

## Fact Sheet: SB 544 Impact to the Bagley-Keene Open Meeting Act

The passage of Senate Bill 544 (SB 544) ushered in significant changes to the Bagley-Keene Open Meeting Act (Act), particularly impacting the dynamics of Full Council Meetings. The Diversion and Juvenile Justice workgroups are designated as "Advisory Bodies"<sup>1</sup> and will also be impacted by these changes. This fact sheet aims to provide a concise understanding of how SB 544 transforms the landscape of public meetings through its sunset date of January 1, 2026.

### **Purpose and Scope:**

SB 544 specifically targets provisions related to meetings held by teleconference. The bill enacts alternative measures under Government Code Section 11123.2 and modifies Section 11123.5, allowing state bodies to conduct meetings in an accessible and transparent manner through electronic means. Information on both sections is provided below.

### **Key Provisions:**

#### **1. Effective Date of Section 11123.2:**

Begins January 1, 2024, to January 1, 2026, providing alternative procedures for holding meetings by teleconference.

#### **2. Definitions:**

Clarifies terms such as,

- "Teleconference" – a meeting where members are at different locations, connected by electronic means.
- "Teleconference Location" – a physical location that is accessible to the public and from which members of the public may participate in the meeting.
- "Remote Location" – a location from which a member of a state body participates in a meeting other than a teleconference location.
- "Participate Remotely" – participation by a member of the body in a meeting at a remote location.

#### **3. Meeting Visibility:**

- a. The teleconferenced meeting must be visible and audible to the public at each teleconference location.
- b. Members must appear on camera unless impracticable due to technical issues, with reasons announced when turning off the camera.

#### **4. Attendance:**

- a. A majority of members must be physically present at the same teleconference location. If there is more than one teleconference location, at least one member must be physically present at each teleconference location.

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<sup>1</sup> "Advisory Body" is a state body created by formal action of the state body or of any member of the state body and consisting of three or more persons. (Section 11121(c).)

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- b. Additional members may attend and participate remotely. A remote location is not accessible to the public and information regarding a remote location shall not be disclosed.
- c. Members attending remotely must disclose the presence of others who are 18 years of age or older in the room and their relationship to the member.

**5. Notice and Agenda Requirements:**

- a. The notice and agenda must include teleconference access information, including a physical address for each teleconference location, for public remote access and in-person attendance.
- b. Agendas must be posted on the state body's website and at each teleconference location.
- c. Notice must comply with Section 11125, which requires, among other things, a minimum 10-day advance notice.

**6. Disability Accommodations:**

The state body must have a procedure for receiving and resolving disability accommodation requests.

**7. Public Participation:**

The public has the right to directly address the state body during teleconferenced meetings without prior written submissions.

**8. Voting and Reporting:**

All votes must be by roll call, and the state body must publicly report actions and each member's votes/abstentions.

**9. Failure of Remote Access:**

If remote public access fails during a meeting and cannot be restored, the state body shall adjourn and provide notice of the adjournment.

**Amendments to Section 11123.5. Key Provisions:**

**1. Multimember Advisory Body Meetings:**

In addition to Sections 11123 and 11123.2, advisory bodies may hold teleconferenced meetings as described in Section 11123.5.

**2. Designation of Primary Meeting Location:**

Advisory bodies must designate a primary physical meeting location where the public can attend, observe, hear, and participate.

**3. CCJBH Staff Presence:**

At least one staff member must be present at the primary physical meeting location during the advisory body's teleconferenced meeting.

**4. Meeting Visibility:**

Members must appear on camera unless impracticable, with reasons announced when turning off the camera.

**Amendments to Section 11124:**

**1. Attendance Conditions:**

- a. No person shall be required to provide personal information as a condition of attending a state body meeting.
- b. Exemption for online platforms requiring information to log in, allowing the use of pseudonyms or anonymous information.