

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 470 (Laird)
Version: February 19, 2025
Hearing Date: April 8, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Bagley-Keene Open Meeting Act: teleconferencing

DIGEST

This bill removes the January 1, 2026 sunset date on certain provisions of law that authorize a state body to meet via teleconference, if specified conditions are met, without requiring each teleconference location to be identified in the notice and agenda and accessible to the public or requiring agendas be posted at all teleconference locations, thereby extending these provisions indefinitely. The bill, by extending these provisions indefinitely, would also remove the requirement that any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to meet via teleconferencing if a quorum of the members are physically present at the primary physical location for the meeting, and instead only require at least one staff member of the state body to be present.

EXECUTIVE SUMMARY

The California Constitution and the Bagley-Keene Open Meeting Act (Bagley-Keene) protects public access to meetings of state bodies. During the COVID-19 pandemic, the need for social distancing made the usual practices for public meetings under Bagley-Keene – in particular, having people group together in indoor spaces – impossible to continue. Governor Newsom, as part of a slew of emergency orders issued in response to the pandemic, suspended many of the requirements under Bagley-Keene for teleconferenced meetings. These teleconference provisions were extended through July 1, 2023 in SB 189 (Committee on Budget, Ch. 48, Stats. 2022), and then extended again in a substantially similar manner, until January 1, 2026, in SB 544 (Laird, Ch. 216, Stats. 2023). This bill seeks to indefinitely remove the sunset date on SB 544, thereby extending them indefinitely. The bill is author sponsored and supported by various organizations that advocate for older adults, caregivers, persons with disabilities, and the California Commission on Aging. The bill is opposed a coalition of diverse organizations representing journalists, businesses, taxpayers, women voters, and first amendment rights advocates, and is also opposed by the California Chamber of

Commerce. The bill passed the Senate Governmental Organization Committee on a vote of 9 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

- 2) Establishes the Bagley-Keene Act, which requires state bodies to conduct their business in open public meetings, except as provided by the Act, and establishes requirements and procedures for such meetings. (Gov. Code § 11120 et seq.)¹
 - a) "State bodies" covered by the Bagley-Keene Act include every state board, commission, or body created by statute or required by law to conduct official meetings, every commission created by executive order, any board or body exercising the authority of a state body by delegation, any advisory body created by formal action of a state body, any state body that is supported by public funds and which a member of a state body serves in their official capacity, and the State Bar of California. (§ 11121.)
 - b) "State bodies" do not include specified legislative agencies, agencies subject to the Brown Act, and certain educational and health-related agencies. (§ 11121.1.)

- 3) Authorizes state bodies subject to the Bagley-Keene Act to provide a teleconferencing option – which may be via audio or audiovisual means – for its meetings for the benefit of the public, subject to certain requirements including that:
 - a) agendas must be posted at all teleconference locations;
 - b) the teleconference meeting must be conducted in a manner that protects the rights of any party or member of the public appearing before the state body;
 - c) each teleconference location must be identified in the notice and agenda of the meeting or proceeding;
 - d) each teleconference location must be accessible to the public;

¹ All further references are to the Government Code unless specified otherwise.

- e) the open portion of the meeting must be audible to the public at the location specified in the notice of the meeting;
 - f) the agenda must provide an opportunity for members of the public to address the legislative body at each teleconference location;
 - g) all votes must be taken via rollcall;
 - h) at least one member of the state body must be physically present at the location specified in the notice of the meeting; and
 - i) the state body must publicly report any action taken and the vote or abstention on that action of each member present for the action (§ 11123.)
- 4) Authorized, until January 1, 2026, an additional option to provide a teleconferencing option for state bodies subject to the Bagley-Keene Act.
- a) Meetings under this option are required to be visible and audible at each teleconference location.
 - b) Requires a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for each teleconference location. The telephonic or online means provided to the public to access the meeting must be equivalent to the telephonic or online means provided to a member of the state body participating remotely.
 - c) Members of the public are to be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments before the meeting or in writing.
 - d) At least one member of the state body shall be physically present at each teleconference location.
 - e) A remote location is not required to be accessible to the public and the notice and agenda is prohibited from disclosing information regarding a remote location.
 - f) If a member of the state body attends the meeting by teleconference from a remote location, the member is required to 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.
 - g) A member attending and participating from a remote location may count toward the majority required to hold a teleconference if both of the following conditions are met: (i) the member has a need related to a physical or mental disability that is not otherwise reasonably accommodated pursuant to the federal Americans with Disability Act of 1990; or (ii) the member notifies the state body at the earliest opportunity possible, including at the start of a meeting, of their need to participate remotely, including providing a general description of the circumstances relating to their need to participate remotely at the given meeting.

- h) Members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except when the appearance would be technologically impracticable or when the visual display of meeting materials, information, or speakers requires the visual appearance of a member of a state body on camera to cease.
 - i) All votes must be taken via rollcall.
 - j) Upon discovering that a means of remote public access and participation has failed during a meeting and cannot be restored, the state body must end or adjourn the meeting in accordance with Government Code Section 11128.5. In addition to any other requirements that apply, the state body must provide notice of the meeting's end or adjournment on the state body's website and by email to any person who has requested notice of meetings of the state body by email. If the meeting will be adjourned and reconvened on the same day, further notice must be provided by an automated message on a telephone line posted on the state body's agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting.
 - k) "Teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.
 - l) "Teleconference location" means a physical location that is accessible to the public and from which members of the public may participate in the meeting.
 - m) "Remote location" means a location from which a member of a state body participates in a meeting other than a teleconference location.
 - n) "Participate remotely" means participation by a member of the body in a meeting at a remote location other than a teleconference location designated in the notice of the meeting. (§ 11123.2)
- 5) Authorizes, until January 1, 2026 and in addition to 3) and 4) above, any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to meet via teleconferencing if certain conditions are met.
- a) Members who participate in a teleconference meeting from a remote location must be listed in the minutes of the meeting.
 - b) Notice to the public at least 24 hours before the meeting must be provided that identifies any member who will participate remotely by posting the notice on its website and by emailing notice to any person who has requested notice of meetings of the state body under this article. The location of a member of a state body who will participate remotely is not required to be disclosed in the public notice or email and need not be accessible to the public.

- c) A primary physical meeting location where the public can attend must be provided and the location must be included in the agenda. One staff member of the state body must be present at the primary physical meeting location during the meeting and an agenda must be posted at the primary physical location. An agenda is not required to be posted at a remote location.
- d) Means by which the public may remotely hear audio of the meeting or remotely observe the meeting must be provided, including, if available, equal access equivalent to members of the state body participating remotely.
- e) The applicable teleconference phone number or internet website, or other information indicating how the public can access the meeting remotely, must be in the 24-hour notice described in subdivision b), above.
- f) Members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except when the appearance would be technologically impracticable or when the visual display of meeting materials, information, or speakers requires the visual appearance of a member of a state body on camera to cease.
- g) Upon discovering that a means of remote public access and participation has failed during a meeting and cannot be restored, the state body must end or adjourn the meeting in accordance with Government Code Section 11128.5. In addition to any other requirements that apply, the state body must provide notice of the meeting's end or adjournment on the state body's website and by email to any person who has requested notice of meetings of the state body by email. If the meeting will be adjourned and reconvened on the same day, further notice must be provided by an automated message on a telephone line posted on the state body's agenda, internet website, or by a similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting. (§ 11123.5.)

This bill:

- 1) Removes the January 1, 2026 sunset date on the provisions of 4) and 5), above, thereby indefinitely extending those alternate teleconference meeting provisions for state bodies.
- 2) Makes legislative findings and declarations about why this limitation on the right to access public meetings is needed.

COMMENTS

1. Stated need for the bill

The author writes:

When the Bagley-Keene Act was adopted in 1967, no one envisioned the computer age. The Americans with Disabilities Act had not been adopted. The idea that citizens could participate in public meetings remotely was not common. The COVID pandemic demonstrated the need to address those changes. The state conducted meetings remotely to continue the public process, and learned of the benefits and drawbacks of virtual participation.

Senate Bill 470 builds upon the successful implementation of SB 544 by removing the January 1, 2026 sunset to enshrine public and disability access in state board and commission meetings, while preserving transparency in the decision-making process. The provisions provide that boards and commissions must have a quorum present in public at one location, require that remote public officials have their camera on, and require remote testimony options for public hearings.

2. Bagley-Keene guarantees public access to the open and public meetings of state bodies

Bagley-Keene generally requires state bodies to conduct their meetings openly and make them accessible to the public. A state body includes boards, commissions, committees, councils, and any other public agency created by state statute or executive order, with some exceptions, and the State Bar. (§ 11121.) The law does not apply to individual officials, advisory committees with no decision-making authority, or the California State Legislature. The law also requires state bodies to provide advance notice of their meetings and agendas and to allow public comments on matters under consideration. (§ 11125.) The law includes certain exceptions, such as closed sessions for discussing personnel issues or pending litigation in order to protect the privacy and legal interests of individuals and the state. (§ 11126.)

State bodies must provide at least ten days' notice before a meeting, specifying the time and location, and post an agenda containing a brief description of each item to be discussed or acted upon. (§ 11125.) The agenda must be made available to the public, and state bodies cannot discuss or take action on items not listed on the agenda, with limited exceptions for emergency situations. (§ 11125.) State bodies must conduct their meetings openly, ensuring that members of the public can attend and participate without any restrictions based on race, gender, disability, or other discriminatory factors. (§ 11123.) The act also requires state bodies to provide reasonable accommodations for individuals with disabilities, ensuring accessibility to meetings and materials. (§ 11123.1.) The public has the right to address state bodies on any agenda

item before or during the meeting. (§ 11125.7.) State bodies must provide opportunities for public comment and cannot prohibit criticism of their policies, procedures, or actions. (*Id.*) They may, however, impose reasonable time limits on public comments to maintain order and facilitate the conduct of business. (*Id.* at subd. (b).)

In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),² which amended the California Constitution to specifically protect the right of the public to access the meetings of public bodies: “The people have the right of access to information concerning the conduct of the people’s business, and therefore the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., art. I, sec. 3 (b)(1).) The California Constitution requires a statute to be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access, and requires a statute that limits the public’s right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

3. COVID-19 changes to how a state body can conduct meetings via teleconference and extension of those changes

In response to the COVID-19 pandemic, Governor Newsom issued an executive order in March 2020 permitting state bodies to hold meetings virtually without requiring a physical location or the posting of the addresses of the teleconference location of all those attending – as is generally required under Bagley-Keene. The waiver of these requirements was extended through July 1, 2023 in SB 189 (Senate Committee on Budget, Ch. 48, Stats. 2022). In 2023, SB 544 (Laird, Ch. 216, Stats. 2023) was enacted and removed the requirements that each teleconference location be identified in the notice and agenda, that agendas be posted at all teleconference locations, and that each teleconference location be accessible to the public. SB 544 built in certain additional guardrails that a state body had to meet if it wanted to use these teleconference provisions.

The argument for why SB 544 was needed centered on concerns with having to post the physical location of all members attending via teleconference and providing public access to that location, as was required pre-COVID. The author and sponsor of SB 544 argued that these existing requirements potentially put members of state bodies at risk by exposing their private addresses to the public and requiring public access the member’s private residence or hotel. This bill seeks to make the changes enacted in SB 544 apply indefinitely. By extending these provisions indefinitely, the bill authorizes a state body to meet via teleconference without requiring each teleconference location to be identified in the notice and agenda and accessible to the public or requiring agendas

² Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).

be posted at all teleconference locations if the guardrails described above are met. The bill would also remove the requirement that any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body to meet via teleconferencing if a quorum of the members are physically present at the primary physical location for the meeting, and instead only require at least one staff member of the state body to be present.

4. Limitation on access to public meetings

The bill's provisions would limit the public's access to public meetings of state bodies by allowing a state body to hold a teleconference meeting without allowing the public to access the locations of where members are participating from, providing notice of where they are participating from, and also not requiring any member of the state body to be present at the one physical location required to be provided to the public for any state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body. For other state bodies, only one member of the state body is required to be present at the one physical location required to be provided to the public.

a. Legislative findings and declarations for the limitation to the access of public meetings

The bill provides the following legislative findings and declarations about why this limitation on the right to access public meetings is needed:

- 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.
- During the COVID-19 public health emergency, audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and those public meetings have been productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, 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.
- Conducting audio and video teleconference meetings enhances public participation and the public's right of access to meetings of the public bodies by improving access for individuals who often face barriers to physical attendance.

b. Author and support's arguments why this limitation is needed

The author and sponsor of SB 544 argued that the Governor's executive order was productive, increased public participation by all members of the public regardless of their location and ability to travel to physical meeting locations, increased the pool of people who are able to serve on these bodies, protected the health and safety of civil servants and the public, reduced travel costs incurred by members of state bodies, and reduced work hours spent traveling to and from meetings. They also argued that conducting audio and video teleconference meetings enhances public participation and the public's right of access to meetings of the public bodies by improving access for individuals that often face barriers to physical attendance. These same arguments are made by the author and supporters of this bill. The Little Hoover Commission, a supporter of the bill, notes that they made similar recommendations on changing Bagley-Keene – allowing for both remote and teleconference access and allowing remote participation by board members without public disclosure of their location – in their 2021 report entitled *The Government of Tomorrow: Online Meetings*.³ LeadingAge California, one of the supporters of the bill, writes that:

“California is expected to have over 10.8 million individuals over the age of 60 by 2030. It is essential to remove obstacles that hinder engagement from older adults and stakeholders in geographically diverse regions. Remote participation allows individuals with mobility challenges, caregiving responsibilities, or limited transportation options to contribute to important policy discussions. These teleconferencing provisions have already proven invaluable in expanding civic engagement and ensuring broad representation in state decision-making processes.”

c. Opposition concerns to limiting public's right of access to public meetings

There is a large and diverse coalition of opposition to the bill, which includes organizations representing journalists, taxpayers, and first amendment rights advocates. They argue that these changes permanently weaken the right to access public meetings as enshrined in the California Constitution and provided for under Bagley-Keene. They are seeking a sunset date of January 1, 2023, so that Bagley-Keene remains more in line with the changes being made to the Brown Act in SB 707 (Durazo, 2024), which amends various teleconferencing provisions under the Brown Act but includes a January 1, 2020 sunset date for those provisions. They note that they are supportive of increased use of teleconferencing when it is used to benefit the public, but that these changes benefit members of state bodies at the expense of the public they are meant to be serving. For example they write:

³ *The Government of Tomorrow: Online Meetings*, Little Hoover Comm. (Jun. 2021), available at <https://lhc.ca.gov/wp-content/uploads/sites/lhc.ca.gov/files/Reports/261/Report261.pdf>.

The stated goal of being able to attract more people to serve in public office is no reason to remove accountability protections. These multi-member bodies, including those that are advisory, wield immense power, influencing policy and priorities in our state. For example, the Peace Officer Standards Accountability Advisory Board created by SB 2, signed into law in 2021 to bring more accountability to policing in California, is tasked with reviewing and recommending when law enforcement officers should be stripped of their badges. This is a process that all stakeholders – impacted families, officers, and the leadership of the agencies that employ them – should be able to observe and engage in. But by virtue of being “advisory” in nature, this important board could arguably avail itself to these relaxed rules and hold these decertification investigations entirely virtually. That which deprives the public a chance to attend, engage, and interact face-to-face with members of that body and those who testify.

They also expressed concerns with the current standard in the bill that a member of the body may cease being on camera if appearance would be technologically impracticable writing:

SB 470 permits public officials to “phone it in” and meet entirely telephonically, because it allows a member of the body to avoid being on video when it is “impracticable.” This creates the potential for the viewing public to tune into a screen filled entirely with empty boxes, leaving people with zero visual cues, forcing them to guess speakers’ voices and addressing public officials by audio only.

The opposition coalition seeks amendments to align the bill with AB 2449 (2022, Ch. 285, Stats. 2022), which provided a more narrow framework for teleconferencing by local agencies subject to the Brown Act which tied use of teleconferencing to “specific hardships, such as health issues or caregiving needs, subject to reasonable caps and other modest provisions that serve the public interest.”

5. Committee amendment

The author has agreed to amend in a sunset date of January 1, 2030, instead of removing the sunset date indefinitely, to address some of the concerns raised by the opposition.

6. Statements in support

The California Commission on Aging (CCoA) writes in support stating:

In 2023, the Legislature recognized the critical need for increased flexibility in public meetings by passing SB 544 (Laird), which provided a pathway for advisory bodies to meet virtually while maintaining transparency and public participation. This was a significant step in modernizing California’s approach to open meetings. SB 470

builds upon that progress by making these provisions permanent, ensuring that public bodies can continue operating in a manner that is both inclusive and efficient.

California's aging population is rapidly growing, and it is essential that appointments to these statewide bodies include older adults and adults with disabilities to ensure policies reflect their needs and experiences. Remote participation removes significant barriers for those with mobility challenges, caregiving responsibilities, or limited transportation options. For the CCoA, a body representing stakeholders from across the state, these teleconferencing provisions have been invaluable in increasing engagement, ensuring diverse representation, and improving overall governmental transparency. SB 470 maintains strong safeguards to ensure accountability and public access, including:

- Requiring a primary physical location for public participation;
- Mandating visible on-camera participation by members during open meetings; and
- Ensuring staff presence at the designated physical location to facilitate public engagement.

By making these provisions permanent, California will avoid unnecessary disruptions to established meeting structures and uphold the principles of open governance while embracing the practical benefits of technology. Passage of this bill is budget neutral and will likely lead to cost savings for the state through reductions in advisory board member travel.

7. Statements in opposition

The opposition coalition, including ACLU California Action, the California News Publishers Association, the First Amendment Coalition, and the League of Women Voters of California, write:

[...] SB 470 prioritizes public officials over the public being served. It gives officials who serve on state bodies and boards the ability to participate in public meetings from secret, remote locations, off camera, untethered to any specific need for an accommodation. Additionally, SB 470 creates an even lower standard of transparency for appointees who serve on so-called "advisory" boards, commissions, committees, and subcommittees, which could meet entirely virtually for all of their meetings, without regard to an emergency or any individuals' personal hardship, depriving the press and public the guarantee of a physical meeting location. [...]

Look to any civil rights or social justice movement in history to see the importance of government doing legislative business in physical meeting places. People can amplify their views through First Amendment-protected activities,

such as wearing matching clothing, holding signs, speaking to the press, and connecting with like-minded or fellow impacted community members. That can't happen during a meeting held entirely in the cloud. This kind of robust public engagement helps appointees to better assess the true human impact of government decisions. Public appointees who are in the same room as a concerned citizen can't just turn down the volume on criticism. Meetings conducted by videoconferencing or that take place with large numbers of public officials being in the cloud deprive Californians – including seniors, people with disabilities and those from marginalized communities – of the ability to engage in ways that level the playing field and ensure their voices are heard in meaningful ways.[...]

SUPPORT

AARP

Alzheimer's Association

California Association of Licensed Investigators

California Coalition on Family Caregiving

California Commission on Aging

California Foundation for Independent Living Centers

California Long Term Care Ombudsman Association

Disability Rights California

Family Caregiver Alliance

LeadingAge California

Little Hoover Commission

OPPOSITION

ACLU California Action

California Broadcasters Association

California Chamber of Commerce

California Common Cause

California News Publishers Association

CCNMA: Latino Journalists of California

First Amendment Coalition

Freedom of the Press Foundation

Howard Jarvis Taxpayers Association

League of Women Voters of California

Media Guild of the West

National Press Photographers Association

Orange County Press Club

Pacific Media Workers Guild, Local 39521

Radio Television Digital News Association

Society of Professional Journalists of Northern California Chapter

RELATED LEGISLATION

Pending Legislation:

SB 707 (Durazo, 2025) makes various changes to the Ralph M. Brown Act, including authorizing provisions relating to teleconferencing of local state agencies until January 1, 2030.

AB 259 (Blanca Rubio, 2025) makes various changes to the Ralph M. Brown Act, including removing the sunset date in certain teleconferencing provisions, thereby extending them indefinitely.

Prior Legislation:

SB 544 (Laird, Ch. 216, Stats. 2023) authorized, until January 1, 2026, state bodies to meet via teleconferencing without requiring each teleconference location to be identified in the notice and agenda, agendas be posted at all teleconference locations, and each teleconference location being accessible to the public if certain requirements are met.

AB 557 (Hart, Ch. 534, Stats. 2023) eliminated the sunset date for allowing local agencies to use teleconferencing without complying with specified teleconferencing requirements during a proclaimed state of emergency.

SB 189 (Committee on Budget and Fiscal Review, Ch. 48, Stats. 2022) among other things, provided a temporary statutory extension for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings, as specified.

AB 1733 (Quirk, 2022) would have updated Bagley-Keene to accommodate teleconferenced meetings as a standard practice, as provided. This bill was never set for a hearing in the Assembly Governmental Organization Committee.

AB 2449 (Rubio, Ch. 285, Stats. 2022) allows, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations and making them publicly accessible under certain conditions.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 9, Noes 1)
