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July 16, 2021

First Supplement to Memorandum 2021-31

Use of Teleconferencing

Memorandum 2020-31 updated the Commission¹ on the law that governs the use of teleconferencing to conduct state agency meetings — the Bagley-Keene Open Meeting Act.²

In early July, the “Little Hoover Commission” issued a report on the same topic. The Executive Summary for that report is attached. The full report can be found here:

<<https://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/261/Report261.pdf>>

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

2. Gov’t Code §§ 11120-11132.

■ Executive Summary

California policymakers must act quickly to update the state's open meeting law – the Bagley-Keene Act – to reflect new technologies and the experience of the past year.

We believe two key reforms will create an updated Bagley-Keene framework that increases public access while capturing the efficiency and cost-saving advantages of new technologies. Results from our survey of state boards and commissions that have met remotely during the pandemic provide a better understanding of their experiences and the benefits of reform.

Increasing Access to All Public Meetings

Online access to public meetings benefits those who traditionally face obstacles in interacting with state government, such as low-income people, rural Californians, and people with physical disabilities. Requiring that state agencies allow the public to access meetings electronically is a simple, cheap and manageable reform that will make California government more transparent.

The Commission recommends that the Legislature and the Governor amend Bagley-Keene to require that boards and commissions provide public access to their meetings in both a physical location and a teleconferencing option.

Removing Barriers to Remote Participation

Over the last year, state boards and commissions have held meetings in which their own members participated via remote technology. Our survey of Bagley-Keene agencies affirms that such meetings offer substantial benefits to the public, including reduced travel costs, a broadening of potential board members and commissioners who are able to serve,

and the ability to meet more often and in a timely way.

However, the traditional requirements of Bagley-Keene – those that were in place before the pandemic and that remain in statute today – make it extremely difficult for board and commission members to participate remotely.

The Commission recommends that the Legislature and the Governor amend Bagley-Keene to allow for the remote participation of board and commission members without required public disclosure and public accessibility to those locations.