

Bagley-Keene Committee Update  
September 27, 2023

Modifications to the Bagley-Keene Open Meeting Act were signed into law by the Governor on September 22, 2023. There were some fairly significant changes to the Senate draft by the Assembly. The a link to the bill is included as a meeting handout. **Not sure when the bill goes into effect.** The changes sunset on January 1, 2026.

**Bottom Line:** We must hold meetings in at least one publicly accessible teleconference location where a majority of the Commission attends in person.

Highlights of the final bill:

- Meetings may be held by teleconference.
  - “At least one member of the state body must be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting.”
  - “One staff member must be present at the primary physical meeting location.”
  - “The bill would, under specified circumstances, authorize a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing.”
- Remote participation is allowed if:
  - “The bill would authorize a member’s remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body.” (While those attending remotely may vote, they would not be counted toward the quorum.) **Can we have two teleconference locations and have a majority of the body in attendance between the two locations?**
  - “The bill would also authorize a member’s remote participation if the member has a need related to a disability and notifies the state body.” (Anyone with a disability attending remotely would count towards the quorum.) **I believe there may have been some consideration for caregivers in earlier versions but I didn’t see it in the final version.**
  - “If a member notifies the body of the member’s need to attend and participate remotely..., the body shall take action to approve the exception and shall request a general description of the circumstances relating to the member’s need to participate remotely at the meeting, for each meeting in which the member seeks to participate remotely. The body shall not require the member to provide a general description that exceeds 20 words or to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.” **Not sure how the body approves the exception or if it has to be shared with the public.**

- “The bill would require the members of the state body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform unless the appearance would be technologically impracticable, as specified. The bill would require a member who does not appear on camera due to challenges with internet connectivity to announce the reason for their nonappearance when they turn off their camera.”
- “If a member of the state body attends the meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.”

Maybe we can get some clarity from our legal team regarding the issues in red.