

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. State-mandated local program: yes.

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

- 1 SECTION 1. Section 9027 of the Government Code is amended
- 2 to read:
- 3 9027. Except as otherwise provided in this article, all meetings
- 4 of a house of the Legislature or a committee thereof shall be open
- 5 and public, and all persons shall be permitted to attend the
- 6 meetings. *Additionally, all meetings shall include an opportunity*
- 7 *for all persons to attend via a call-in option or an internet-based*
- 8 *service option that provides closed captioning services. Both a*
- 9 *call-in and an internet-based service option shall be provided to*

1 *the public*. As used in this article, “meeting” means a gathering of
2 a quorum of the members of a house or committee in one place
3 *place, including a gathering using teleconference technology*, for
4 the purpose of discussing legislative or other official matters within
5 the jurisdiction of the house or committee. As used in this article,
6 “committee” includes a standing committee, joint committee,
7 conference committee, subcommittee, select committee, special
8 committee, research committee, or any similar body.

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

11 9027.1. All meetings shall provide the public with an
12 opportunity to comment on proposed legislation, either in person
13 or remotely via call-in or internet-based service, consistent with
14 requirements in Section 9027. Persons commenting in person shall
15 not have more time or in any other way be prioritized over persons
16 commenting remotely via call-in or internet-based service.
17 Translation services shall be provided for the 10 most-spoken
18 languages, other than English, in California. If there are time
19 restrictions on public comment, persons giving a public comment
20 in a language other than English shall have double the amount of
21 time as those giving a comment in English to allow for translation,
22 unless simultaneous translation equipment is available.

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

25 9028.1. Instructions on how to attend the meeting via call-in
26 or internet-based service shall be posted online in an easily
27 accessible location at the time the meeting is scheduled and notice
28 of the meeting is published. The posted instructions shall include
29 translations into the 10 most-spoken languages, other than English,
30 in California, and shall list a hotline that members of the public
31 can call for assistance, with assistance in the 10 most-spoken
32 languages provided.

33 SEC. 4. Section 54953 of the Government Code is amended
34 to read:

35 54953. (a) All meetings of the legislative body of a local
36 agency shall be open and public, and all persons shall be permitted
37 to attend any meeting of the legislative body of a local agency,
38 except as otherwise provided in this chapter. *Additionally, all*
39 *meetings shall include an opportunity for all persons to attend via*
40 *a call-in option or an internet-based service option that provides*

1 *closed-captioning services. Both a call-in and an internet-based*
2 *service option shall be provided to the public.*

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

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

15 (3) If the legislative body of a local agency elects to use
16 teleconferencing, *other than what is required by subdivision (a)*,
17 it shall post agendas at all teleconference locations and conduct
18 teleconference meetings in a manner that protects the statutory
19 and constitutional rights of the parties or the public appearing
20 before the legislative body of a local agency. Each teleconference
21 location shall be identified in the notice and agenda of the meeting
22 or proceeding, and each teleconference location shall be accessible
23 to the public. During the teleconference, at least a quorum of the
24 members of the legislative body shall participate from locations
25 within the boundaries of the territory over which the local agency
26 exercises jurisdiction, except as provided in subdivision (d). The
27 agenda shall provide an opportunity for members of the public to
28 address the legislative body directly pursuant to Section 54954.3
29 at each teleconference location.

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

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

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

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

6 (3) Prior to taking final action, the legislative body shall orally
7 report a summary of a recommendation for a final action on the
8 salaries, salary schedules, or compensation paid in the form of
9 fringe benefits of a local agency executive, as defined in
10 subdivision (d) of Section 3511.1, during the open meeting in
11 which the final action is to be taken. This paragraph shall not affect
12 the public's right under the California Public Records Act (Chapter
13 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
14 inspect or copy records created or received in the process of
15 developing the recommendation.

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

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

35 (3) For purposes of this subdivision, a health authority means
36 any entity created pursuant to Sections 14018.7, 14087.31,
37 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
38 and Institutions Code, any joint powers authority created pursuant
39 to Article 1 (commencing with Section 6500) of Chapter 5 of
40 Division 7 for the purpose of contracting pursuant to Section

1 14087.3 of the Welfare and Institutions Code, and any advisory
2 committee to a county sponsored health plan licensed pursuant to
3 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
4 Health and Safety Code if the advisory committee has 12 or more
5 members.

6 SEC. 5. Section 54954.2 of the Government Code is amended
7 to read:

8 54954.2. (a) (1) At least 72 hours before a regular meeting,
9 the legislative body of the local agency, or its designee, shall post
10 an agenda containing a brief general description of each item of
11 business to be transacted or discussed at the meeting, including
12 items to be discussed in closed session. A brief general description
13 of an item generally need not exceed 20 words. The agenda shall
14 specify the time and location of the regular meeting and shall be
15 posted in a location that is freely accessible to members of the
16 public and on the local agency's ~~Internet Web site~~, *internet website*,
17 if the local agency has one. If requested, the agenda shall be made
18 available in appropriate alternative formats to persons with a
19 disability, as required by Section 202 of the Americans with
20 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
21 rules and regulations adopted in implementation thereof. The
22 agenda shall include information regarding how, to whom, and
23 when a request for disability-related modification or
24 accommodation, including auxiliary aids or services, may be made
25 by a person with a disability who requires a modification or
26 accommodation in order to participate in the public meeting. *In*
27 *compliance with the Dymally-Alatorre Bilingual Services Act*
28 *(Chapter 17.5 (commencing with Section 7290) of Division 7 of*
29 *Title 1), agendas and instructions for accessing the meeting,*
30 *whether teleconferenced or in person, shall be translated into all*
31 *languages for which 5 percent of the population in the area*
32 *governed by the local agency is a speaker.*

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

38 (A) An online posting of an agenda shall be posted on the
39 primary ~~Internet Web site~~ *internet website* homepage of a city,
40 county, city and county, special district, school district, or political

1 subdivision established by the state that is accessible through a
2 prominent, direct link to the current agenda. The direct link to the
3 agenda shall not be in a contextual menu; however, a link in
4 addition to the direct link to the agenda may be accessible through
5 a contextual menu.

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

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

12 (ii) Platform independent and machine readable.

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

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

21 (i) A direct link to the integrated agenda management platform
22 shall be posted on the primary ~~Internet Web site~~ *internet website*
23 homepage of a city, county, city and county, special district, school
24 district, or political subdivision established by the state. The direct
25 link to the integrated agenda management platform shall not be in
26 a contextual menu. When a person clicks on the direct link to the
27 integrated agenda management platform, the direct link shall take
28 the person directly to an ~~Internet Web site~~ *internet website* with
29 the agendas of the legislative body of a city, county, city and
30 county, special district, school district, or political subdivision
31 established by the state.

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

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

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

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

6 (i) “Integrated agenda management platform” means an ~~Internet~~
7 ~~Web site~~ *internet website* of a city, county, city and county, special
8 district, school district, or political subdivision established by the
9 state dedicated to providing the entirety of the agenda information
10 for the legislative body of the city, county, city and county, special
11 district, school district, or political subdivision established by the
12 state to the public.

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

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

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

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

1 (1) Upon a determination by a majority vote of the legislative
2 body that an emergency situation exists, as defined in Section
3 54956.5.

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

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

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

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

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

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

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

32 54954.3. (a) Every agenda for regular meetings shall provide
33 an opportunity for members of the public to directly address the
34 legislative body on any item of interest to the public, before or
35 during the legislative body's consideration of the item, that is
36 within the subject matter jurisdiction of the legislative body,
37 provided that no action shall be taken on any item not appearing
38 on the agenda unless the action is otherwise authorized by
39 subdivision (b) of Section 54954.2. *All meetings must also provide*
40 *the public with an opportunity to address the legislative body*

1 *remotely via call-in and internet-based service, consistent with*
2 *requirements in Section 54953. Persons commenting in person*
3 *shall not have more time or in any other way be prioritized over*
4 *persons commenting remotely via call-in or internet-based service.*
5 *Instructions on how to attend the meeting via call-in or*
6 *internet-based service shall be posted online along with the meeting*
7 *agenda in an easily accessible location.* However, the agenda need
8 not provide an opportunity for members of the public to address
9 the legislative body on any item that has already been considered
10 by a committee, composed exclusively of members of the
11 legislative body, at a public meeting wherein all interested members
12 of the public were afforded the opportunity to address the
13 committee on the item, before or during the committee's
14 consideration of the item, unless the item has been substantially
15 changed since the committee heard the item, as determined by the
16 legislative body. Every notice for a special meeting shall provide
17 an opportunity for members of the public to directly address the
18 legislative body concerning any item that has been described in
19 the notice for the meeting before or during consideration of that
20 item.

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

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

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

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

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

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

13 11122.5. (a) As used in this article, “meeting” includes any
14 congregation of a majority of the members of a state ~~body~~ *body,*
15 *including a virtual congregation using teleconference technology,*
16 *at the same time and place to hear, discuss, or deliberate upon any*
17 *item that is within the subject matter jurisdiction of the state body*
18 *to which it pertains.*

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

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

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

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

38 (2) (A) The attendance of a majority of the members of a state
39 body at a conference or similar gathering open to the public that
40 involves a discussion of issues of general interest to the public or

1 to public agencies of the type represented by the state body, if a
2 majority of the members do not discuss among themselves, other
3 than as part of the scheduled program, business of a specified
4 nature that is within the subject matter jurisdiction of the state
5 body.

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

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

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

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

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

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

34 11123. (a) All meetings of a state body shall be open and
35 public and all persons shall be permitted to attend any meeting of
36 a state body except as otherwise provided in this article.
37 *Additionally, all meetings shall include an opportunity for all*
38 *persons to attend via a call-in option or an internet-based service*
39 *option that provides closed captioning services. Both a call-in and*
40 *an internet-based service option shall be provided to the public.*

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

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

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

12 (C) If the state body elects to conduct a meeting or proceeding
 13 by teleconference, *other than what is required by subdivision (a)*
 14 *and such that all members of the body that are present at the*
 15 *meeting are teleconferencing into the meeting*, it shall post agendas
 16 at all teleconference locations and conduct teleconference meetings
 17 in a manner that protects the rights of any party or member of the
 18 public appearing before the state body. Each teleconference
 19 location shall be identified in the notice and agenda of the meeting
 20 or proceeding, and each teleconference location shall be accessible
 21 to the public. The agenda shall provide an opportunity for members
 22 of the public to address the state body directly pursuant to Section
 23 11125.7 at each teleconference location.

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

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

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

35 (2) For the purposes of this subdivision, “teleconference” means
 36 a meeting of a state body, the members of which are at different
 37 locations, connected by electronic means, through either audio or
 38 both audio and video. ~~This~~ *While this section requires that both*
 39 *an call-in and internet-based service are available to the public*
 40 *to join all open meetings that are held in-person, this section does*

1 not prohibit a state body from providing members of the public
2 with additional locations in *or opportunities* by which the public
3 may observe or address the state body by electronic means, through
4 either audio or both audio and video.

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

14 (e)

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

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

20 11125.7. (a) Except as otherwise provided in this section, the
21 state body shall provide an opportunity for members of the public
22 to directly address the state body on each agenda item before or
23 during the state body's discussion or consideration of the item.
24 This section is not applicable if the agenda item has already been
25 considered by a committee composed exclusively of members of
26 the state body at a public meeting where interested members of
27 the public were afforded the opportunity to address the committee
28 on the item, before or during the committee's consideration of the
29 item, unless the item has been substantially changed since the
30 committee heard the item, as determined by the state body. Every
31 notice for a special meeting at which action is proposed to be taken
32 on an item shall provide an opportunity for members of the public
33 to directly address the state body concerning that item prior to
34 action on the item. In addition, the notice requirement of Section
35 11125 shall not preclude the acceptance of testimony at meetings,
36 other than emergency meetings, from members of the public if no
37 action is taken by the state body at the same meeting on matters
38 brought before the body by members of the public.

39 (b) *In compliance with subdivision (a) of Section 11123, public*
40 *comment shall be made available for those attending any meeting*

1 *via call-in or internet-based service option. Persons commenting*
2 *in person shall not have more time or in any other way be*
3 *prioritized over persons commenting remotely via call-in or*
4 *internet-based service.*

5 (b)

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

11 (e)

12 (d) (1) Notwithstanding subdivision (b), when a state body
13 limits time for public comment the state body shall provide at least
14 twice the allotted time to a member of the public who utilizes a
15 translator to ensure that non-English speakers receive the same
16 opportunity to directly address the state body. *In compliance with*
17 *the Dymally-Alatorre Bilingual Services Act (Chapter 17.5*
18 *(commencing with Section 7290) of Division 7 of Title 1),*
19 *translation services shall be provided for all languages of which*
20 *5 percent of the population of the state body's jurisdiction speaks.*
21 *Should there be a limit on speaking time, persons commenting in*
22 *another language shall be given twice as much time as those*
23 *commenting in English in order to accommodate time for*
24 *translation services. This is not required when simultaneous*
25 *translation services are available.*

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

29 (d)

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

35 (e)

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

38 (f)

39 (g) This section is not applicable to decisions regarding
40 proceedings held pursuant to Chapter 5 (commencing with Section

1 11500), relating to administrative adjudication, or to the conduct
2 of those proceedings.

3 ~~(g)~~

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

7 ~~(h)~~

8 (i) This section is not applicable to agenda items that involve
9 decisions of the Public Utilities Commission regarding adjudicatory
10 hearings held pursuant to Chapter 9 (commencing with Section
11 1701) of Part 1 of Division 1 of the Public Utilities Code. For all
12 other agenda items, the commission shall provide members of the
13 public, other than those who have already participated in the
14 proceedings underlying the agenda item, an opportunity to directly
15 address the commission before or during the commission's
16 consideration of the item.

17 SEC. 10. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district under this act would result from a legislative mandate that
21 is within the scope of paragraph (7) of subdivision (b) of Section
22 3 of Article I of the California Constitution.

23 SEC. 11. The Legislature finds and declares that Sections 4,
24 5, and 6 of this act, which amend Section 54953, 54954.2, and
25 54954.3 of the Government Code, further, within the meaning of
26 paragraph (7) of subdivision (b) of Section 3 of Article I of the
27 California Constitution, the purposes of that constitutional section
28 as it relates to the right of public access to the meetings of local
29 public bodies or the writings of local public officials and local
30 agencies. Pursuant to paragraph (7) of subdivision (b) of Section
31 3 of Article I of the California Constitution, the Legislature makes
32 the following findings:

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

O