

Suspension of Brown Act and Bagley-Keene safeguards for teleconference meetings update

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The Governor issued an additional [Executive Order](#), relating to the Brown and Bagley-Keene Acts, which replaced his previous order that loosened safeguards for teleconferencing. In doing so, he reduced additional protections that allow the public to participate in teleconference meetings.

The Executive Order issued on March 17 expressly states that it supersedes the language in the March 12 order, which was previously covered by CNPA [here](#). While most of the order remains the same, local governments are no longer required to provide a public place from which members of the public can participate in the teleconferenced meeting.

Additionally, the order reiterates that notice of meetings must still be provided to the public in accordance with both open meeting laws and that notice must include a means by which the public may observe and offer comment during the meeting. When there is a change in the public means of comment and observation notice must provide notice of the change. Specifically, the order states a body may meet the requirement by advertising the public's means of participation via "the most rapid means of communication available at the time." It is unclear what type of notification would qualify under this language because it is yet to be interpreted by the courts or been applied.

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

- State and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- Each teleconference location be accessible to the public.
- Members of the public may address the body at each teleconference conference location.
- State and local bodies post agendas at all teleconference locations.
- At least one member of the state body be physically present at the location specified in the notice of the meeting. and
- 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.

Finally, it is CNPA's position that state and local bodies should only utilize teleconferencing to address immediate and essential issues arising from the COVID-19 pandemic business and any non-essential business should be tabled to until the crisis is over.

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