



San Bernardino County Employees'
Retirement Association

MEMORANDUM

DATE August 5, 2021
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TO **BOARD OF TRUSTEES**
San Bernardino County Employees'
Retirement Association

SUBJECT **REVIEW CALIFORNIA LEGISLATION 2021 - 2022**

2021 – 2022 Legislative Term Update

Summer recess for the Legislature commenced on July 16, 2021. However, prior to the summer recess, the Legislature presented Assembly Bill 845 to Governor Newsom for signature and several days later, on July 23, 2021, Governor Newsom signed the bill. AB 845, now chaptered as Government Code sections 7523, 7523.1, and 7523.2, introduces a COVID-19 presumption applicable to a governing board of a public retirement system. The new law becomes effective on January 1, 2022 and remains in effect until January 1, 2023. Under the presumption, a person in a specified job class or a person working in an office during a COVID 19 outbreak contracts COVID-19 and disability or death results, the disability or death is presumed to be service connected. Staff is drafting new forms, as well as updating existing forms regarding the disability retirement and active death processes in anticipation of the new law taking effect on January 1, 2022.

Aside from the Governor signing AB 845 into law, when the Legislature reconvenes from recess on August 16, 2021, it will have three weeks to complete its work. The Senate will likely take up Assembly Bill 826, which proposes to amend the definition of compensation earnable in Government Code section 31461. The bill's author drafted language to include in compensation earnable pay elements that are available to any person in the grade or class, which is in stark contrast to what is required currently under the existing law. In addition, the bill could likely pose issues to CERL systems who have implemented the *Alameda* directives, specifically, since the author proposed language that would include items as compensation earnable unless the items are

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expressly excluded in Government Code section 31461. Furthermore, the bill's language would permit the inclusion of an item if the Board has yet to take any formal action to exclude the item. However, it is unclear as to the meaning of what constitutes a formal action. This alone has the potential to undo a Board's previous action on the exclusion of a pay item if for example the member is still in the process of appealing the Board's decision. The author is attempting to address an issue that is unique to Ventura County, which has a long-standing practice of including in-kind benefits in compensation earnable. The author may not clearly understand that the bill could undo much of the implementation CERL systems, such as SBCERA, have done after publication of the *Alameda* case. Staff is drafting a letter to the bill's author regarding the issues with the bill.

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2021 Legislative Calendar

AUGUST 2021

- Aug. 16 Legislature reconvenes from Summer Recess
- Aug. 27 Last day for fiscal committees to meet and report bills.
- Aug 30 – Last day for fiscal committees to meet and report to the floor
Sept. 10 bills introduced in their house.

SEPTEMBER 2021

- Sep. 3 Last day to amend bills on the floor.
- Sep. 10 Last day for any bill to be passed. Interim Recess begins upon adjournment.

OCTOBER 2021

- Oct. 10 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 10 and in the Governor's possession on or after Sept. 10, 2021.

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ASSEMBLY AND SENATE BILLS

* Updated status reflected in red.

I. County Employees' Retirement Law

AB 845 Disability Retirement: COVID 19 Presumption

Subject: An act to add and repeal Article 5 (commencing with Section 7523) to Chapter 21 of Division 7 of Title 1 of the Government Code, relating to retirement.

Status: Chaptered July 23, 2021 effective January 1, 2022.

Existing law, until 2023, defines "injury" for purposes of workers' compensation insurance to include illness or death resulting from the 2019 novel coronavirus disease (COVID-19) under specified circumstances, and creates a disputable presumption, as specified, that the injury arose out of the course of employment and is compensable. This presumption is applicable to specified public safety, firefighter, and medical occupation, among others, as specified.

Existing law prescribes various requirements for the organization and administration of public retirement systems, which typically provide pension, disability, and death benefits to their members. These systems are governed by their boards of administration, to which the California Constitution grants the sole and exclusive responsibility to administer the system in a manner that will ensure prompt delivery of benefits and related services.

Existing law provides that participants in certain membership categories may be entitled to special benefits if death or disability arises in the course of employment. The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with that act and establishes, among other things, limits on defined benefit formulas and caps on pensionable compensation.

This bill, until January 1, 2023, would create a presumption, applicable to the retirement systems that PEPRA regulates and to specified members in those systems, that would be applied to disability retirements on the basis, in whole or in part, of a COVID-19-related illness. In this circumstance, the bill would require that it be presumed the disability arose out of, or in the course of, the member's employment. The bill would authorize the presumption to be rebutted by evidence to the contrary, but unless controverted, the board of administration of the applicable retirement system would be required to find in accordance with the presumption. The bill would apply this presumption to members employed in specified firefighter, public safety officer, and health care job classifications,

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or their functional equivalents, and to members in other job classifications who test positive for COVID-19 during an outbreak of the disease at their places of employment, as defined.

AB 1354 Public Employees Retirement: Returning Retiree

Subject: An act to amend Section 7522.56 of the Government Code, relating to public employees' retirement.

Status: Read first time on February 22, 2021.

Existing law, the California Public Employees' Pension Reform Act of 2013, prescribes various limits on public employee retirement systems and public employers, as specified. The act generally prohibits a retired person from being employed by a public employer in the same public retirement system from which the retiree receives pension benefits without reinstatement from retirement into that system, subject to certain exceptions.

This bill would make nonsubstantive changes to that provision.

SB 634 Public Employment and Retirement

Subject: An act to amend Sections 22011, 22802, 24204, and 26804 of the Education Code, and to amend Sections 20320, 20322, 20324, 31530, 31565.5, 31680.2, 31680.3, 31732, and 31781.2 of, to add Section 21499.1 to, and to repeal Section 31641.8 of, the Government Code, relating to retirement.

Status: July 15, 2021, in Senate. Concurrence in Assembly amendments pending.

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions for the purpose of providing pension, disability, and death benefits to county and district employees. CERL vests management of the retirement systems created pursuant to its provisions in a board of retirement. CERL requires the county health officer to advise the board on medical matters and, if requested, attend its meetings.

This bill would authorize a county health officer's duly authorized representative to also advise the board of retirement with advice on medical matters.

CERL authorizes a member of a system established under its provision who ceases to be an employee of the county under certain provisions of the Education Code to elect to remain a member of the CERL system.

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This bill would correct an obsolete cross-reference in this regard.

CERL provides benefits based upon service credit, defines service for this purpose, and authorizes a member to elect to receive service credit for other forms of public service, as defined, by making contributions. CERL authorizes a member who has elected to make contributions to receive service credit to complete payment, at any time prior to the effective date of the member's retirement, by a lump sum.

This bill would repeal the above-described authority of a member to complete a payment by lump sum.

CERL requires a board of retirement to secure medical, investigatory, and other service and advice as is necessary for the purpose of administering provisions relating to disability retirement.

This bill would authorize the board to contract with a physician in private practice for the medical advice necessary to carry out the purpose of provisions relating to disability retirement.

This bill would make various technical and stylistic changes.

II. Employment

AB 55 Employment: Telecommuting.

Subject: Declaration of Intent

Status: Introduced December 7, 2020. May be heard in committee January 7.

Existing law promotes and develops the welfare of workers in California to improve working conditions and advance opportunities for profitable employment. Existing law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry.

This bill would declare the intent of the Legislature to enact future legislation to ensure certain rights and benefits for telecommuting employees.

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AB 95 Employees: Bereavement Leave.

Subject: An act to add Part 5.7 (commencing with Section 1515) to Division 2 of the Labor Code, relating to employment.

Status: May 20, 2021 – In Committee – Hearing postponed by committee.

Existing law provides employees with the right to take time off work without discharge or discrimination for a variety of reasons, including taking time off to appear in school on behalf of a child or to assist a family member who is the victim of a violent or serious felony.

This bill would enact the Bereavement Leave Act of 2021. The bill would require an employer with 25 or more employees to grant an employee up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions.

The bill would require an employer with fewer than 25 employees to grant up to 3 business days of leave, in accordance with these provisions. The bill would prohibit an employer from interfering with or restraining the exercise or attempt to exercise the employee's right to take this leave. This bill would authorize an employee who has been discharged, disciplined, or discriminated or retaliated against for exercising their right to bereavement leave to file a complaint with the Division of Labor Standards Enforcement or bring a civil action against their employer for reinstatement, specified damages, and attorney's fees. The provisions of the bill would not apply to an employee who is covered by a valid collective bargaining agreement that provides for bereavement leave and other specified working conditions.

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AB 230 Employment: Flexible Work Schedule

Subject: An act to amend Section 510 of, and to add Section 511.5 to, the Labor Code, relating to employment.

Status: January 28, 2021 – Referred to Com. on L. & E.

Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked. Existing law authorizes the adoption by $\frac{2}{3}$ of employees in a work unit of alternative workweek schedules providing for workdays no longer than 10 hours within a 40-hour workweek.

This bill would enact the Workplace Flexibility Act of 2021. The bill would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday, except as specified. The bill would require that the flexible work schedule contain specified information and the employer's and the employee's original signature. The bill would also require the Division of Labor Standards Enforcement in the Department of Industrial Relations to enforce this provision and adopt regulations.

AB 237 Public Employment: Unfair Practices Health Protection

Subject: An act to add Chapter 9.4 (commencing with Section 3140) to Division 4 of Title 1 of the Government Code, relating to public employment.

Status: July 7, 2021, re-refer to Com. on APPR.

Existing law establishes the Public Employment Relations Board (PERB) in state government for the purpose of resolving disputes and enforcing the statutory duties and rights of specified public employers and employees under various acts regulating collective bargaining, including the Meyers-Miliias-Brown Act. Under existing law, PERB has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice.

This bill, the Public Employee Health Protection Act, would make it an unfair practice for a covered employer, as defined, to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in the authorized strike, at the level

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and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike. The bill would also make it an unfair practice for a covered employer to fail to collect and remit the employee's contributions, if any, to this coverage, or to maintain any policy purporting to authorize an action prohibited by this provision or otherwise threaten an employee or their dependents' continued access to health or medical care during or as a result of the employee's participation in a strike. The bill would require the restoration of health or other medical care premiums, contributions, or out-of-pocket expenses actually paid by the employee or their dependents as a result of the employer's violation of this provision, or because the employer failed to ensure continued coverage during a strike, and would require other equitable adjustments to ensure that the employee and their dependents are made whole, as specified.

The bill would define "covered employer" to include any public employer, as specified, that offers health care or other medical coverage for nonoccupational injuries or illness to its employees. The bill would grant PERB jurisdiction over any violation of these provisions as an unfair practice, with specified enforcement powers and duties, including adjudication of claims. By requiring unfair practice claims against local public employers to be adjudicated before PERB, this bill would impose 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.

AB 513 Employment: Telecommuting Employees.

Subject: An act to add Chapter 5 (commencing with Section 1410) to Part 4 of Division 2 of the Labor Code, relating to employment.

Status: March 18, 2021 – Re-referred to Com. on L. & E.

Existing law regulates the wages, hours, and working conditions of any worker employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified.

This bill would authorize an employee working from home or a remote location not at the physical location of the employer to receive legally required notices and postings electronically and sign or acknowledge certain documents electronically. The bill would also authorize an employee who works from home or a remote location to have any wages due at the time of separation of employment mailed to the employee using the address the employer has on file for the employee for sending notices. The bill would require the wages to be deemed paid on the date of mailing.

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AB 654 COVID-19 Exposure: Notification

Subject: An act to amend Section 6409.6 of the Labor Code, relating to occupational safety, and declaring the urgency thereof, to take effect immediately.

Status: July 15, 2021, read third time and amended.

Under existing law, if an employer or representative of the employer receives a notice of potential exposure to COVID-19, the employer is required to take specified actions within one business day of the notice of potential exposure to, among other things, provide written notice to all employees on the premises at the worksite that they may have been exposed to COVID-19 and to report related information to the local public health department. Existing law also requires the State Department of Public Health to make workplace industry information received from local public health departments pursuant to these provisions available on its internet website in a manner that allows the public to track the number and frequency of COVID-19 outbreaks and the number of COVID-19 cases and outbreaks by industry reported by any workplace.

This bill would require the State Department of Public Health to make workplace and industry information received from local public health departments available on its internet website in a manner that, among other things, allows the public to track the number of COVID-19 cases and outbreaks by both workplace and industry.

This bill would declare that it is to take effect immediately as an urgency statute.

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SB 270 Public Employment: Labor Relations: Employee Information

Subject: An act to amend Section 3558 of the Government Code, relating to public employment.

Status: Referred to Coms. On P.E. & R. and JUD – June 10, 2021

Existing law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees.

Existing law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. Existing law also requires the public employers to provide this information for all employees in a bargaining unit at least every 120 days, except as specified. Existing law requires the Public Employment Relations Board to have jurisdiction over violations of these requirements and to have certain powers and duties related to enforcement of these requirements, except as specified.

This bill, commencing July 1, 2022, would authorize an exclusive representative to file a charge of an unfair labor practice with the board, as specified, alleging a violation of the above-described requirements only if specified conditions are met, including that the exclusive representative gives written notice of the alleged violation and that the public employer fails to cure the violation, as specified. The bill would limit a public employer's opportunity to cure certain violations.

This bill would subject a violator to a penalty, not to exceed \$10,000, to be determined by the board based on specified criteria, and would require the penalty to be deposited in the General Fund. The bill would require the board to award a party who prevails in these circumstances specified attorney's fees and costs.

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III. Fair Political Reform Act and Public Records Act

AB 20 Political Reform Act of 1974: The Clean Money Act of 2021 (Lee)

Subject: An act to add Section 85322 to the Government Code, relating to the Political Reform Act of 1974.

Status: March 2, 2021 – Referred to Com. on Elections. [\[Fiscal Committee\]](#)

The Political Reform Act of 1974 imposes various limitations on contributions that may be made to, or accepted by, candidates for elective office. A violation of the act's provisions is punishable as a misdemeanor and subject to specified penalties.

This bill, the ~~Clean Money Act of 2021~~ [Corporate Free Elections Act](#), would prohibit a candidate for elective office from receiving a contribution from a business entity, and a business entity from making a contribution to a candidate for elective office, and would make related findings and declarations. By expanding the scope of existing crimes with regard to contribution limitations, this bill would impose a state-mandated local program.

AB 473 California Public Records Act

Subject: An act to add and repeal Article 3 (commencing with Section 6276.50) of Chapter 3.5 of Division 7 of, and to add Division 10 (commencing with Section 7920.000) to, Title 1 of the Government Code, relating to public records.

Status: [July 8, 2021, ordered to third reading.](#)

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.

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AB 474 California Public Records Act: Conforming Revisions

Subject: An act to amend sections of Public Records Act

Status: July 8, 2021, ordered to third reading.

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill would enact various conforming and technical changes related to another bill that recodifies and reorganizes the California Public Records Act. The bill would only become operative if the related bill recodifying the act is enacted and becomes operative on January 1, 2023. The bill would also specify that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before January 1, 2022, and that affects a provision of this bill shall prevail over this act, except as specified.

SB 459 Political Reform Act of 1974: Lobbying

Subject: An act relating to the Political Reform Act of 1974.

Status: July 6, 2021 – Read second time and amended. Re-referred to Com. on APPR.

Existing law, the Political Reform Act of 1974, regulates the activities of lobbyists, lobbying firms, and lobbyist employers in connection with attempts to influence legislative and administrative action by legislative and other state officials, including by requiring that lobbyists, lobbying firms, and lobbyist employers register and file periodic reports with the Secretary of State.

This bill would state the intent of the Legislature to enact legislation to increase transparency and public access to lobbying information illustrating how money is spent to influence the actions of California's government.

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IV. Local Government

AB 339 Local Government: Open Meetings [Active Bill – In Committee Process]

Subject: An act to amend Sections 54953, 54954.2 the Government Code, relating to public meetings.

Status: July 14, 2021 –Re-refer to Com. on APPR

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime

This bill would require all meetings to include an opportunity for-members of the public to attend via a-telephonic option-and an internet-based service-option. The bill would-require all meetings to include an in-person public comment–opportunity, except in specified circumstances during a declared state or local emergency.

The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via-a telephonic and an internet-based-service option, as provided, and would-specify requirements for public comment registration. The bill would also require the legislative bodies of the local agency to–provide interpretation services as requested, and have a system to process requests for interpretation services and publicize that system online.

This bill would require legislative bodies of local-agencies to make available instructions-on joining the meeting–to all non-English-speaking persons upon request, and publish the instructions in the 2 most spoken languages other than English within the local agency’s jurisdiction.

By imposing new duties on local governments and expanding the application of a crime with respect to meetings, this bill would impose a state-mandated local program

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AB 361 Open Meetings: Local Agencies: Teleconferences [Active Bill – In Committee Process]

Subject: An act to amend Section 54953 of the Government Code

Status: July 15, 2021, read second time. Ordered to third reading.

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. **The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.**

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances, and authorizes a specified legislative body or an official designated to proclaim a local emergency. Existing law allows a local health officer to declare a local public health emergency, which, after 7 days, must be ratified by the county board of supervisors, or city council, as applicable, in order to remain in place. Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a

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legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, as provided, to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. **The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from submitting public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified. The bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. When there is a continuing state of emergency, local emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.**

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

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AB 703 Open Meetings: Local Agencies: Teleconferences [Active Bill In Committee Process]

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

Status: May 3, 2021 Re-referred to Com. on L.Gov.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order N-29-20, to improve and enhance public access to local agency meetings into the

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future, and considering the digital age, by allowing broader access through teleconferencing options.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

SB 274 Local Government: Meetings, agenda and documents [Active Bill In Committee Process]

Subject: An act to amend Section 54954.1 of the Government Code, relating to local government.

Status: **July 8, 2021, ordered to third reading.**

Existing law, the Ralph M. Brown Act, requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Existing law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person.

This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified. By requiring local agencies to comply with these provisions, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

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This bill would make legislative findings to that effect.

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.

End of Memo.

BMH:ycb