

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

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TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Steve Goldbeck, Deputy Executive Director (415/352-3611; steve.goldbeck@bcdc.ca.gov)

SUBJECT: Staff Report and Recommendation on Pending Legislation
(For Commission consideration on September 7, 2023)

Summary and Recommendation

The staff recommends that the Commission support Senate Bill 544 (Laird) *Bagley-Keene Open Meeting Act: teleconferencing*.

Staff Report

Senate Bill 544. *Bagley-Keene Open Meeting Act: teleconferencing*

Introduced by Senator John Laird, SB 544 is currently in the Assembly Appropriations Committee.

The state Bagley-Keene Open Meeting Act provides for how state meetings are to be held in order to be open to the public and to allow the public to attend and participate, similar to the how the Brown Act provides for meetings by local governments. Senate Bill 544 would amend Bagley-Keene to allow for remote attendance at state meetings in a similar manner to how they were held during the Governor’s executive order during the COVID-19 emergency.

The bill would remove current requirements to: (1) post agendas at each teleconference location; (2) identify on the agenda each teleconference location from which a member will be participating remotely; and (3) make every teleconference location accessible to the public to observe and provide testimony. In fact, the bill would prohibit the notice and agenda from disclosing information regarding the remote location of participating members. A “teleconference” is defined as a meeting where members are at different locations linked electronically by audio, or by audio and video.

The bill would require the state body to provide means by which the public may remotely listen to the meeting, remotely observe the meeting, or attend the meeting. The agenda posted for the meeting would have to include a teleconference phone number, an internet website or other online platform, at least one physical site, and how the public can access the meeting in person or remotely. The public would continue to have the opportunity to address the state body; and a member of the staff would need to be physically present at the location specified in the meeting notice. The bill would require a majority of the members of the state body to be physically present at the same location for at least half of the meetings of the state body.

Any member of a state body who attends a meeting from a remote location would be required to disclose whether any other individuals 18 years or older are present in the room at that remote location, and the general nature of the member’s relationship with the other individuals.



The bill would not otherwise change the existing notice and agenda requirements. All votes taken during a teleconferenced meeting would be by roll call. The state body would have to end the meeting if it discovers that any provisions for remote participation have failed and cannot be restored.

The bill requires state bodies conducting teleconferenced meetings to establish and advertise a procedure for handling accessibility requests from individuals with disabilities, in compliance with the Americans with Disabilities Act of 1990.

The bill includes findings that meetings held by teleconference during the COVID-19 emergency were productive, increased public participation, increased the pool of people able to serve on the public bodies, protected the health and safety of civil servants and the public, and reduced state costs and travel time. The bill also finds that its provisions protect the personal and private information of public officials and their families, while preserving the public's right to access information regarding the conduct of the people's business.

The bill would sunset on January 1, 2026.

The Brown Act requirements for use of teleconferencing for local governments was amended in 2022 by Assembly Bill 2449 (Rubio), Chapter 285, Statutes of 2022, in a similar manner to those proposed in SB 544 and the provisions of AB 2449 will also sunset in 2026.

SB 544 is supported by: AARP; Advisory Council for Sourcewise; Agency on Aging \ Area 4; Alcoholic Beverage Control Appeals Board; Board of Behavioral Sciences; California Acupuncture Board; California Architects Board; California Board of Accountancy; California Commission on Aging; California State Board of Optometry; California State Board of Pharmacy; California State Council on Developmental Disabilities; California Structural Pest Control Board; Dental Board of California; Dental Hygiene Board of California; Department of Consumer Affairs, Board of Barbering and Cosmetology; Department of Consumer Affairs, Speech-language Pathology and Audiology and Hearing Aid Dispensers Board; Disability Rights California; Health Officers Association of California; Medical Board of California; Osteopathic Medical Board of California; Physical Therapy Board of California; and The Veterinary Medical Board.

Opposed: American Chemistry Council; American Composites Manufacturers Association; California Association of Winegrape Growers; California Manufacturers & Technology Association; and Glass Packaging Institute.

Oppose Unless Amended positions: ACLU California Action; California Broadcasters Association; California Common CAUSE; California News Publishers Association; Californians Aware: the Center for Public Forum Rights; CCNMA: Latino Journalists of California; First Amendment Coalition; Howard Jarvis Taxpayers Association; Institute of Governmental Advocates; Media Alliance; National Press Photographers Association; NLGJA: Association of LGBTQ+ Journalists; Northern California Society of Professional Journalists; Orange County Press Club; Pacific Media Workers Guild (the NewsGuild-communications Workers of America Local 39521); Radio Television Digital News Association; San Diego Pro Chapter of The Society of Professional Journalists; and Society of Professional Journalists, Greater Los Angeles Chapter.

Staff Recommendation. The staff agrees with the finding in the bill that providing for remote attendance at state meetings has increased participation both by the public and by those serving on public bodies. The bill's provisions would ease current impediments to remote attendance by Commissioners. Staff recommends that the Commission support SB 544.

[Bill Text - SB-544 Bagley-Keene Open Meeting Act: teleconferencing. \(ca.gov\)](#)