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AGENDA DATE: April 13, 2021

TO: Del Norte County Board of Supervisors

FROM: Neal Lopez, County Administrative Officer

SUBJECT: AB 339 (Lee) State and Local Government: Open Meetings

RECOMMENDATION FOR BOARD ACTION:

Approve and authorize the Chair to sign a letter of opposition to Assembly Bill (AB) 339 (Lee) State and Local Government: Open Meetings, as requested by County Administrative Officer.**

DISCUSSION/SUMMARY:

Following the lead of Rural County Representatives of California (RCRC) we would like to request that the Board authorize a letter of opposition be signed by the Chair of the Board in relation to AB 339 (Lee) State and Local Government: Open Meetings.

AB 339, which builds upon California's Brown Act, will add significant unfunded costs on local public agencies related to the conduct of public meetings and access/participation to those meetings.

As introduced, AB 339 mandates that local public agencies provide both call-in and internet-based options for attendance and public comment. This creates immediate technological challenges further compounded by existing resource limitations affecting agencies, particularly those that are small and those that are advisory. The bill also requires local public agencies to employ translators and provide live translation services above and beyond the *Dymally-Alatorre Bilingual Services Act*, which applies translation requirements accordingly.

As noted above, AB 339 not only impacts the primary legislative bodies (city councils/boards of supervisors) covered under the Brown Act, but also the myriad of advisory bodies that advise and make recommendations to primary legislative bodies.

FINANCING: If adopted, AB 339 will add significant unfunded costs on local public agencies related to the conduct of public meetings and access/participation to those meetings.


OTHER AGENCY INVOLVEMENT: Del Norte County Board of Supervisors as well as impacts on advisory bodies such as commissions that advise and make recommendations to primary legislative bodies.

CHILDREN'S IMPACT STATEMENT:

This section meets 1 of the following outcome measures for children in Del Norte County:

- Children ready for and succeeding in school.
- Children and youth are healthy and preparing for adulthood.
- Families are economically self-sufficient.
- Families are safe, stable and nurturing.
- Communities are safe and provide a high quality of life.
- No impact to Children as a result of this action.

ADMINISTRATIVE SIGN-OFF:

- AUDITOR:
- COUNTY ADMINISTRATIVE OFFICER: Neal Lopez 
- ASSISTANT COUNTY ADMINISTRATIVE OFFICER:
- COUNTY COUNSEL:
- PERSONNEL:
- OTHER DEPARTMENT:



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April 13, 2021

The Honorable Alex Lee
California State Assembly
State Capitol Building, Room 2170
Sacramento, CA 95814

**RE: AB 339 State and Local Government: Open Meetings
Notice of OPPOSITION *(As Introduced)***

Dear Assembly Member Lee:

The Del Norte County Board of Supervisors respectfully oppose AB 339, which will purposefully add significant unfunded mandates on local public agencies by requiring public agencies to provide both call-in and internet-based options, in addition to in-person options, for members of the public to attend and comment during any public meeting. The measure further requires extensive translation services in real-time during public meetings and of extensive and often technical meeting materials, additionally burdening local agencies with significant costs. Imposing these mandated costs on local agencies under particularly challenging fiscal circumstances coupled with the overwhelming practical challenges associated with implementing such a measure makes us deeply concerned about local agencies' ability to effectively conduct the people's business.

The Del Norte County Board of Supervisors takes our obligations very seriously under the Brown Act to operate transparently and to provide opportunities for members of the public to participate in the most local and foundational levels of democracy. This commitment is why the Brown Act was drafted and passed back in 1953. Much has changed since then and technology has evolved to allow for even more civic engagement. While these triumphs are to be celebrated, the mandates in this bill would create more burdens on our already struggling agency and could actually do more to hinder deliberations than increase participation.

First, regarding the mandate to provide both call-in and internet-based options for attendance and public comment; public agencies have strived to maintain a continuity of government during the pandemic while also continuing to provide essential services. However, once the state of emergency is lifted and elected officials return to their meeting rooms, there will be an immediate technological and staffing challenge of providing a live mic for public comment and connecting that system to both a teleconferencing and internet-based service. That challenge is only compounded by the resource limitations affecting agencies up and down the state, as compliance with these provisions will require significant one-time equipment expenses in addition to ongoing costs to staff and maintenance of these services.

Second, AB 339 fails to provide flexibility to local governments to manage their own affairs. For

example, what happens if either the teleconferencing service or the internet-based option aren't available or have their servers go down during a meeting? It is our understanding if this bill became law that we would not be able to conduct Brown Act compliant meetings without utilizing the services advertised on our meeting announcements. This means that conditions necessary to operate our meetings are outside of our control and wholly determine whether the meetings can take place or not. We strongly believe that conditioning the operations of local government on the operability of Zoom servers dangerously destabilizes our ability to meet our fiscal, legal, and practical obligations to our constituents. While much of the analysis of this measure has focused on the impacts to primary legislative bodies covered under the Brown Act (city councils, boards of supervisors, special district boards, etc.), we also believe it is important to recognize the downstream impacts of this legislation on advisory bodies, such as the boards and commissions that advise and make recommendations to primary legislative bodies. By raising the bar to effectively and efficiently operate local boards and commissions, it becomes more difficult for Del Norte County to carry out their essential functions. For example, a planning commission would only be able to hold their meetings in Chambers that was retrofitted to provide these new multimedia capabilities and couldn't hold its meetings out in the community without a transportable audio/visual studio and staff.

Third, the requirement to employ translators and provide live translation services presents another deep cost requirement and operational burden that could end up paralyzing the work of local agencies. AB 339 places new translation requirements in the Brown Act rather than the Dymally-Alatorre Bilingual Services Act, which governs local government translation services requirements, with sole intention of avoiding state constitutional reimbursement requirements that do not apply to the Brown Act.

Under current law, local government translation service requirements are governed by Government Code § 7290-7299.8, more commonly known as the Dymally-Alatorre Bilingual Services Act. The Act requires local public agencies to provide certain materials in multiple languages and requires agencies serving a substantial number of non-English-speaking people to employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English speaking person. However, unlike the one size fits all approach to translation requirements in AB 339, the Dymally-Alatorre Bilingual Services Act properly recognizes the diversity of local agencies in size, scope, location, services offered, and financial resources available. Under this bill, local public agencies, regardless of size, financial resources, or the public's desire for services, would be required to employ a translator for any language that is spoken by five percent or more of the agency's jurisdiction for live translation services during a meeting. This again raises the question of what happens if enough translators are not available for every meeting. There are thousands of public agencies in the state governed by the Brown Act and forcing them to schedule their meetings and their work around a workforce, the capacity of which is unknown, raises serious concerns about how local elected officials are to continue the work that is expected of them. Additional requirements to mandate translation of written materials poses another significant challenge, in that agenda materials can be extensive and technically complex, requiring specialized translation skills and significant amounts of time to complete appropriately.

Finally, we are aware of draft amendments to the measure that would exempt the state government and its agencies from these onerous requirements. We find it deeply disturbing that there is a prospect of the state saying, once again, "one rule for thee, another rule for me". If the merits of this bill are so beneficial that they require the most expansive mandates since the Brown Act's inception on the operation of public meetings, it is utterly ridiculous for the state

to not have to comply given that the impact of its decisions are far more wide-reaching than the impact of the decision of any one agency on Del Norte County.

Del Norte County shares your commitment to access and transparency and recognizes how key those values are to local democracy. However, AB 339 will have the consequences of burdening local governments financially, at a time when they are already struggling and creating situations where duly elected local government officials are stymied in their ability to efficiently execute the people's business.

For these reasons, the Del Norte County Board of Supervisors respectfully opposes AB 339.

Thank you for your attention to this matter.

Chris Howard, Chair
Del Norte County
Board of Supervisors



AB-339 State and local government: open meetings. (2021-2022)

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Date Published: 01/28/2021 09:00 PM

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 339

Introduced by Assembly Members Lee and Cristina Garcia

January 28, 2021

An act to amend Sections 9027, 54953, 54954.2, 54954.3, 11122.5, 11123, 11125.7 of, and to add Sections 9027.1 and 9028.1 to, the Government Code, relating to state and local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as introduced, Lee. State and local government: open meetings.

Existing law requires all meetings, as defined, of a house of the Legislature or a committee thereof to be open and public, and requires all persons to be permitted to attend the meetings, except as specified.

This bill would require all meetings, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation, as provided, and requires translation services to be provided for the 10 most-spoken languages, other than English, in California, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified. The bill would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified.

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.

This bill would require all meetings to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require, even in the case of a declared state or local emergency, teleconferenced meetings to include an in-person public comment opportunity. The bill would require all meetings to provide the public with an opportunity to address the legislative body remotely via call-in or internet-based service, as provided, and would require instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized, as specified. The bill would also require the legislative bodies of

the local agency to employ a sufficient amount of qualified bilingual persons to provide translation during the meeting in the language of a non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people, as defined.

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 requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

This bill would require all meetings, as defined, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require instructions on how to attend the meeting via call-in or internet-based service to be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings. The bill would require all meetings to provide the public with an opportunity to address the legislative body remotely via call-in or internet-based service, as provided, and would require those persons commenting in a language other than English to have double the amount of time as those giving a comment in English, if time restrictions on public comment are utilized, except as specified.

Existing law, the Dymally-Alatorre Bilingual Services Act, requires any materials explaining services available to the public to be translated into any non-English language spoken by a substantial number of the public, as defined, served by the agency, and requires every state and local agency serving a substantial number of non-English-speaking people, as defined, to employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to ensure provision of information and services in the language of the non-English-speaking person.

This bill would require legislative bodies of local agencies, and state bodies, as defined, to translate agendas and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency, or state body's jurisdiction, are speakers.

By imposing new duties on local governments with respect to meetings, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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: yes Local Program: yes

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

SECTION 1. Section 9027 of the Government Code is amended to read:

9027. Except as otherwise provided in this article, all meetings of a house of the Legislature or a committee thereof shall be open and public, and all persons shall be permitted to attend the meetings. *Additionally, all meetings shall include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services. Both a call-in and an internet-based service option shall be provided to the public.* As used in this article, "meeting" means a gathering of a quorum of the members of a house or committee in one ~~place~~ *place, including a gathering using teleconference technology*, for the purpose of discussing legislative or other official matters within the jurisdiction of the house or committee. As used in this article, "committee" includes a standing committee, joint committee, conference committee, subcommittee, select committee, special committee, research committee, or any similar body.

SEC. 2. Section 9027.1 is added to the Government Code, to read:

9027.1. All meetings shall provide the public with an opportunity to comment on proposed legislation, either in person or remotely via call-in or internet-based service, consistent with requirements in Section 9027. Persons commenting in person shall not have more time or in any other way be prioritized over persons commenting remotely via call-in or internet-based service. Translation services shall be provided for the 10 most-spoken languages, other than English, in California. If there are time restrictions on public comment, persons giving a public comment in a language other than English shall have double the amount of time as those giving a comment in English to allow for translation, unless simultaneous translation equipment is available.

SEC. 3. Section 9028.1 is added to the Government Code, to read:

9028.1. Instructions on how to attend the meeting via call-in or internet-based service shall be posted online in an easily accessible location at the time the meeting is scheduled and notice of the meeting is published. The posted instructions shall include translations into the 10 most-spoken languages, other than English, in California, and shall list a hotline that members of the public can call for assistance, with assistance in the 10 most-spoken languages provided.

SEC. 4. 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. *Additionally, all meetings shall include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed-captioning services. Both a call-in and an internet-based service option shall be provided to the public.*

(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 *by members of the legislative body* 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, *other than what is required by subdivision (a)*, 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.

(5) *Notwithstanding any laws that prohibit in-person government meetings in the case of a declared state of emergency, including a public health emergency, teleconferenced meetings shall include an in-person public comment opportunity, wherein members of the public can report to a designated site to give public comment in person.*

(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.

SEC. 5. 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~~, *internet website*, 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. *In compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1), agendas and instructions for accessing the meeting, whether teleconferenced or in person, shall be translated into all languages for which 5 percent of the population in the area governed by the local agency is a speaker.*

(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~~, *internet website*, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary ~~Internet Web site~~ *internet website* 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~~ *internet website* 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~~ *internet website* 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~~ *internet website* 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~~ *internet website* 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~~ *the member's* 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~~, *internet website*, 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.

SEC. 6. Section 54954.3 of the Government Code is amended to read:

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. *All meetings must also provide the public with an opportunity to address the legislative body remotely via call-in and internet-based service, consistent with requirements in Section 54953. Persons commenting in person shall not have more time or in any other way be prioritized over persons commenting remotely via call-in or internet-based service. Instructions on how to attend the meeting via call-in or internet-based service shall be posted online along with the meeting agenda in an easily accessible location.* However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(d) *Legislative bodies of local agencies shall employ a sufficient amount of qualified bilingual persons to provide translation during the meeting in the language of the non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people. "Non-English-speaking people" is defined as members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the statewide or any local office or facility of a state agency.*

SEC. 7. Section 11122.5 of the Government Code is amended to read:

11122.5. (a) As used in this article, "meeting" includes any congregation of a majority of the members of a state ~~body~~ *body, including a virtual congregation using teleconference technology*, at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b) (1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2) (A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

SEC. 8. Section 11123 of the Government Code is amended to read:

11123. (a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article. *Additionally, all meetings shall include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services. Both a call-in and an internet-based service option shall be provided to the public.*

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, *other than what is required by subdivision (a) and such that all members of the body that are present at the meeting are teleconferencing into the meeting*, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. 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. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

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

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting: *meeting to ensure that members of the public are able to give public comment in person. This location must be publicly accessible and able to accommodate a reasonable amount of people, given the circumstances.*

(2) For the purposes of this subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. *This While this section requires that both an call-in and internet-based service are available to the public to join all open meetings that are held in-person, this section does not prohibit a state body from providing members of the public with additional locations in or opportunities by which the public may observe or address the state body by electronic means, through either audio or both audio and video.*

(c) *Instructions on how to attend the meeting via call-in or internet-based service shall be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings. In compliance with the Dymally-Alatorre Bilingual Services Act(Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1), the posted instructions shall also be translated into all languages of which 5 percent of the population of the state body's jurisdiction speaks.*

(e)

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

SEC. 9. Section 11125.7 of the Government Code is amended to read:

11125.7. (a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) *In compliance with subdivision (a) of Section 11123, public comment shall be made available for those attending any meeting via call-in or internet-based service option. Persons commenting in person shall not have more time or in any other way be prioritized over persons commenting remotely via call-in or internet-based service.*

(b)

(c) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual speaker.

(e)

(d) (1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the state body. *In compliance with the Dymally-Alatorre Bilingual Services Act (Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1),*

translation services shall be provided for all languages of which 5 percent of the population of the state body's jurisdiction speaks. Should there be a limit on speaking time, persons commenting in another language shall be given twice as much time as those commenting in English in order to accommodate time for translation services. This is not required when simultaneous translation services are available.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.

(d)

(e) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(e)

(f) This section is not applicable to closed sessions held pursuant to Section 11126.

(f)

(g) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(g)

(h) This section is not applicable to hearings conducted by the California Victim Compensation Board pursuant to Sections 13963 and 13963.1.

(h)

(i) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

SEC. 11. The Legislature finds and declares that Sections 4, 5, and 6 of this act, which amend Section 54953, 54954.2, and 54954.3 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:

The provisions of the act allow for greater public access through requiring specified entities to provide a call-in and internet-based service and instructions on how to access these options to the public for specified meetings and allow for greater accommodations for non-English speakers attending the meetings.