



June 30, 2023

D2023 - 01

TO: All District Agricultural Association CEOs  
SUBJECT: Bagley Keene Exemption Sunset Date – June 30, 2023

Shortly after the beginning of the COVID-19 emergency, Governor Newsom issued Executive Order N-29-20, suspending teleconference meeting requirements and allowing state and local agencies to conduct meetings virtually. [Senate Bill 189, Section 20](#) was passed in 2022, extending the Governor's Executive Order and allowing DAA boards to continue holding meetings with all members via teleconference. **This provision is set to expire on June 30, 2023.** This letter is to provide our DAA's guidance to adhere to Bagley-Keene Open Meeting Act laws.

The Fairs and Exposition Branch is closely following [Senate Bill 544 \(Laird\)](#), which was introduced to expand the accessibility of teleconferenced meetings. During the COVID-19 pandemic, we learned that teleconferencing has become an essential piece of technology for communication and collaboration. SB 544 will make public engagement easier by improving the communication between each other and overall, improving public accessibility by reducing the need to travel for meetings. If successful, SB 544 will take effect January 1, 2024.

Beginning July 1, 2023, DAAs must revert to the 2004 Bagley-Keene Open Meeting Act rules. Below is a short summary/ refresher of the Bagley Keene Act that will take effect July 1, 2023:

#### **Applicability: What is a "Meeting?"**

- Any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.
- In order to call a meeting to order and conduct any votes, a majority of members must be present to meet a quorum (5).

#### **Serial Meetings**

Serial Meetings are prohibited by Bagley-Keene. State law stipulates: "A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any time of business that is within the subject matter of the state body." Serial meetings can be conducted in person or electronically. Serial



meetings can also be conducted through communications with representatives of members acting as intermediaries.

### **Public Notice and Agenda Requirements**

- Notice of Meeting
  - Must be posted online at least 10 days in advance.
  - Must be provided to individuals who request a copy of the notice in writing.
  - Must include date, time, and location of meeting and name, address, and telephone number of contact person for more information.
  - Must include the name of Board Members attending remotely, as well as the location (including address) of where they will be attending.
- Agenda
  - Brief description of items to be discussed at the meeting in either open or closed session.
  - Each item must be sufficiently described to allow the public to determine whether to attend the meeting – a brief description is sufficient.
  - Closed session items must reference specific statutory authority for consideration in closed session.
- Other Considerations
  - Notice, agenda, and supporting documents are public records and must be made available to the public.
  - Board packet documents shall be made available at the board meeting, and available in alternative formats if requested. Govt. Code section 11125.1(b)

### **Attending Remotely**

- For board members to attend remotely, **locations must be open to the public and those locations must be included on the agenda when it is posted 10 days prior to the meeting.**
- Boards may broadcast their meetings via teleconference, Zoom, Microsoft Teams or other web-based services.
- Zoom link or teleconference lines are to be posted on the agenda.

### **Public Participation**

- Members of the public may only comment or participate if attending at a physical location.
- Opportunity to address the state body on all meeting agenda items and on matters not on the agenda, but within the subject matter jurisdiction of the state body.
- The body can elect to consider comments from the public on any matter under the body's jurisdiction.




- No conditions may be set for attendance at or participation in a public meeting, for example:
  - Sign-in or self-identification is not required
  - Cannot prohibit criticism of state body.
  - May limit time per speaker, if necessary, but only if limits apply to all speakers, not only some speakers.
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- All meetings must comply with the Americans with Disabilities Act (ADA)

### **Voting**

- If a teleconference option is available, all votes must be by roll call vote.
- All votes must be recorded in the minutes to show the vote count.

If you have any questions or need additional information, please do not hesitate to contact Sarah Pelle, at 916-900-5368.

Sincerely,



Mike Francesconi  
Branch Chief

