

Governor suspends meeting safeguards in Brown and Bagley-Keene Acts in response to coronavirus crisis

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Earlier today Governor Gavin Newsom issued an [Executive Order](#) announcing that he has suspended meeting requirements of the Brown Act and Bagley-Keene Act in response to the increasing threat posed by the Coronavirus.

The order authorizes state and local bodies to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local or state agencies.

The Governor further ordered that “all requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.”

Both the Brown Act and Bagley-Keene Act contain safeguards for the public when a state or local agency meets by teleconference. The Governor expressly suspended these safeguards in the Executive Order.

Specifically, the following teleconference requirements are suspended until the Governor lifts the emergency:

- A. State and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- B. Each teleconference location be accessible to the public;
- C. Members of the public may address the body at each teleconference conference location.
- D. State and local bodies post agendas at all teleconference locations;
- E. At least one member of the state body be physically present at the location specified in the notice of the meeting; and
- F. During teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

The Executive Order requires state and local agencies that meet by teleconference under the order to:

- (i) Give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and use the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) Consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public’s rights of access and public comment otherwise provided for by the Bagley Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the Executive Order urges all state and local bodies to “use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.”

The Order does not affect other key provisions of either act, including requirements to notify the public on each agenda of what is to be discussed at an open or closed session of the teleconferenced meetings, or the ability of the public to obtain agenda packets or other documents used by decision-makers for the meetings. Nor does the order change what the respective bodies are required to publicly report after they meet in closed session.

If you have any questions about the application of the Executive Order please contact CNPA Staff Attorney [Brittney Barsotti](#) (916-288-6006).

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