

AMENDED IN ASSEMBLY JUNE 17, 2013

AMENDED IN SENATE MAY 2, 2013

AMENDED IN SENATE APRIL 11, 2013

**SENATE BILL**

**No. 751**

---

---

**Introduced by Senator Yee**

February 22, 2013

---

---

An act to amend Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 751, as amended, Yee. Meetings: publication of action taken.

The Ralph M. Brown Act requires all meetings of the legislative body of a local agency, as defined, to be open and public and prohibits the legislative body from taking action by secret ballot, whether preliminary or final.

This bill would additionally require the legislative body of a local agency to publicly report any action taken and the vote or abstention on that action of ~~every~~ *each* member present *for the action, thereby imposing a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 54953 of the Government Code is  
2 amended to read:

3 54953. (a) All meetings of the legislative body of a local  
4 agency shall be open and public, and all persons shall be permitted  
5 to attend any meeting of the legislative body of a local agency,  
6 except as otherwise provided in this chapter.

7 (b) (1) Notwithstanding any other provision of law, the  
8 legislative body of a local agency may use teleconferencing for  
9 the benefit of the public and the legislative body of a local agency  
10 in connection with any meeting or proceeding authorized by law.  
11 The teleconferenced meeting or proceeding shall comply with all  
12 requirements of this chapter and all otherwise applicable provisions  
13 of law relating to a specific type of meeting or proceeding.

14 (2) Teleconferencing, as authorized by this section, may be used  
15 for all purposes in connection with any meeting within the subject  
16 matter jurisdiction of the legislative body. All votes taken during  
17 a teleconferenced meeting shall be by rollcall.

18 (3) If the legislative body of a local agency elects to use  
19 teleconferencing, it shall post agendas at all teleconference  
20 locations and conduct teleconference meetings in a manner that  
21 protects the statutory and constitutional rights of the parties or the  
22 public appearing before the legislative body of a local agency.  
23 Each teleconference location shall be identified in the notice and  
24 agenda of the meeting or proceeding, and each teleconference  
25 location shall be accessible to the public. During the teleconference,  
26 at least a quorum of the members of the legislative body shall  
27 participate from locations within the boundaries of the territory  
28 over which the local agency exercises jurisdiction, except as  
29 provided in subdivision (d). The agenda shall provide an  
30 opportunity for members of the public to address the legislative  
31 body directly pursuant to Section 54954.3 at each teleconference  
32 location.

33 (4) For the purposes of this section, “teleconference” means a  
34 meeting of a legislative body, the members of which are in different  
35 locations, connected by electronic means, through either audio or  
36 video, or both. Nothing in this section shall prohibit a local agency  
37 from providing the public with additional teleconference locations.

1 (c) (1) No legislative body shall take action by secret ballot,  
2 whether preliminary or final.

3 (2) The legislative body of a local agency shall publicly report  
4 any action taken and the vote or abstention on that action of ~~every~~  
5 *each* member present *for the action*.

6 (d) (1) Notwithstanding the provisions relating to a quorum in  
7 paragraph (3) of subdivision (b), when a health authority conducts  
8 a teleconference meeting, members who are outside the jurisdiction  
9 of the authority may be counted toward the establishment of a  
10 quorum when participating in the teleconference if at least 50  
11 percent of the number of members that would establish a quorum  
12 are present within the boundaries of the territory over which the  
13 authority exercises jurisdiction, and the health authority provides  
14 a teleconference number, and associated access codes, if any, that  
15 allows any person to call in to participate in the meeting and that  
16 number and access codes are identified in the notice and agenda  
17 of the meeting.

18 (2) Nothing in this subdivision shall be construed as  
19 discouraging health authority members from regularly meeting at  
20 a common physical site within the jurisdiction of the authority or  
21 from using teleconference locations within or near the jurisdiction  
22 of the authority. A teleconference meeting for which a quorum is  
23 established pursuant to this subdivision shall be subject to all other  
24 requirements of this section.

25 (3) For purposes of this subdivision, a health authority means  
26 any entity created pursuant to Sections 14018.7, 14087.31,  
27 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
28 and Institutions Code, any joint powers authority created pursuant  
29 to Article 1 (commencing with Section 6500) of Chapter 5 of  
30 Division 7 for the purpose of contracting pursuant to Section  
31 14087.3 of the Welfare and Institutions Code, and any advisory  
32 committee to a county sponsored health plan licensed pursuant to  
33 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
34 Health and Safety Code if the advisory committee has 12 or more  
35 members.

36 (4) This subdivision shall remain in effect only until January 1,  
37 2018.

38 SEC. 2. No reimbursement is required by this act under Section  
39 6 of Article XIII B of the California Constitution because the only  
40 costs that may be incurred by a local agency or school district

1 under this act are the costs of complying with Chapter 9  
2 (commencing with Section 54950) of Part 1 of Division 3 of Title  
3 5 of the Government Code. Subdivision (c) of Section 36 of Article  
4 XIII of the California Constitution provides that costs of this type  
5 are not reimbursable.

O