medical information that is already exempt under existing law,
28 such as the Confidentiality of Medical Information Act (Part 2.6
29 (commencing with Section 56) of Division 1 of the Civil Code).

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

35 (k) (1) Except as provided in paragraph (2), the members of
36 the state body shall visibly appear on camera during the open
37 portion of a meeting that is publicly accessible via the internet or
38 other online platform.

39 (2) The visual appearance of a member of the state body on
40 camera may cease only when the appearance would be

1 technologically impracticable, including, but not limited to, when
2 the member experiences a lack of reliable broadband or internet
3 connectivity that would be remedied by joining without video, or
4 when the visual display of meeting materials, information, or
5 speakers on the internet or other online platform requires the visual
6 appearance of a member of a state body on camera to cease.

7 (3) If a member of the state body does not appear on camera
8 due to challenges with internet connectivity, the member shall
9 announce the reason for their nonappearance when they turn off
10 their camera.

11 (l) All votes taken during the teleconferenced meeting shall be
12 by rollcall.

13 (m) The state body shall publicly report any action taken and
14 the vote or abstention on that action of each member present for
15 the action.

16 (n) The portion of the teleconferenced meeting that is closed to
17 the public shall not include the consideration of any agenda item
18 being heard pursuant to Section 11125.5.

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

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

35 SEC. 2. Section 11123.5 of the Government Code, as amended
36 by Section 2 of Chapter 216 of the Statutes of 2023, is amended
37 to read:

38 11123.5. (a) For purposes of this section, the following
39 definitions apply:

1 (1) “Participate remotely” means participation in a meeting at
2 a location other than the physical location designated in the agenda
3 of the meeting.

4 (2) “Remote location” means a location other than the primary
5 physical location designated in the agenda of a meeting.

6 (3) “Teleconference” has the same meaning as in Section 11123.

7 (b) In addition to the authorization to hold a meeting by
8 teleconference pursuant to subdivision (b) of Section 11123 or
9 Section 11123.2, any state body that is an advisory board, advisory
10 commission, advisory committee, advisory subcommittee, or
11 similar multimember advisory body may hold an open meeting by
12 teleconference as described in this section, provided the meeting
13 complies with all of the section’s requirements and, except as set
14 forth in this section, it also complies with all other applicable
15 requirements of this article.

16 (c) A member of a state body as described in subdivision (b)
17 who participates in a teleconference meeting from a remote location
18 subject to this section’s requirements shall be listed in the minutes
19 of the meeting.

20 (d) The state body shall provide notice to the public at least 24
21 hours before the meeting that identifies any member who will
22 participate remotely by posting the notice on its internet website
23 and by emailing notice to any person who has requested notice of
24 meetings of the state body under this article. The location of a
25 member of a state body who will participate remotely is not
26 required to be disclosed in the public notice or email and need not
27 be accessible to the public. The notice of the meeting shall also
28 identify the primary physical meeting location designated pursuant
29 to subdivision (f).

30 (e) This section does not affect the requirement prescribed by
31 this article that the state body post an agenda of a meeting at least
32 10 days in advance of the meeting. The agenda shall include
33 information regarding the physical meeting location designated
34 pursuant to subdivision (f), but is not required to disclose
35 information regarding any remote location.

36 (f) A state body described in subdivision (b) shall designate the
37 primary physical meeting location in the notice of the meeting
38 where members of the public may physically attend the meeting,
39 observe and hear the meeting, and participate. At least one staff
40 member of the state body shall be present at the primary physical

1 meeting location during the meeting. The state body shall post the
2 agenda at the primary physical meeting location, but need not post
3 the agenda at a remote location.

4 (g) When a member of a state body described in subdivision
5 (b) participates remotely in a meeting subject to this section's
6 requirements, the state body shall provide a means by which the
7 public may remotely hear audio of the meeting or remotely observe
8 the meeting, including, if available, equal access equivalent to
9 members of the state body participating remotely. The applicable
10 teleconference phone number or internet website, or other
11 information indicating how the public can access the meeting
12 remotely, shall be in the 24-hour notice described in subdivision
13 (b) that is available to the public.

14 (h) (1) Except as provided in paragraph (2), the members of
15 the state body shall visibly appear on camera during the open
16 portion of a meeting that is publicly accessible via the internet or
17 other online platform.

18 (2) The visual appearance of a member of a state body on camera
19 may cease only when the appearance would be technologically
20 impracticable, including, but not limited to, when the member
21 experiences a lack of reliable broadband or internet connectivity
22 that would be remedied by joining without video, or when the
23 visual display of meeting materials, information, or speakers on
24 the internet or other online platform requires the visual appearance
25 of a member of a state body on camera to cease.

26 (3) If a member of the body does not appear on camera due to
27 challenges with internet connectivity, the member shall announce
28 the reason for their nonappearance when they turn off their camera.

29 (i) Upon discovering that a means of remote access required by
30 subdivision (g) has failed during a meeting, the state body
31 described in subdivision (b) shall end or adjourn the meeting in
32 accordance with Section 11128.5. In addition to any other
33 requirements that may apply, the state body shall provide notice
34 of the meeting's end or adjournment on its internet website and
35 by email to any person who has requested notice of meetings of
36 the state body under this article. If the meeting will be adjourned
37 and reconvened on the same day, further notice shall be provided
38 by an automated message on a telephone line posted on the state
39 body's agenda, or by a similar means, that will communicate when

1 the state body intends to reconvene the meeting and how a member
2 of the public may hear audio of the meeting or observe the meeting.

3 (j) This section does not limit or affect the ability of a state body
4 to hold a teleconference meeting under another provision of this
5 article.

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

8 SEC. 3. Section 11123.5 of the Government Code, as added
9 by Section 3 of Chapter 216 of the Statutes of 2023, is repealed.

10 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
11 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~
12 ~~any state body that is an advisory board, advisory commission,~~
13 ~~advisory committee, advisory subcommittee, or similar~~
14 ~~multimember advisory body may hold an open meeting by~~
15 ~~teleconference as described in this section, provided the meeting~~
16 ~~complies with all of the section's requirements and, except as set~~
17 ~~forth in this section, it also complies with all other applicable~~
18 ~~requirements of this article.~~

19 ~~(b) A member of a state body as described in subdivision (a)~~
20 ~~who participates in a teleconference meeting from a remote location~~
21 ~~subject to this section's requirements shall be listed in the minutes~~
22 ~~of the meeting.~~

23 ~~(c) The state body shall provide notice to the public at least 24~~
24 ~~hours before the meeting that identifies any member who will~~
25 ~~participate remotely by posting the notice on its internet website~~
26 ~~and by emailing notice to any person who has requested notice of~~
27 ~~meetings of the state body under this article. The location of a~~
28 ~~member of a state body who will participate remotely is not~~
29 ~~required to be disclosed in the public notice or email and need not~~
30 ~~be accessible to the public. The notice of the meeting shall also~~
31 ~~identify the primary physical meeting location designated pursuant~~
32 ~~to subdivision (c).~~

33 ~~(d) This section does not affect the requirement prescribed by~~
34 ~~this article that the state body post an agenda of a meeting at least~~
35 ~~10 days in advance of the meeting. The agenda shall include~~
36 ~~information regarding the physical meeting location designated~~
37 ~~pursuant to subdivision (c), but is not required to disclose~~
38 ~~information regarding any remote location.~~

39 ~~(e) A state body described in subdivision (a) shall designate the~~
40 ~~primary physical meeting location in the notice of the meeting~~

1 where members of the public may physically attend the meeting
2 and participate. A quorum of the members of the state body shall
3 be in attendance at the primary physical meeting location, and
4 members of the state body participating remotely shall not count
5 towards establishing a quorum. All decisions taken during a
6 meeting by teleconference shall be by rolleall vote. The state body
7 shall post the agenda at the primary physical meeting location, but
8 need not post the agenda at a remote location.

9 (f) When a member of a state body described in subdivision (a)
10 participates remotely in a meeting subject to this section's
11 requirements, the state body shall provide a means by which the
12 public may remotely hear audio of the meeting or remotely observe
13 the meeting, including, if available, equal access equivalent to
14 members of the state body participating remotely. The applicable
15 teleconference phone number or internet website, or other
16 information indicating how the public can access the meeting
17 remotely, shall be in the 24-hour notice described in subdivision
18 (a) that is available to the public.

19 (g) Upon discovering that a means of remote access required
20 by subdivision (f) has failed during a meeting, the state body
21 described in subdivision (a) shall end or adjourn the meeting in
22 accordance with Section 11128.5. In addition to any other
23 requirements that may apply, the state body shall provide notice
24 of the meeting's end or adjournment on its internet website and
25 by email to any person who has requested notice of meetings of
26 the state body under this article. If the meeting will be adjourned
27 and reconvened on the same day, further notice shall be provided
28 by an automated message on a telephone line posted on the state
29 body's agenda, or by a similar means, that will communicate when
30 the state body intends to reconvene the meeting and how a member
31 of the public may hear audio of the meeting or observe the meeting.

32 (h) For purposes of this section:

33 (1) "Participate remotely" means participation in a meeting at
34 a location other than the physical location designated in the agenda
35 of the meeting.

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

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

1 ~~(i) This section does not limit or affect the ability of a state body~~
2 ~~to hold a teleconference meeting under another provision of this~~
3 ~~article.~~

4 ~~(j) This section shall become operative on January 1, 2026.~~

5 SEC. 4. The Legislature finds and declares that Section 1 of
6 this act, which amends Section 11123.2 of the Government Code,
7 and Sections 2 and 3 of this act, which amend and repeal Section
8 11123.5 of the Government Code, modify the public's right of
9 access to the meetings of public bodies or the writings of public
10 officials and agencies within the meaning of Section 3 of Article
11 I of the California Constitution. Pursuant to that constitutional
12 provision, the Legislature makes the following findings to
13 demonstrate the interest protected by this limitation and the need
14 for protecting that interest:

15 (a) By continuing to ensure that agendas are not required to be
16 posted at, and that agendas and notices do not disclose information
17 regarding, the location of each public official participating in a
18 public meeting remotely, including from the member's private
19 home or hotel room, this act protects the personal, private
20 information of public officials and their families while preserving
21 the public's right to access information concerning the conduct of
22 the people's business.

23 (b) During the COVID-19 public health emergency, audio and
24 video teleconference were widely used to conduct public meetings
25 in lieu of physical location meetings, and those public meetings
26 have been productive, increased public participation by all
27 members of the public regardless of their location and ability to
28 travel to physical meeting locations, increased the pool of people
29 who are able to serve on these bodies, protected the health and
30 safety of civil servants and the public, and have reduced travel
31 costs incurred by members of state bodies and reduced work hours
32 spent traveling to and from meetings.

33 (c) Conducting audio and video teleconference meetings
34 enhances public participation and the public's right of access to
35 meetings of the public bodies by improving access for individuals
36 who often face barriers to physical attendance.