

Newsom's Executive Order on COVID-19 Loosens Teleconference Rules for Public Meetings under the Brown Act and Bagley-Keene Act

Formats the Html codes.FormatFix the Html to be XHTML compliantFix Write Validate that the text is XHTML compliant.Validate Proofing

On March 12, 2020, Governor Newsom issued Executive Order N-25-20 ("Executive Order") in response to the COVID-19 pandemic, invoking the Governor's authority under the Emergency Services Act under Government Code section 8572. [The Executive Order is available here.](#) While the Executive Order includes 11 separate paragraphs authorizing a wide variety of actions to protect the health and safety of California residents, paragraph 11 is of particular importance to state and local public agencies as it suspends provisions of the Brown Act and Bagley-Keene Act to allow for greater flexibility to hold public meetings via telephone conference. Specifically, paragraph 11 of the Executive Order states as follows:

... a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events.

The Executive Order goes on to expressly suspend all provisions in the Brown Act and Bagley-Keene Act that require:

- 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 location;
- state and local bodies post agendas at all teleconference locations;
- at last one member of the state body be physically present at the location specified in the notice of the meeting; and
- at least a quorum of the members of a local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction



by David S. Gehrig

However, the local body must still provide notice of the public meeting as required in the Brown Act and Bagley-Keene Act, and also provide at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting.

The greater flexibility provided by the Executive Order will be useful in protecting the health and safety of local public agency board members, staff, and members of the public during the COVID-19 pandemic without halting progress on the public's business or eliminating public access to decision-making. Agencies may choose to take additional precautions such as including language in their agendas advising those who are sick to please consider participating in meetings remotely.

The California Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <https://cdph.ca.gov/covid19>.

For more information, please contact:

David S. Gehrig, Partner
415-995-5063
dgehrig@hansonbridgett.com