

AMENDED IN ASSEMBLY APRIL 15, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 339**

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**Introduced by Assembly Members Lee and Cristina Garcia**  
*(Coauthors: Assembly Members Arambula, Cooley, and Robert Rivas)*

January 28, 2021

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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, and ~~54954.3~~ of the Government Code, relating to state and local government *public meetings*.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Lee. ~~State and local~~ *Local* government: open and *public* 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. *Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime.*

~~This bill would require all meetings to include an opportunity for all persons members of the public to attend via a call-in telephonic option or and 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. option. The bill would require, even in the case of a declared state or local emergency, teleconferenced require all meetings to include an in-person public comment opportunity. opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to address the legislative body comment on proposed legislation in person and remotely via call-in or a telephonic and an internet-based service, service option, 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. specify requirements for public comment registration. 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. provide interpretation services as requested, and have a system to process requests for interpretation services and publicize that system online.~~

~~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 *agencies to make available* instructions for accessing *on joining* 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. *to all non-English-speaking persons upon request, and publish the instructions in the 2 most spoken languages other than English within the local agency's jurisdiction.*~~

~~By imposing new duties on local governments *and expanding the application of a crime* 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 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 specified reasons.*

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~~  
10    ~~the public. As used in this article, "meeting" means a gathering of~~  
11    ~~a quorum of the members of a house or committee in one place,~~  
12    ~~including a gathering using teleconference technology, for the~~  
13    ~~purpose of discussing legislative or other official matters within~~  
14    ~~the jurisdiction of the house or committee. As used in this article,~~  
15    ~~"committee" includes a standing committee, joint committee,~~  
16    ~~conference committee, subcommittee, select committee, special~~  
17    ~~committee, research committee, or any similar body.~~  
18    ~~SEC. 2. Section 9027.1 is added to the Government Code, to~~  
19    ~~read:~~  
20    ~~9027.1. All meetings shall provide the public with an~~  
21    ~~opportunity to comment on proposed legislation, either in person~~  
22    ~~or remotely via call-in or internet-based service, consistent with~~  
23    ~~requirements in Section 9027. Persons commenting in person shall~~  
24    ~~not have more time or in any other way be prioritized over persons~~  
25    ~~commenting remotely via call-in or internet-based service.~~  
26    ~~Translation services shall be provided for the 10 most-spoken~~

1 languages, other than English, in California. If there are time  
2 restrictions on public comment, persons giving a public comment  
3 in a language other than English shall have double the amount of  
4 time as those giving a comment in English to allow for translation,  
5 unless simultaneous translation equipment is available.

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

8 ~~9028.1.~~ Instructions on how to attend the meeting via call-in  
9 or internet-based service shall be posted online in an easily  
10 accessible location at the time the meeting is scheduled and notice  
11 of the meeting is published. The posted instructions shall include  
12 translations into the 10 most-spoken languages, other than English,  
13 in California, and shall list a hotline that members of the public  
14 can call for assistance, with assistance in the 10 most-spoken  
15 languages provided.

16 ~~SEC. 4.~~

17 ~~SECTION 1.~~ Section 54953 of the Government Code is  
18 amended to read:

19 54953. (a) All meetings of the legislative body of a local  
20 agency shall be open and public, and all persons shall be permitted  
21 to attend any meeting of the legislative body of a local agency,  
22 *agency in person*, except as otherwise provided in this chapter.  
23 Additionally, all

24 (b) All meetings shall include an opportunity for all persons  
25 *members of the public* to attend via a ~~call-in telephonic option or~~  
26 ~~and an internet-based service option that provides~~  
27 ~~closed-captioning services. Both a call-in and an internet-based~~  
28 ~~service option shall be provided to the public.~~ *option. For the*  
29 *purposes of this chapter, "internet-based service option" means*  
30 *a service or platform that allows two-way video and audio*  
31 *participation through the internet.*

32 ~~(b)~~

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

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

6 (3) If the legislative body of a local agency elects to use  
7 teleconferencing, ~~other than what is required by subdivision (a);~~  
8 it shall post agendas at all teleconference locations and conduct  
9 teleconference meetings in a manner that protects the statutory  
10 and constitutional rights of the parties or the public appearing  
11 before the legislative body of a local agency. Each teleconference  
12 location shall be identified in the notice and agenda of the meeting  
13 or proceeding, and each teleconference location shall be accessible  
14 to the public. During the teleconference, at least a quorum of the  
15 members of the legislative body shall participate from locations  
16 within the boundaries of the territory over which the local agency  
17 exercises jurisdiction, except as provided in subdivision ~~(d)~~: (e).  
18 The agenda shall provide an opportunity for members of the public  
19 to address the legislative body directly pursuant to Section 54954.3  
20 at each teleconference location.

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

26 ~~(5) Notwithstanding~~

27 (5) (A) *Unless there are any laws that prohibit in-person*  
28 *government meetings in the case of a declared state of emergency,*  
29 *including a public health emergency, teleconferenced all meetings*  
30 *shall include an in-person public comment opportunity, wherein*  
31 *members of the public can report to a designated site to give public*  
32 *comment in person. The location of the designated site and any*  
33 *relevant instructions on in-person commenting shall be included*  
34 *with the public posting of the agenda.*

35 (B) *All meetings shall provide the public with an opportunity*  
36 *to comment on proposed legislation, both in person and remotely*  
37 *via a telephonic and an internet-based service option, and ensure*  
38 *the opportunity for the members of the public participating via a*  
39 *telephonic or an internet-based option to comment on agenda*

1 *items with the same time allotment as a person attending a meeting*  
2 *in person.*

3 *(C) Registration for public comment period is permitted, so*  
4 *long as instructions to register are posted, members of the public*  
5 *are able to register over the telephone and in person, and*  
6 *registration remains open until the comment period has finished*  
7 *for that agenda item. Information collected for registration*  
8 *purposes shall be limited to name, telephone number, and county*  
9 *of residence.*

10 ~~(e)~~

11 *(d) (1) No legislative body shall take action by secret ballot,*  
12 *whether preliminary or final.*

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

16 *(3) Prior to taking final action, the legislative body shall orally*  
17 *report a summary of a recommendation for a final action on the*  
18 *salaries, salary schedules, or compensation paid in the form of*  
19 *fringe benefits of a local agency executive, as defined in*  
20 *subdivision (d) of Section 3511.1, during the open meeting in*  
21 *which the final action is to be taken. This paragraph shall not affect*  
22 *the public's right under the California Public Records Act (Chapter*  
23 *3.5 (commencing with Section 6250) of Division 7 of Title 1) to*  
24 *inspect or copy records created or received in the process of*  
25 *developing the recommendation.*

26 ~~(d)~~

27 *(e) (1) Notwithstanding the provisions relating to a quorum in*  
28 *paragraph (3) of subdivision ~~(b)~~, (c), if a health authority conducts*  
29 *a teleconference meeting, members who are outside the jurisdiction*  
30 *of the authority may be counted toward the establishment of a*  
31 *quorum when participating in the teleconference if at least 50*  
32 *percent of the number of members that would establish a quorum*  
33 *are present within the boundaries of the territory over which the*  
34 *authority exercises jurisdiction, and the health authority provides*  
35 *a teleconference number, and associated access codes, if any, that*  
36 *allows any person to call in to participate in the meeting and the*  
37 *number and access codes are identified in the notice and agenda*  
38 *of the meeting.*

39 *(2) Nothing in this subdivision shall be construed as*  
40 *discouraging health authority members from regularly meeting at*

1 a common physical site within the jurisdiction of the authority or  
 2 from using teleconference locations within or near the jurisdiction  
 3 of the authority. A teleconference meeting for which a quorum is  
 4 established pursuant to this subdivision shall be subject to all other  
 5 requirements of this section.

6 (3) For purposes of this subdivision, a health authority means  
 7 any entity created pursuant to Sections 14018.7, 14087.31,  
 8 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
 9 and Institutions Code, any joint powers authority created pursuant  
 10 to Article 1 (commencing with Section 6500) of Chapter 5 of  
 11 Division 7 for the purpose of contracting pursuant to Section  
 12 14087.3 of the Welfare and Institutions Code, and any advisory  
 13 committee to a ~~county-sponsored~~ *county-sponsored* health plan  
 14 licensed pursuant to Chapter 2.2 (commencing with Section 1340)  
 15 of Division 2 of the Health and Safety Code if the advisory  
 16 committee has 12 or more members.

17 ~~SEC. 5.~~

18 *SEC. 2.* Section 54954.2 of the Government Code is amended  
 19 to read:

20 54954.2. (a) (1) At least 72 hours before a regular meeting,  
 21 the legislative body of the local agency, or its designee, shall post  
 22 an agenda containing a brief general description of each item of  
 23 business to be transacted or discussed at the meeting, including  
 24 items to be discussed in closed session. A brief general description  
 25 of an item generally need not exceed 20 words. The agenda shall  
 26 specify the time and location of the regular meeting and shall be  
 27 posted in a location that is freely accessible to members of the  
 28 public and on the local agency’s internet website, if the local  
 29 agency has one. If requested, the agenda shall be made available  
 30 in appropriate alternative formats to persons with a disability, as  
 31 required by Section 202 of the Americans with Disabilities Act of  
 32 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
 33 adopted in implementation thereof. The agenda shall include  
 34 information regarding how, to whom, and when a request for  
 35 disability-related modification or accommodation, including  
 36 auxiliary aids or services, may be made by a person with a  
 37 disability who requires a modification or accommodation in order  
 38 to participate in the public meeting. ~~In compliance with the~~  
 39 ~~Dymally-Alatorre Bilingual Services Act (Chapter 17.5~~  
 40 ~~(commencing with Section 7290) of Division 7 of Title 1), agendas~~



1 and instructions for accessing the meeting, whether teleconferenced  
2 or in person, shall be translated into all languages for which 5  
3 percent of the population in the area governed by the local agency  
4 is a speaker.

5 (2) *Instructions on joining the meeting via telephonic or*  
6 *internet-based service option, including registration for public*  
7 *comment, if required, shall be made available to all*  
8 *non-English-speaking persons upon request and should at minimum*  
9 *be published in the two most spoken languages other than English*  
10 *within the boundaries of the territory over which the local agency*  
11 *exercises jurisdiction. The meeting agenda should be made*  
12 *available upon request to all non-English-speaking persons within*  
13 *those boundaries in their language, regardless of national origin*  
14 *or language ability.*

15 (2)

16 (3) For a meeting occurring on and after January 1, 2019, of a  
17 legislative body of a city, county, city and county, special district,  
18 school district, or political subdivision established by the state that  
19 has an internet website, the following provisions shall apply:

20 (A) An online posting of an agenda shall be posted on the  
21 primary internet website homepage of a city, county, city and  
22 county, special district, school district, or political subdivision  
23 established by the state that is accessible through a prominent,  
24 direct link to the current agenda. The direct link to the agenda shall  
25 not be in a contextual menu; however, a link in addition to the  
26 direct link to the agenda may be accessible through a contextual  
27 menu.

28 (B) An online posting of an agenda including, but not limited  
29 to, an agenda posted in an integrated agenda management platform,  
30 shall be posted in an open format that meets all of the following  
31 requirements:

32 (i) Retrievable, downloadable, indexable, and electronically  
33 searchable by commonly used ~~Internet~~ internet search applications.

34 (ii) Platform independent and machine readable.

35 (iii) Available to the public free of charge and without any  
36 restriction that would impede the reuse or redistribution of the  
37 agenda.

38 (C) A legislative body of a city, county, city and county, special  
39 district, school district, or political subdivision established by the  
40 state that has an internet website and an integrated agenda

1 management platform shall not be required to comply with  
 2 subparagraph (A) if all of the following are met:

3 (i) A direct link to the integrated agenda management platform  
 4 shall be posted on the primary internet website homepage of a city,  
 5 county, city and county, special district, school district, or political  
 6 subdivision established by the state. The direct link to the integrated  
 7 agenda management platform shall not be in a contextual menu.  
 8 When a person clicks on the direct link to the integrated agenda  
 9 management platform, the direct link shall take the person directly  
 10 to an internet website with the agendas of the legislative body of  
 11 a city, county, city and county, special district, school district, or  
 12 political subdivision established by the state.

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

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

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

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

27 (i) “Integrated agenda management platform” means an internet  
 28 website of a city, county, city and county, special district, school  
 29 district, or political subdivision established by the state dedicated  
 30 to providing the entirety of the agenda information for the  
 31 legislative body of the city, county, city and county, special district,  
 32 school district, or political subdivision established by the state to  
 33 the public.

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

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

40 (3)

1 (4) No action or discussion shall be undertaken on any item not  
2 appearing on the posted agenda, except that members of a  
3 legislative body or its staff may briefly respond to statements made  
4 or questions posed by persons exercising their public testimony  
5 rights under Section 54954.3. In addition, on their own initiative  
6 or in response to questions posed by the public, a member of a  
7 legislative body or its staff may ask a question for clarification,  
8 make a brief announcement, or make a brief report on the member's  
9 own activities. Furthermore, a member of a legislative body, or  
10 the body itself, subject to rules or procedures of the legislative  
11 body, may provide a reference to staff or other resources for factual  
12 information, request staff to report back to the body at a subsequent  
13 meeting concerning any matter, or take action to direct staff to  
14 place a matter of business on a future agenda.

15 (b) Notwithstanding subdivision (a), the legislative body may  
16 take action on items of business not appearing on the posted agenda  
17 under any of the conditions stated below. Prior to discussing any  
18 item pursuant to this subdivision, the legislative body shall publicly  
19 identify the item.

20 (1) Upon a determination by a majority vote of the legislative  
21 body that an emergency situation exists, as defined in Section  
22 54956.5.

23 (2) Upon a determination by a two-thirds vote of the members  
24 of the legislative body present at the meeting, or, if less than  
25 two-thirds of the members are present, a unanimous vote of those  
26 members present, that there is a need to take immediate action and  
27 that the need for action came to the attention of the local agency  
28 subsequent to the agenda being posted as specified in subdivision  
29 (a).

30 (3) The item was posted pursuant to subdivision (a) for a prior  
31 meeting of the legislative body occurring not more than five  
32 calendar days prior to the date action is taken on the item, and at  
33 the prior meeting the item was continued to the meeting at which  
34 action is being taken.

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

38 (d) For purposes of subdivision (a), the requirement that the  
39 agenda be posted on the local agency's internet website, if the

1 local agency has one, shall only apply to a legislative body that  
2 meets either of the following standards:

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

5 (2) A legislative body as that term is defined by subdivision (b)  
6 of Section 54952, if the members of the legislative body are  
7 compensated for their appearance, and if one or more of the  
8 members of the legislative body are also members of a legislative  
9 body as that term is defined by subdivision (a) of Section 54952.

10 ~~SEC. 6.~~

11 *SEC. 3.* Section 54954.3 of the Government Code is amended  
12 to read:

13 54954.3. (a) Every agenda for regular meetings shall provide  
14 an opportunity for members of the public to directly address the  
15 legislative body on any item of interest to the public, ~~before or~~  
16 ~~during the legislative body’s consideration of the item, that is~~  
17 ~~within the subject matter jurisdiction of the legislative body,~~  
18 ~~provided that no action shall be taken on any item not appearing~~  
19 ~~on the agenda unless the action is otherwise authorized by~~  
20 ~~subdivision (b) of Section 54954.2. All meetings must also provide~~  
21 ~~the public with an opportunity to address the legislative body~~  
22 ~~remotely via call-in and internet-based service, consistent with~~  
23 ~~requirements in Section 54953. Persons commenting in person~~  
24 ~~shall not have more time or in any other way be prioritized over~~  
25 ~~persons commenting remotely via call-in or internet-based service.~~  
26 ~~Instructions on how to attend the meeting via call-in or~~  
27 ~~internet-based service shall be posted online along with the meeting~~  
28 ~~agenda in an easily accessible location. However, the *The* agenda~~  
29 ~~need not provide an opportunity for members of the public to~~  
30 ~~address the legislative body on any item that has already been~~  
31 ~~considered by a committee, composed exclusively of members of~~  
32 ~~the legislative body, at a public meeting wherein all interested~~  
33 ~~members of the public were afforded the opportunity to address~~  
34 ~~the committee on the item, before or during the committee’s~~  
35 ~~consideration of the item, unless the item has been substantially~~  
36 ~~changed since the committee heard the item, as determined by the~~  
37 ~~legislative body. Every notice for a special meeting shall provide~~  
38 ~~an opportunity for members of the public to directly address the~~  
39 ~~legislative body concerning any item that has been described in~~

1 the notice for the meeting before or during consideration of that  
2 item.

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

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

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

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

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

33 *(d) All members of the public shall be entitled to participate in  
34 public meetings, regardless of national origin or language ability.  
35 If interpretation services are requested for the public meeting and  
36 public comment period, those services should be provided.*

37 *(e) Local agencies shall have in place a system for requesting  
38 and receiving interpretation services for public meetings, including  
39 the public comment period. Local agencies shall publicize this*

1 *system and the instructions on how to request certified*  
 2 *interpretation services for public meetings online.*

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

5 ~~11122.5. (a) As used in this article, “meeting” includes any~~  
 6 ~~congregation of a majority of the members of a state body,~~  
 7 ~~including a virtual congregation using teleconference technology,~~  
 8 ~~at the same time and place to hear, discuss, or deliberate upon any~~  
 9 ~~item that is within the subject matter jurisdiction of the state body~~  
 10 ~~to which it pertains.~~

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

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

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

27 ~~(1) Individual contacts or conversations between a member of~~  
 28 ~~a state body and any other person that do not violate subdivision~~  
 29 ~~(b):~~

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

38 ~~(B) Subparagraph (A) does not allow members of the public~~  
 39 ~~free admission to a conference or similar gathering at which the~~

1 organizers have required other participants or registrants to pay  
2 fees or charges as a condition of attendance.

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

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

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

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

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

27 ~~11123. (a) All meetings of a state body shall be open and  
28 public and all persons shall be permitted to attend any meeting of  
29 a state body except as otherwise provided in this article.  
30 Additionally, all meetings shall include an opportunity for all  
31 persons to attend via a call-in option or an internet-based service  
32 option that provides closed captioning services. Both a call-in and  
33 an internet-based service option shall be provided to the public.~~

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

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

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

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

18 ~~(D) All votes taken during a teleconferenced meeting shall be~~  
19 ~~by rolleall.~~

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

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

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

39 ~~(e) Instructions on how to attend the meeting via call-in or~~  
40 ~~internet-based service shall be posted online along with the meeting~~



1 agenda in an easily accessible location at least 72 hours before all  
2 regular meetings and at least 24 hours before all special meetings.  
3 ~~In compliance with the Dymally-Alatorre Bilingual Services~~  
4 ~~Act(Chapter 17.5 (commencing with Section 7290) of Division 7~~  
5 ~~of Title 1), the posted instructions shall also be translated into all~~  
6 ~~languages of which 5 percent of the population of the state body's~~  
7 ~~jurisdiction speaks.~~

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

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

13 ~~11125.7. (a) Except as otherwise provided in this section, the~~  
14 ~~state body shall provide an opportunity for members of the public~~  
15 ~~to directly address the state body on each agenda item before or~~  
16 ~~during the state body's discussion or consideration of the item.~~  
17 ~~This section is not applicable if the agenda item has already been~~  
18 ~~considered by a committee composed exclusively of members of~~  
19 ~~the state body at a public meeting where interested members of~~  
20 ~~the public were afforded the opportunity to address the committee~~  
21 ~~on the item, before or during the committee's consideration of the~~  
22 ~~item, unless the item has been substantially changed since the~~  
23 ~~committee heard the item, as determined by the state body. Every~~  
24 ~~notice for a special meeting at which action is proposed to be taken~~  
25 ~~on an item shall provide an opportunity for members of the public~~  
26 ~~to directly address the state body concerning that item prior to~~  
27 ~~action on the item. In addition, the notice requirement of Section~~  
28 ~~11125 shall not preclude the acceptance of testimony at meetings,~~  
29 ~~other than emergency meetings, from members of the public if no~~  
30 ~~action is taken by the state body at the same meeting on matters~~  
31 ~~brought before the body by members of the public.~~

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

38 ~~(c) The state body may adopt reasonable regulations to ensure~~  
39 ~~that the intent of subdivision (a) is carried out, including, but not~~  
40 ~~limited to, regulations limiting the total amount of time allocated~~

1 for public comment on particular issues and for each individual  
2 speaker.

3 ~~(d) (1) Notwithstanding subdivision (b), when a state body~~  
4 ~~limits time for public comment the state body shall provide at least~~  
5 ~~twice the allotted time to a member of the public who utilizes a~~  
6 ~~translator to ensure that non-English speakers receive the same~~  
7 ~~opportunity to directly address the state body. In compliance with~~  
8 ~~the Dymally-Alatorre Bilingual Services Act (Chapter 17.5~~  
9 ~~(commencing with Section 7290) of Division 7 of Title 1),~~  
10 ~~translation services shall be provided for all languages of which~~  
11 ~~5 percent of the population of the state body's jurisdiction speaks.~~  
12 ~~Should there be a limit on speaking time, persons commenting in~~  
13 ~~another language shall be given twice as much time as those~~  
14 ~~commenting in English in order to accommodate time for~~  
15 ~~translation services. This is not required when simultaneous~~  
16 ~~translation services are available.~~

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

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

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

27 ~~(g) This section is not applicable to decisions regarding~~  
28 ~~proceedings held pursuant to Chapter 5 (commencing with Section~~  
29 ~~11500), relating to administrative adjudication, or to the conduct~~  
30 ~~of those proceedings.~~

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

34 ~~(i) This section is not applicable to agenda items that involve~~  
35 ~~decisions of the Public Utilities Commission regarding adjudicatory~~  
36 ~~hearings held pursuant to Chapter 9 (commencing with Section~~  
37 ~~1701) of Part 1 of Division 1 of the Public Utilities Code. For all~~  
38 ~~other agenda items, the commission shall provide members of the~~  
39 ~~public, other than those who have already participated in the~~  
40 ~~proceedings underlying the agenda item, an opportunity to directly~~

1 address the commission before or during the commission's  
2 consideration of the item:

3 ~~SEC. 10. No reimbursement is required by this act pursuant to~~  
4 ~~Section 6 of Article XIII B of the California Constitution because~~  
5 ~~the only costs that may be incurred by a local agency or school~~  
6 ~~district under this act would result from a legislative mandate that~~  
7 ~~is within the scope of paragraph (7) of subdivision (b) of Section~~  
8 ~~3 of Article I of the California Constitution.~~

9 *SEC. 4. No reimbursement is required by this act pursuant to*  
10 *Section 6 of Article XIII B of the California Constitution because*  
11 *the only costs that may be incurred by a local agency or school*  
12 *district under this act would result either from a legislative*  
13 *mandate that is within the scope of paragraph (7) of subdivision*  
14 *(b) of Section 3 of Article I of the California Constitution, or*  
15 *because this act creates a new crime or infraction, eliminates a*  
16 *crime or infraction, or changes the penalty for a crime or*  
17 *infraction, within the meaning of Section 17556 of the Government*  
18 *Code, or changes the definition of a crime within the meaning of*  
19 *Section 6 of Article XIII B of the California Constitution.*

20 ~~SEC. 11.~~

21 *SEC. 5. The Legislature finds and declares that Sections 4, 5,*  
22 *and 6 1, 2, and 3 of this act, which amend Section Sections 54953,*  
23 *54954.2, and 54954.3 of the Government Code, further, within the*  
24 *meaning of paragraph (7) of subdivision (b) of Section 3 of Article*  
25 *I of the California Constitution, the purposes of that constitutional*  
26 *section as it relates to the right of public access to the meetings of*  
27 *local public bodies or the writings of local public officials and*  
28 *local agencies. Pursuant to paragraph (7) of subdivision (b) of*  
29 *Section 3 of Article I of the California Constitution, the Legislature*  
30 *makes the following findings:*

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

O