



## SAEC BOARD MEETING AGENDA

October 5, 2021, 8:00am – 9:00am  
Virtual via Zoom

Co-Chairs: Brent Calvin and Yolanda Valdez

Join Zoom Meeting

<https://us02web.zoom.us/j/82165734695?pwd=K3h5NFdCMDZFajdkN2JKQ0R5NWpKQT09>

Meeting ID: 821 6573 4695

Passcode: 689497

One tap mobile

+16699009128,,82165734695#,,,,\*689497#

Dial by your location

+1 669 900 9128

### 1. Opening Business

Call to Order

Establish Quorum

Welcome and Introductions

### 2. Approval of Minutes –September 7, 2021

[SAEC Board Meeting Minutes 09.07.21.docx](#)

3. Public Comment: General public comment on any Consortium related topic may be heard at this time. The Board asks that any public comment on an item listed on today's agenda be addressed at the time the item comes up for discussion by the Board. Please post any public comment using the chat function. Please begin your comments by posting your full name. Public comment will be read into the record by the Executive Director on behalf of the Board Chairs in the order they are entered into the chat window. Public comment shall be limited to 3 minutes per comment and 20 minutes for all comments.

### 4. Information items

- 4.1. **Tulare County Economic Outlook - Adam Peck, Executive Director, WIB  
Tulare County**

- 4.1.1. [Board Agenda Item 4.1 Tulare County Economic Outlook.docx](#)
- 4.2. **SAEC 2020/21 Report: Enrollment - John Werner**
  - 4.2.1. [Board Agenda Item 4.2 SAEC 2020.21 Report Enrollment.docx](#)
- 4.3. **CAEP Technical Update--John Werner, Executive Director SAEC**
  - 4.3.1. [Board Agenda Item 4.3 CAEP Technical Update.docx](#)

## 5. Action Items

- 5.1 **SAEC 2022/25 Three Year Plan Consultant Proposal: P2C Solutions, LLC.- John Werner**
  - 5.1.1. [Board Agenda Item 5.1 SAEC 2022.25 Three Year Plan Consultant Proposal.docx](#)
  - 5.1.2. [Supporting Document](#): Consultant Proposal - Scope of Work SAEC 3 Year Plan 2022
- 5.2 **SAEC Virtual Board Meeting 11.2.21 - Brent Calvin**
  - 5.2.1. [Board Agenda Item 5.2 SAEC Virtual Board Meeting 11.2.21.docx](#)
  - 5.2.2. [Supporting Document](#): Bill Text - AB361 Open Meetings: state and local agencies: teleconferences (2021-2022)

## 6. Adjournment

Next Meeting: 11/02/2021 8AM via Zoom

SAEC Consortium Board Meeting  
Zoom Virtual Meeting  
Meeting 09/07/21, 8:00am – 9:00am  
Co-chairs: Brent Calvin and Yolanda Valdez

**In Attendance:**

Brian Brazier, Corcoran Joint Unified School District; Brent Calvin, College of the Sequoias; Doug Cardoza, Visalia Unified School District; Erika DeLaCruz, Farmersville Adult School; S. Duffek; George Eddy, Exeter Unified School District; Laura Gonzalez, Woodlake Unified School District; Victoria Guzman, Cutler-Orosi Education Center; Heather Keran, Hanford Adult School; Amalia Lopez, Lindsay Unified School District; Barbara Marshall, Sequoias Adult Education Consortium; Lori Morton, Tulare Adult School; Tami Olson, Visalia Adult School; Darin Pace, Exeter Unified School District; Sylvia Perez, SAEC Navigator; Tom Rooney, Lindsay Unified School District; Victor Rosa, Hanford Joint Unified High School District; Paul Sevillano, Farmersville Unified School District; Guadalupe Solis, Corcoran Joint Unified School District; Amanda Timblin, Tulare County; Yolanda Valdez, Cutler-Orosi Joint Unified School District; Lucy VanScyoc, Tulare Joint Unified School District; Keith Stump; John Werner, Sequoias Adult Education Director;

	Discussion Topic	Outcome	Action
1	<b>Opening Business</b>		
1.1	<b>Call to Order</b>	<ul style="list-style-type: none"> <li>● Called to order by Brent Calvin at 8:01am</li> </ul>	
1.2	<b>Establish Quorum</b>	<ul style="list-style-type: none"> <li>● Quorum Established</li> </ul>	
1.3	<b>Welcome and Introductions</b>		
2	<b>Review and approval of meeting minutes:</b>	<ul style="list-style-type: none"> <li>● Minutes from August 3, 2021 SAEC Board Meeting <ul style="list-style-type: none"> <li>➢ Corrections – George Eddy attended the last meeting</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Motioned by Yolanda Valdez, Cutler-Orosi Joint Unified School District with corrections</li> <li>● Seconded by Tom Rooney, Lindsay Unified School District</li> <li>● Vote: All approved None opposed Motion Carried</li> </ul>
3	<b>Public Comment</b>	<ul style="list-style-type: none"> <li>● No Comments</li> </ul>	
4	<b>Information Items</b>		

4.1	<b>Tulare County Tobacco Free Schools – Amanda Timblin</b>	<ul style="list-style-type: none"> <li>● Tobacco Free prevention program policies are integrated into the districts <ul style="list-style-type: none"> <li>➤ Tulare County is here to assist with any of those elements</li> </ul> </li> <li>● Tulare County is willing to do <ul style="list-style-type: none"> <li>➤ Presentations <ul style="list-style-type: none"> <li>▪ They have incentives for the presentations</li> </ul> </li> <li>➤ Forums</li> <li>➤ Work Groups</li> <li>➤ Handing out materials</li> <li>➤ Cessation Resources – Helping people quit</li> <li>➤ Campus Signage/Placement</li> <li>➤ Technical Assistance</li> </ul> </li> </ul>	
4.2	<b>New Hire: SAEC Adult Education Navigator, Sylvia Perez – John Werner</b>	<ul style="list-style-type: none"> <li>● New General Adult Education Navigator, Sylvia Perez <ul style="list-style-type: none"> <li>➤ Primary site is Visalia Adult school and satellites schools <ul style="list-style-type: none"> <li>▪ Jointly funded by SAEC office and Visalia Adult</li> <li>▪ Will also help in the jail education program</li> </ul> </li> <li>➤ Replaces Janine Medina</li> <li>➤ Providing facilitation to AWD Committee</li> </ul> </li> <li>● New Interim Superintendent in Corcoran <ul style="list-style-type: none"> <li>➤ Guadalupe Solis</li> </ul> </li> </ul>	
4.3	<b>SAEC 2020/21 Fiscal Reporting Wrap-up – John Werner</b>	<ul style="list-style-type: none"> <li>● John Werner presented summary for 2020/21 fiscal reporting for each district <ul style="list-style-type: none"> <li>➤ What was budgeted</li> <li>➤ Expenditures</li> <li>➤ Carry-over <ul style="list-style-type: none"> <li>▪ Percentage of carry over</li> </ul> </li> </ul> </li> <li>● Budget total shows that we have a 1.8 million carry over which in within the limits that are allowed</li> </ul>	
4.4	<b>SAEC Annual Plan 2021/22 Status Update and Member Plans – John Werner</b>	<ul style="list-style-type: none"> <li>● All 2020/21 expenditure reporting and work plans must be submitted and certified before 2021/22 budgets and work plans are open to members <ul style="list-style-type: none"> <li>➤ Due 09/30/21</li> </ul> </li> </ul>	

4.5	<b>WIOA Title II Update – Heather Keran</b>	<ul style="list-style-type: none"> <li>● Deliverables: WIOA grant budget due on 09/03/21</li> <li>● Amended Grant Award Notifications (GAN's) and Funding Amounts <ul style="list-style-type: none"> <li>➤ If you have incorrect information they are kicking it back to the schools</li> </ul> </li> <li>● Future work <ul style="list-style-type: none"> <li>➤ First budget claim report due by 10/31/21</li> <li>➤ Reauthorization – RFP release in 2022/23</li> <li>➤ If you want more funding you can start a IET/ESL program <ul style="list-style-type: none"> <li>▪ Calpro is offering IET training</li> <li>▪ Program must be established before asking for funding</li> </ul> </li> </ul> </li> </ul>	
4.6	<b>CAEP Technical Update – John Werner</b>	<ul style="list-style-type: none"> <li>● 3-year plan due June 2022 <ul style="list-style-type: none"> <li>➤ Have reached out to a consultant to help get this plan done <ul style="list-style-type: none"> <li>▪ Asking to do a critical analysis of us</li> <li>▪ Looking to see if we are impacting our community or are we in a rut</li> <li>▪ Are we missing things because it is going well?</li> <li>▪ Asking him to be critical so we have a fresh look at things</li> <li>▪ Information will be brought back to the SAEC Board</li> </ul> </li> </ul> </li> <li>● Starting in November we will be doing our member effectiveness reports for each school</li> </ul>	
5	<b>Action Items</b>	<ul style="list-style-type: none"> <li>● N/A</li> </ul>	
6	<b>Adjournment</b>	<ul style="list-style-type: none"> <li>● Next meeting 10/05/2021 at 8:00am via Zoom</li> <li>● Adjourned meeting at 8:36am</li> </ul>	<ul style="list-style-type: none"> <li>● Motioned by George Eddy, Exeter Unified School District</li> <li>● Seconded by Tom Rooney, Lindsay Unified School District</li> <li>● Vote: All approved None opposed Motion Carried</li> </ul>

SEQUOIAS ADULT EDUCATION CONSORTIUM  
OFFICE OF THE DIRECTOR

Encl. No. 4.1

Board Meeting Date of October 5, 2021

TO: Sequoias Adult Education Board  
FROM: John Werner, Executive Director  
PREPARED BY: Adam Peck, Executive Director, WIB Tulare County  
APPROVED BY: John Werner, Executive Director  
PRESENTED BY: Adam Peck, Executive Director, WIB Tulare County  
**AGENDA TITLE: Tulare County Economic Outlook**

**AGENDA SECTION:**

\_\_\_\_\_ Public Comment

  X   Information Items: Public Interest Announcements/ Reports/Review/Status  
Updates/Recognitions/Board Discussion

\_\_\_\_\_ Action Items: Board Discussion/Action

**BACKGROUND/SUMMARY:**

Each year, Adam Peck, Executive Director of the WIB Tulare County provides the SAEC Board with an economic outlook report. 2020 and 2021 have been marked by unprecedented events that affect our economy. This year, Adam will provide information that explains the economic outlook for our region moving forward. The information presented by Adam Peck will support the SAEC Board and governance committees in planning and decision making as they engage in the development of a new consortium Three-Year Plan.

**CONTRACT CHANGES:**

N/A

**RECOMMENDED ACTION:**

N/A

**FINANCIAL IMPACT:**

N/A

**ALIGNS TO SAEC IMPLEMENTATION PLAN:**

The SAEC Three Year Comprehensive Plan and Annual Plans align to regional economic workforce development plans. Per the California Adult Education Program Objective 7, consortium efforts will leverage regional resources.

SEQUOIAS ADULT EDUCATION CONSORTIUM  
OFFICE OF THE DIRECTOR

Encl. No. 4.2

Board Meeting Date of October 5, 2021

TO: Sequoias Adult Education Board  
FROM: John Werner, Executive Director  
PREPARED BY: John Werner, Executive Director  
APPROVED BY: John Werner, Executive Director  
PRESENTED BY: John Werner, Executive Director  
**AGENDA TITLE: SAEC 2020/21 Report: Enrollment**

**AGENDA SECTION:**

Public Comment

Information Items: Public Interest Announcements/ Reports/Review/Status  
Updates/Recognitions/Board Discussion

Action Items: Board Discussion/Action

**BACKGROUND/SUMMARY:**

Each year, and on a quarterly basis, regional adult education consortia members and CAEP participants submit enrollment data, performance outcome (student) data, and quarterly fiscal expenditure reports to the California Adult Education Program Office and to the Division of Career Technical and Adult Education at the CDE. The SAEC Adult Education provider members have successfully submitted year end data for the 2020/21 program year. During the previous SAEC Board meeting, year end fiscal expenditure data was presented to the Board. Today, the SAEC Executive Director, John Werner, will provide a report on consortium wide enrollment over the past three years. An executive report on 2020/21 consortium wide student outcome data will be provided on November 2, 2020. These reports address consortium wide data, trends, and observations made by the SAEC Executive Director, SAEC Leadership Committee and a data focus group convened by the SAEC Executive Director. Disaggregated performance data by member will be provided by respective members as they present their Member Effectiveness reports to the Board during the months of November, 2021 through March, 2022.

**CONTRACT CHANGES:**

N/A

**RECOMMENDED ACTION:**

N/A

**FINANCIAL IMPACT:**

N/A

**ALIGNS TO SAEC IMPLEMENTATION PLAN:**

Periodic technical updates provide the SAEC Board information for successful management and implementation of the SAEC Annual Plans.

SEQUOIAS ADULT EDUCATION CONSORTIUM  
OFFICE OF THE DIRECTOR

Encl. No. 4.3

Board Meeting Date of October 5, 2021

TO: Sequoias Adult Education Board  
FROM: John Werner, Executive Director  
PREPARED BY: John Werner, Executive Director  
APPROVED BY: John Werner, Executive Director  
PRESENTED BY: John Werner, Executive Director  
**AGENDA TITLE: California Adult Education Program Technical Update**

**AGENDA SECTION:**

\_\_\_\_\_ Public Comment

X  Information Items: Public Interest Announcements/ Reports/Review/Status  
Updates/Recognitions/Board Discussion

\_\_\_\_\_ Action Items: Board Discussion/Action

**BACKGROUND/SUMMARY:**

Periodic technical updates provide the SAEC Board and Partners with information regarding overall CAEP program compliance and policy changes. Specific topics will include: Due Dates, Professional Development Resources, and Events.

**CONTRACT CHANGES:**

N/A

**RECOMMENDED ACTION:**

N/A

**FINANCIAL IMPACT:**

N/A

**ALIGNS TO SAEC IMPLEMENTATION PLAN:**

Periodic technical updates provide the SAEC Board information for successful management and implementation of the SAEC Annual Plans.



SEQUOIAS ADULT EDUCATION CONSORTIUM  
OFFICE OF THE DIRECTOR

Encl. No. 5.1

Board Meeting Date of October 5, 2021

TO: Sequoias Adult Education Board

FROM: John Werner, Executive Director

PREPARED BY: John Werner, Executive Director

APPROVED BY: John Werner, Executive Director

PRESENTED BY: John Werner, Executive Director

**AGENDA TITLE: SAEC 2022/25 Three Year Plan Consultant Proposal: P2C Solutions, LLC**

**AGENDA SECTION:**

Public Comment

Information Items: Public Interest Announcements/ Reports/Review/Status Updates/Recognitions/Board Discussion

Action Items: Board Discussion/Action

**BACKGROUND/SUMMARY:**

In accordance with CA Ed. Code 84830, the Sequoias Adult Education Consortium must submit a comprehensive Three-Year Plan, which is due June 15, 2022. The Three-Year Plan will provide the basis for subsequent annual plans, submitted during the implementation of the Three-Year Plan, that will evaluate consortium progress towards meeting goals described in the Three-Year Plan and describe annual changes as The Consortium engages ongoing program improvement monitoring. The three-year planning process is designed to provide The Consortium and its members a chance to (1) collectively assess the impact of services provided over the previous period, (2) identify educational and workforce needs among adult education beneficiaries and providers in the region, and (3) define strategies and activities to meet these needs over the coming three years.

The SAEC Three-Year Plan, 2022-25 will contain the following sections:

Section 1: Consortium Details

Section 2: Assessment

Section 3: Metrics

Section 4: Objectives

Section 5: Activities and Outcomes

Section 5: Funds Evaluation

All SAEC Members are bound to the implementation of the Three Year Plan, Annual Plans, and the CAEP Assurances. The SAEC Executive Director and the SAEC Leadership Committee recommend contracting consultative services from P2C Solutions, LLC for the coordination and writing of the SAEC 2022-2025 CAEP Three Year Plan.

**CONTRACT CHANGES:**

New contract.

**RECOMMENDED ACTION:**

Approve.

**FINANCIAL IMPACT:**

New Expenditure: Not to exceed \$20,800.

**ALIGNS TO SAEC IMPLEMENTATION PLAN:**

Regional adult education consortia must create a comprehensive three-Year Plan in accordance with California Education Code 84830.



September 23, 2021

Dear Mr. Werner,

P2C Solutions, LLC, is please to submit the following proposal for contracted services to the Sequoias Adult Education Consortium for the coordination and writing of the 2022-2025 CAEP Three-Year Plan. This contract is based on the discussions we have had and the timeline provided by the CAEP Office.

Mitch Rosin has worked in the workforce/education/career tech field for more than 30 years. After careers as a social worker and teacher, he joined McGraw-Hill Education where he directed the Adult Education and Workforce divisions globally for 13 years. Consulting since 2013, he is currently contracted for consultant services by Aztec Software, CASAS, Inland Adult Education Consortium, Feather River Adult Education Consortium, Lassen-Modoc Adult Education Consortium and the Barstow Area Consortium for Adult Education. Since the start of AEBG/CAEP, he has worked for multiple consortia including Sequoias, Victor Valley, State Center, Napa, and wrote the Fall 2015 AEBG Legislative Update for the California Community College Chancellors Office and the California Department of Education. Additionally, he currently serves on the CAEP State Leadership Advisory Board. Mr. Rosin holds a Master of Arts in Education, a Master of Science in Curriculum Design and Development, and a Master of Science in Public Policy. He is currently finishing his Ed. D.

The following page outlines the scope of work/cost proposal for services provided both virtually and on-site.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Rosin", with a horizontal line extending to the right.

Mitch Rosin, MA, MS, MS  
President, P2C Solutions, LLC  
[Mitch.Rosin2@Gmail.com](mailto:Mitch.Rosin2@Gmail.com)  
708-309-8556



**Sequoias Adult Education Consortium**

**Scope of Work / Cost Proposal: October 2021 - June 2022**

<b>Dates</b>	<b>Scope of Work</b>	<b>Total Hours</b>	<b>Monthly Remittance</b>
September 2021	9.27.21 1:00PM-3:00PM SAEC ABE/ASE Committee Meeting  9.23.21 3:00PM-4:00PM SAEC Leadership Committee Meeting	8	\$1,600
October 2021	GOAL: Review CAEP Guidance and Template documents (Homework for next meeting: Review "Guiding Questions" for Section 2 from guidance and be prepared with agency-level answers)  10.1.21 1:30PM-3PM SAEC ESL Committee Meeting 10.5.21 8:00AM-9:00AM SAEC Board Meeting 10.5.21 9:15AM-10:15AM SAEC Leadership Committee Meeting 10.8.21 1:00PM-3:00PM SAEC AWD Committee Meeting 10.21.21 3:00PM-4:00PM SAEC Leadership Committee Meeting	12	\$2,400
November 2021	GOAL: Section 2 - Assessment (Homework for next meeting: Review "Guiding Questions" for Section 3 from guidance and be prepared with agency-level answers)  11.1.21 1:00PM-3:00PM SAEC ABE/ASE Committee Meeting 11.5.21 8:00AM-9:00AM SAEC Board Meeting 11.5.21 9:15AM-10:15AM SAEC Leadership Committee Meeting 11.12.21 1:00PM-3:00PM SAEC AWD Committee Meeting 11.18.21 3:00PM-4:00PM SAEC Leadership Committee Meeting	12	\$2,400
December 2021	GOAL: Section 3 - Metrics (Homework for next meeting: Review "Guiding Questions" for Section 4 from guidance and be prepared with agency-level answers)  12.3.21 1:30PM-3:00PM SAEC ESL Committee Meeting 12.7.21 8:00AM-9:00AM *SAEC Board Meeting 12.7.21 9:15AM-10:15AM *SAEC Leadership Committee Meeting 12.16.21 3:00PM-4:00PM SAEC Leadership Committee Meeting	12	\$2,400
January 2022	GOAL: Section 4 - Objectives and Strategies to Overcome Barriers (Homework for next meeting: Review "Guiding Questions" for Section 5 from guidance and be prepared with agency-level answers)  1.20.22 3:00PM-4:00PM SAEC Leadership Committee Meeting	12	\$2,400

February 2022	GOAL: Section 5 - Activities and Outcomes (Homework for next meeting: Review "Guiding Questions" for Section 6 from guidance and be prepared with agency-level answers)  2.1.21 8:00AM-9:00AM SAEC Board Meeting 2.1.22 9:15AM-10:15AM SAEC Leadership Committee Meeting 2.7.22 1:30PM-3:00PM SAEC ESL Committee Meeting 2.11.22 1:00PM-3:00PM SAEC AWD Committee Meeting 2.17.22 3:00PM-4:00PM SAEC Leadership Committee Meeting 2.28.22 1:00PM-3:00PM SAEC ABE/ASE Committee Meeting	12	\$2,400
March 2022	GOAL: Section 6 - Funds and Evaluation  3.1.22 8:00AM-9:00AM SAEC Board Meeting 3.1.22 9:15AM-10:15AM SAEC Leadership Committee Meeting 3.24.22 3:00PM-4:00PM SAEC Leadership Committee Meeting	12	\$2,400
April 2022	GOAL: Review Draft of Three-Year Plan  4.5.22 8:00AM-9:00AM SAEC Board Meeting 4.5.22 9:15AM-10:15AM SAEC Leadership Committee Meeting 4.21.22 3:00PM-4:00PM SAEC Leadership Committee Meeting 4.22.22 1:00PM-3:00PM SAEC AWD Committee Meeting 4.25.22 1:30PM-3:00PM SAEC ESL Committee Meeting 4.25.22 1:00PM-3:00PM SAEC ABE/ASE Committee Meeting	12	\$2,400
May 2022	GOAL: Vote on Three-Year Plan  5.3.22 8:00AM-9:00AM *SAEC Board Meeting 5.3.22 9:15AM-10:15AM *SAEC Leadership Committee Meeting 5.26.22 3:00PM-4:00PM SAEC Leadership Committee Meeting	6	\$1,200
June 2022	GOAL: Hold for last minute issues; Final Three-Year Plan due June 20, 2021	6	\$1,200
<b>Total</b>		<b>104</b>	<b>\$20,800</b>

\*Contract can be terminated at any time with 60-day written notice.

**Cost**

Professional Services @ \$200/Hour (inclusive of all travel expenses)

**TOTAL COST: \$20,800**

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

SEQUOIAS ADULT EDUCATION CONSORTIUM  
OFFICE OF THE DIRECTOR

Encl. No. 5.2

Board Meeting Date of October 5, 2021

TO: Sequoias Adult Education Board  
FROM: John Werner, Executive Director  
PREPARED BY: John Werner, Executive Director  
APPROVED BY: John Werner, Executive Director  
PRESENTED BY: Brent Calvin, Superintendent/President, College of the Sequoias  
**AGENDA TITLE: SAEC Virtual Board Meeting 11/02/21**

**AGENDA SECTION:**

Public Comment

Information Items: Public Interest Announcements/ Reports/Review/Status  
Updates/Recognitions/Board Discussion

Action Items: Board Discussion/Action

**BACKGROUND/SUMMARY:**

In March of 2020, The COVID-19 pandemic impacted the ability of the SAEC Board and governance committees to meet in person. At that time and through Executive Order, California Governor Newsom provided relief to public agencies with regards to holding public meetings virtually and Brown Act compliance. That Executive Order ended September 30, 2021.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021-2022) ("AB361"), which incorporated into California state law some aspects of the teleconferencing rules that have applied by Executive Order to local public agencies during the COVID-19 pandemic. Notably, because AB 361 included an urgency measure, the law was immediately effective as of the date of the Governor's signature. AB 361 provides that it sunsets on January 1, 2024.

Per AB361, the SAEC Board may continue to meet virtually, but will need to decide, vote, to meet virtually prior to the virtual meeting. SAEC Executive Director John Werner will describe other AB361 consideration criteria to holding virtual meetings during discussion of this item and recommends the Board take action to approve that the SAEC Board meet virtually at the next regularly scheduled board meeting on November, 2, 2021.

**CONTRACT CHANGES:**

N/A

**RECOMMENDED ACTION:**

Approve

**FINANCIAL IMPACT:**

N/A

**ALIGNS TO SAEC IMPLEMENTATION PLAN:**

The SAEC Board and Governance Committees will hold regular meetings in accordance with the SAEC Comprehensive Plan, Annual Plans, and Governance Document



**AB-361 Open meetings: state and local agencies: teleconferences.** (2021-2022)

SHARE THIS:



Date Published: 09/17/2021 09:00 PM

## Assembly Bill No. 361

### CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021. ]

### LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency

holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) 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.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.



(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) 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.

(7) 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.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

**SECTION 1.** Section 89305.6 is added to the Education Code, to read:

**89305.6.** (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) 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.

(2) 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, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

**SEC. 2.** Section 11133 is added to the Government Code, to read:

**11133.** (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) 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.

(2) 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, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

**SEC. 3.** Section 54953 of the Government Code is amended to read:

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

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall 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 subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

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

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

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

**SEC. 3.1.** Section 54953 of the Government Code is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall 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 subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

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

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

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

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

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

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

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

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

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

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

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires

registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

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

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

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

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

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

(B) Any of the following circumstances exist:

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

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

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

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

**SEC. 4.** Section 54953 is added to the Government Code, to read:

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

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

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

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



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

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

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

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

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

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

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

(e) This section shall become operative January 1, 2024.

**SEC. 4.1.** Section 54953 is added to the Government Code, to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

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

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

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the

members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

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

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

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

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

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

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

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

(e) This section shall become operative January 1, 2024.

**SEC. 5.** Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

**SEC. 6.** It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

**SEC. 7.** The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local

agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

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

**SEC. 8.** (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

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

**SEC. 9.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.