



October 31, 2023

D2023-06

TO: All District Agricultural Association CEOs
SUBJECT: SB 544 – Bagley Keene Open Meeting Act: teleconferencing.

This letter is to inform you of the passage of [SB 544](#) (Laird) **Bagley-Keene Open Meeting Act: teleconferencing**. This bill was signed into law by Governor Newsom on September 22, 2023, and will go into effect on **January 1, 2024**. SB 544 expands teleconferencing provisions enacted prior to the COVID-19 pandemic.

Below is a summary of the revisions to the Bagley-Keene Open Meeting Act as they apply to District Agricultural Associations. All provisions will be in effect beginning **January 1, 2024**. It should be noted that while state bodies are authorized to hold meetings by teleconference, there is no requirement to offer teleconference options.

Definitions:

- “Teleconference” – a meeting of a state body where members are at different locations connected by electronic means using audio, video, or both.
- “Teleconference location” – physical location open to the public where members of the public may participate in meetings of state bodies.
- “Remote location” – the location where a member of a state body participates, that is different from the teleconference location. Remote locations need not be disclosed to the public.
- “Participate remotely” – participation by a member of the state body in a meeting at a remote location different from a teleconference location.

Public Notice:

- Posted online at least 10 days in advance of the meeting.
- Must be provided to individuals who request notice in writing.
- Must include the date, time, teleconference information (if utilized), and physical/teleconference location of the meeting. The name, address, and telephone number of a contact person for more information must also be included.
- The board must implement procedures for responding to requests for reasonable modification and accommodations consistent with the Americans with Disabilities Act. Information should be listed on each Notice and Agenda.



Agenda:

- Must be posted online ten days in advance as well as at each teleconference location on the day of the meeting.
- Must provide the public with an opportunity to address the state body.
- Brief description of items to be discussed at the meeting, in either open or closed session, with sufficient description to allow the public to determine whether to attend the meeting.
- Closed session items must reference specific statutory authority for the meeting in closed session.

Teleconference Requirements (Not common for DAAs to use):

- The portion of meetings required to be open must be visible and audible to the public at each teleconference location.
- At least one member of the state body, not just staff, must be present at each teleconference location.
- A majority of the members of the state body **must** be present at the same teleconference location. Additional members, more than the majority, may attend and participate from a remote location. For example, with a full nine-member board, 5 members must be present at the teleconference location. The remaining four members may attend and participate from a remote location.
 - A member attending from a remote location may count towards the majority if both of the following conditions are met:
 - Member has a need related to a physical or mental disability as defined in Gov't Code [§12926](#) and [§12926.1](#), and
 - Member notifies the state body as soon as possible of the need to participate remotely.
 - The board must approve the exception and request a general description of the circumstances for each meeting the member participates in remotely. It cannot be a generalized approval for remote participation without an end date. Exceptions must be granted on a meeting-by-meeting basis.
- If the teleconference option fails and cannot be restored, the state body shall end and reschedule the meeting with appropriate notice.

Participating Remotely:

- Members participating remotely must disclose whether any other individuals over 18 are present in the same room and their general relationship with those individuals.
- Members must appear visible on camera during the open portion of the meeting. If unable to appear due to connectivity issues, members must announce the reason.



Voting:

All votes taken during a teleconferenced meeting must be by roll call vote. The state body must publicly report on any action taken and vote or abstention of any member.

Public Participation:

- Public access is required at a physical location. If utilizing the teleconference option, the Board must allow members of the public to participate via teleconference to address the state body.
- Opportunity to address the state body on matters not on the agenda, but within the subject matter jurisdiction of the state body, as well as on all agenda items, must be provided.
- No conditions may be set for attendance at or participation in a public meeting, for example:
 - Sign-in or self-identification is not required. If a registration or attendance list is posted at or near the entrance to the meeting, it must state that it is voluntary, and people may attend and comment without signing in.
 - If utilizing teleconference, persons may use a pseudonym to sign in or register. No requirement to use a verified email address or actual name.
 - Cannot require persons making public comments to sign in or complete comment cards ahead of speaking.
 - Cannot prohibit criticism of state body.
 - May limit time for public comment per speaker per topic, if necessary. The allotted time must be established at the outset of the meeting and remain consistent throughout the meeting. Public comment time cannot be changed during the meeting.
- All meetings must comply with the Americans with Disabilities Act (ADA)

If you have any questions or need additional information, please do not hesitate to contact Mike Francesconi, at (916) 900-5365.

Sincerely,

A handwritten signature in blue ink that reads "Michael W. Francesconi". The signature is written in a cursive, flowing style.

Mike Francesconi
Branch Chief