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**Bagley-Keene Open Meeting Act (Cal. Gov. Code §§ 11120-11132)**  
**Teleconference and Remote Location Meetings for State Bodies<sup>1</sup>**

Effective January 1, 2024

**Requirements for a Teleconference Meeting:** For purposes of the Bagley-Keene Open Meeting Act, “teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. (Cal. Gov. Code § 11123.2 (a) (1).) A “teleconference location” means a physical location that is accessible to the public and from which members of the public may participate in the meeting. (Cal. Gov. Code § 11123.2 (a) (2).)

- The portion of the teleconferenced meeting that is required to be open to the public shall be visible and audible to the public at each teleconference location. The state body shall provide a means by which the public may remotely hear, observe, address, or attend the meeting. (Cal. Gov. Code §§ 11123.2 (c) and (d) (1).) This means that a video monitor that allows for viewing and audio of the in-person meeting and the teleconference meeting is required.
- Each teleconference location shall be identified in the notice and agenda of the meeting. The meeting notice shall include a physical address for each teleconference location. (Cal. Gov. Code § 11123.2 (d) (2).)
- Each teleconference location shall be accessible to the public. A procedure shall be implemented for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility. Each notice shall state same. (Cal. Gov. Code § 11123.2 (d) (3).)
- Post meeting agendas at all teleconference locations. (Cal. Gov. Code § 11123.2 (g).)
- The agenda shall provide an opportunity for members of the public to address the state body directly at each teleconference location regarding each agenda item prior to action on that item. (Cal. Gov. Code §§ 11123.2 (f) and 11125.7).

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<sup>1</sup> For state bodies that are not “advisory”. For state bodies that are “advisory” please refer to Government Code § 11123.5.

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- At least one member of the state body shall be physically present at each teleconference location. (Cal. Gov. Code § 11123.2 (i).)
- All votes shall be by roll call.
- All other requirements of the Bagley-Keene Open Meeting Act apply.

**Requirements for Remote Location at a Meeting:** Senate Bill 544 (2023-2024) changes the Bagley-Keene Open Meeting Act to facilitate participation for a member of a state body who is unable to travel to an in-person meeting or a teleconference location of the state body. A member who appears remotely does not count towards the majority (quorum) unless their remote attendance is based on a physical or mental disability. Certain findings as described below shall be met for the state body to approve the remote attendance based on a physical or mental disability and, thus, allow that member to count towards the quorum. Once a quorum is met, whether or not the member attending remotely counts towards that quorum, the vote of the remote member counts towards the vote. Unless further legislative action is taken, the provisions of SB 544 will be repealed on January 1, 2026.

For purposes of the Bagley-Keene Open Meeting Act, “remote location” means a location from which a member of the state body participates in a meeting other than in person or a teleconference location. (Cal. Gov. Code §§ 11123.2 (a) (3) and (4).)

- In order for a member of a state body to attend a meeting remotely, a majority of the members of the state body shall be in person at the same location even if there are also teleconference locations, unless the exception stated in Cal. Gov. Code § 11123.1 (j) (2) is met (see below). (Cal. Gov. Code § 11123.2 (j) (1).)
- Members participating from remote locations cannot count towards the majority unless they have a need related to a physical or mental disability and they notify the state body at the earliest opportunity possible of their need to participate remotely, including a general description of circumstance relating to their need to participate remotely. This can be done at the start of the meeting, if necessary. (Cal. Gov. Code § 11123.2 (j) (2).) The state body needs to take action to approve this exception and must request a general description of the circumstance relating to the need to participate remotely for each meeting. The state body cannot request a description that exceeds 20 words or disclosure of any medical information protected under law. (Cal. Gov. Code § 11123.2 (j) (3).)
- Remote locations do not have to be noticed on the agenda, disclosed, open to the public, or accessible. (Cal. Gov. Code § 11123.2 (j) (1).) (This is a distinction from a teleconference location, which is required to be noticed on the agenda, disclosed, open to the public, and accessible.)

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- The public must be able to remotely observe and participate in the meeting. The telephonic or online means provided to the public to access the meeting shall be equivalent to the telephonic or online means provided to a member of the state body participating remotely. (Cal. Gov. Code 11123.2 (d).) For example, if the member of the state body is participating remotely using Zoom members of the public must be able to participate by Zoom.
- A member participating from a remote location must disclose if there are any adults in the room with them and the general nature of the relationship. (Cal. Gov. Code § 11123.2 (j) (4).)
- Members must appear on camera during the open portions of the meeting (provided that meeting materials shown on the screen do not block their appearance) unless they are having problems connecting and turning the camera off would help. If that happens, the member needs to announce their reason for non-appearance. (Cal. Gov. Code § 11123.2 (k).)
- If remote public access to the meeting fails during the meeting and cannot be restored, the state body shall end or adjourn the meeting. The state body shall provide notice of the meeting's end or adjournment on the state body's website and by email to any person who has requested notice of meetings of the state body by e-mail. If the meeting will be adjourned and reconvened on the same day, further notice shall be provided by an automated message on a telephone line posted on the state body's agenda, internet site, or by similar means, that will communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of the meeting or observe the meeting. (Cal. Gov. Code § 11123.2 (o).)
- All votes shall be by roll call.
- All other requirements of the Bagley-Keene Open Meeting Act apply.

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