

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2720**

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**Introduced by Assembly Member Ting**

February 21, 2014

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An act to amend Section ~~11122~~ *11123* of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as amended, Ting. State agencies: meetings: record of action taken.

The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body, as defined, be open and public and all persons be permitted to attend any meeting of a state body. The act defines various terms for its purposes, including “action taken,” which means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision, or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order, or similar action.

This bill would, ~~if the action taken by the members of a state body is a recorded vote, require that the vote be counted and identified in the minutes of the state body~~ *require a state body to publicly report any action taken and the vote or abstention on that action of each member present for the action.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 11123 of the Government Code is  
2 amended to read:

3     11123. (a) All meetings of a state body shall be open and  
4 public and all persons shall be permitted to attend any meeting of  
5 a state body except as otherwise provided in this article.

6     (b) (1) This article does not prohibit a state body from holding  
7 an open or closed meeting by teleconference for the benefit of the  
8 public and state body. The meeting or proceeding held by  
9 teleconference shall otherwise comply with all applicable  
10 requirements or laws relating to a specific type of meeting or  
11 proceeding, including the following:

12     (A) The teleconferencing meeting shall comply with all  
13 requirements of this article applicable to other meetings.

14     (B) The portion of the teleconferenced meeting that is required  
15 to be open to the public shall be audible to the public at the location  
16 specified in the notice of the meeting.

17     (C) If the state body elects to conduct a meeting or proceeding  
18 by teleconference, it shall post agendas at all teleconference  
19 locations and conduct teleconference meetings in a manner that  
20 protects the rights of any party or member of the public appearing  
21 before the state body. Each teleconference location shall be  
22 identified in the notice and agenda of the meeting or proceeding,  
23 and each teleconference location shall be accessible to the public.  
24 The agenda shall provide an opportunity for members of the public  
25 to address the state body directly pursuant to Section 11125.7 at  
26 each teleconference location.

27     (D) All votes taken during a teleconferenced meeting shall be  
28 by rollcall.

29     (E) The portion of the teleconferenced meeting that is closed  
30 to the public may not include the consideration of any agenda item  
31 being heard pursuant to Section 11125.5.

32     (F) At least one member of the state body shall be physically  
33 present at the location specified in the notice of the meeting.

34     (2) For the purposes of this subdivision, “teleconference” means  
35 a meeting of a state body, the members of which are at different  
36 locations, connected by electronic means, through either audio or  
37 both audio and video. This section does not prohibit a state body  
38 from providing members of the public with additional locations

1 in which the public may observe or address the state body by  
2 electronic means, through either audio or both audio and video.

3 *(3) The state body shall publicly report any action taken and*  
4 *the vote or abstention on that action of each member present for*  
5 *the action.*

6 ~~SECTION 1. Section 11122 of the Government Code is~~  
7 ~~amended to read:~~

8 ~~11122. As used in this article “action taken” means a collective~~  
9 ~~decision made by the members of a state body, a collective~~  
10 ~~commitment or promise by the members of the state body to make~~  
11 ~~a positive or negative decision, or an actual vote by the members~~  
12 ~~of a state body when sitting as a body or entity upon a motion,~~  
13 ~~proposal, resolution, order or similar action. If the action taken by~~  
14 ~~the members of a state body is a recorded vote, the vote shall be~~  
15 ~~counted and identified in the minutes of the state body.~~