



CITY OF  
LOS ANGELES  
CALIFORNIA



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## WEST HILLS NEIGHBORHOOD COUNCIL

### JOINT BOARD AND GOVERNMENT RELATIONS COMMITTEE ONLINE AND TELEPHONIC MEETING AGENDA

**MONDAY, JANUARY 23, 2023, AT 7:30PM**

In conformity with the September 16, 2021, enactment of California Assembly Bill 361 (Rivas) and due to concerns over Covid-19, the meeting will be conducted entirely with a call-in option or internet-based service option. All are invited to attend and participate.

**To attend online** via Zoom Webinar, click or paste the following link into your browser:  
**<http://zoom.us/j/97175160378>**

**To call in by phone**, dial **(669) 900-6833**, then punch in this Webinar code when prompted: **971 7516 0378**.

This meeting is open to the public. Comments on matters not on the agenda will be heard during the Public Comment period. Those who wish to speak on an agenda item will be heard when the item is considered.

#### **AB 361 Updates:**

Public comment cannot be required to be submitted in advance of the meeting; only real-time public comment is required. If there are any broadcasting interruptions that prevent the public from observing or hearing the meeting, the meeting must be recessed or adjourned. If members of the public are unable to provide public comment or be heard due to issues within the Neighborhood Council's control, the meeting must be recessed or adjourned.

- Call to Order
- Review minutes from December 19, 2022
- Comments from the Co-Chairs
- Public Comment

#### **NEW BUSINESS**

- Discussion of Assembly Bill 2449 ("AB 2449"), effective as of January 1, 2023, regarding teleconference participation by members of legislative bodies for and during public meetings.
- Discussion and Possible Action on **Council File 23-0002-S16**, Los Angeles Neighborhood Council System / Remote Meetings / Ralph M. Brown Act Amendment (to allow Neighborhood Councils to meet virtually in perpetuity).
- Discussion and Possible Action on **Council File 23-002-S17**, Local Legislative Bodies / Virtual Meetings / Ralph M. Brown Act Amendment (to allow Neighborhood Councils to meet virtually in perpetuity).
- Discussion and Possible Action regarding proposed statement regarding the need of Neighborhood Councils to continue to meet virtually.

- Discussion of Assembly Bill 2647, regarding Distribution of Public Meeting Materials.
- Discussion of Senate Bill 1100, regarding Removal of Disruptive Individuals.

**Public input at Neighborhood Council meetings:** When prompted by the presiding officer, members of the public may address the committee on any agenda item before the committee takes an action on the item by punching in \*9 (if calling in by phone) or by clicking on the “raise hand” button (if participating online through Zoom) and waiting to be recognized. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on matters not appearing on the agenda that are within the committee’s jurisdiction will be heard during the General Public Comment period. Please note that under the Ralph M. Brown Act, the committee is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future committee meeting. Public comment is limited to 2 minutes per speaker, unless adjusted by the presiding officer of said committee.

**Notice to Paid Representatives** - If you are compensated to monitor, attend, or speak at this meeting, city law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§ 48.01 et seq. More information is available at [ethics@lacity.org/lobbying](mailto:ethics@lacity.org). For assistance, please contact the Ethics Commission at (213) 978-1960 or [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org)

**Public Posting of Agendas:** WHNC agendas are posted for public review at Shadow Ranch Park, 22633 Vanowen St., West Hills, CA 91307 or at our website, [www.westhillsnc.org](http://www.westhillsnc.org) You can also receive our agendas via email by subscribing to the City of Los Angeles Early Notification System at [www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index](http://www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index)

**The Americans With Disabilities Act:** As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three business days (72 hours) prior to the meeting you wish to attend by contacting via email [NCsupport@lacity.org](mailto:NCsupport@lacity.org) or calling (213) 978-1551. If you are hearing impaired, please call 711.

**Public Access of Records:** In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at the meeting where such writing was considered or by contacting the WHNC’s executive director via email at [michelle.ritchie@westhillsnc.org](mailto:michelle.ritchie@westhillsnc.org) Requests can be made for a copy of a record related to an item on the agenda.

**Reconsideration and Grievance Process:** For information on the WHNC’s process for board action reconsideration, stakeholder grievance policy or any other procedural matters related to this Council, please consult the WHNC Bylaws. The Bylaws are available at our website, [www.westhillsnc.org](http://www.westhillsnc.org)

**Servicios De Traduccion:** Si require servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes delevanto. Por favor contacte [Michelle.Ritchie@westhillsnc.org](mailto:Michelle.Ritchie@westhillsnc.org)



WEST HILLS NEIGHBORHOOD COUNCIL

**JOINT GOVERNMENT RELATIONS COMMITTEE/BOARD  
MEETING MINUTES  
Telephonic and Online  
December 19, 2022**

Revised December 20, 2022

Attendance: Aida Abkarians, Faye Barta, Clarice Chavira, Saif Mogri, Steve Randall, Myrl Schreibman, Brad Vanderhoof, and Joanne Yvanek-Garb

Committee Members Absent: Mark Neudorff, and Joan Trent

Other Board members in Attendance: None

- Co-chair Joanne Yvanek-Garb called the meeting to order at 6:30 PM. A quorum was established.
- Review minutes from June 23, 2022, June 30, 2022, and October 17, 2022 – minutes approved with minor amendments.
- Comments from the Co-Chairs: None
- Public Comment: Lionel Mares advocated for more bicycle friendly infrastructure and more bus service.

**NEW BUSINESS**

- Council File 23-0002-S1, Independent Redistricting Process / New Commission / New Redistricting Maps / City of Los Angeles / April 2023 Special Election:

CIS in support

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Yes, Saif Mogri – Yes, Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreibman – Yes, Joan Trent – Absent, Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes

Yes – 8, No – 0, Abstain – 0, Absent – 2, Ineligible – 0, Recused – 0

The CIS passes and will be sent to the WHNC Board.

- Council File 22-1285, Rules of the City Council / Censured Councilmember / Charter Amendment: Item tabled to January.

- Council File 22-1241, International Holocaust Remembrance Alliance (IHRA) / Anti-Semitism Definition Adoption:

CIS in support

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Yes, Saif Mogri – Yes, Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreibman – Yes, Joan Trent – Absent, Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes

Yes – 8, No – 0, Abstain – 0, Absent – 2, Ineligible – 0, Recused – 0

The CIS passes and will be sent to the WHNC Board.

- Council File 22-1179, Orange List / Expensive Veterinary Care / Sick and Injured Animals:

CIS in support

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Yes, Saif Mogri – Yes, Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreibman – Yes, Joan Trent – Absent, Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes

Yes – 8, No – 0, Abstain – 0, Absent – 2, Ineligible – 0, Recused – 0

The CIS passes and will be sent to the WHNC Board.

#### OLD BUSINESS

- Renewal of WHNC participation in the Department of Water and Power Memorandum of Understanding – DWP MOU: The MOU is not complete.
  - CF 21-0352 - Strategic Long Term Resource Plan (SLTRP): No update.
  - CF 16-0243 – LA 100 – 100% renewable energy portfolio: No update.
- Co-chair Joanne Yvanek-Garb adjourned the meeting at 7:31 PM.



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# AB 2449: New Brown Act Rules for a Zoom-Friendly World

**USA** | September 16 2022

On September 13, 2022, the Governor signed Assembly Bill 2449 (Rubio) (“AB 2449”) into law, amending certain portions of the Ralph M. Brown Act (“Brown Act”) relating to teleconference participation by members of legislative bodies for and during public meetings. The new law amends existing requirements set forth in Government Code section 54953 to facilitate virtual meetings in the absence of a state of emergency by removing some of the barriers that proved to be burdensome and unrealistic during the COVID-19 pandemic.

Previously, Government Code section 54953 set out various requirements for members of a legislative body participating in public meetings through teleconferencing. It allowed for teleconference meetings under the “traditional rules” and under “AB 361.” To quickly review, the traditional teleconference rules include: (1) posting meeting agendas at all teleconference locations; (2) identifying all teleconference locations in the notice and agenda; and (3) making accessible each teleconference location to the public. AB 361 allowed legislative bodies to conduct their meetings via teleconference without adhering to the requirements listed above; however, AB 361 only applied during a declared state of emergency.

AB 2449 creates an opportunity for less than a majority of the board (up to 2 members of a 5-member board; up to 3 members of a 7-member board) to attend via teleconference under certain conditions when the majority of the board (a quorum) participates from a single physical location open to the public. When a quorum of the legislative body participates in a physical location open to the public, AB 2449 authorizes the remaining board members to participate remotely under two specific circumstances:

(1) **Just cause:** The member notifies the legislative body at the earliest possible opportunity, including at the start of a regular meeting, of their need to participate remotely for “just cause,” including a general description of the circumstances relating to their need to appear remotely at the given meeting. A member of the legislative body may not use the provisions of this clause for more than two meetings per calendar year.

“Just cause” is defined as any one of the following circumstances: (1) childcare or caregiving of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (2) a contagious illness that prevents a member from attending in person; (3) a need related to a physical or mental disability; or (4) travel while on business of the legislative body or another state or local agency.

(2) **Emergency Circumstances:** The member requests the legislative body to allow them to participate in the meeting remotely due to “emergency circumstances,” and the legislative body takes action to approve the request. “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person. The legislative body shall request a general description of the circumstances relating to the member’s need to appear remotely at the given meeting. This description generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law. For the purposes of this clause, the following requirements apply:

(a) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible.

(b) the legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action by majority vote on the emergency circumstances request at the beginning of the meeting.

AB 2449 imposes additional teleconferencing requirements, similar to the requirements imposed under AB 361, when less than a majority attends remotely for “just cause” or “emergency circumstances,” as described above. The additional requirements include, but are not limited to:

- The legislative body must provide a way for the public to remotely hear, visually observe, and remotely address the legislative body, either by a two-way audiovisual platform or a two-way telephonic service and a live webcasting of the meeting.
- When providing notice of the time and agenda of a meeting, the legislative body must also provide notice of how the public can access the meeting and offer comments. The agenda must identify and include an opportunity for the public to attend and directly address the legislative body through a call-in option, an internet-based service option, and in-person. The legislative body also may not require public comments to be submitted **prior** to the meeting but must provide an opportunity for the public to address the body in real time.
- The legislative body must implement a procedure for receiving and resolving requests for reasonable accommodations for individuals with disabilities, and must give notice of such procedure in each instance notice of the meeting time is given or an agenda is posted.
- Members participating through remote teleconferencing must participate through both audio and visual technology and members must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member’s relationship with the individual.

Please note that these provisions will only be required if a member of a legislative body is participating by teleconferencing due to “just cause” or “emergency circumstances.” Legislative bodies may always meet via teleconference by following the “traditional rules,” and AB 361’s state of emergency authorization remains valid until January 1, 2024.

AB 2449 provides that a member may not participate in meetings solely by teleconference due to “just cause” or “emergency circumstances” for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year. If the legislative body regularly meets less than 10 times a year, a board member may not participate remotely in more than two meetings.

The provisions of AB 2449 will remain in effect until January 1, 2026.

**Atkinson Andelson Loya Ruud & Romo** - Nicolle A. Falcis,, Kathryn E. Meola, Davina F. Harden and Jeffrey A. Hoskinson

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**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles (City) with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, recognizing that virtual meetings have allowed much easier access to the neighborhood council process for Angelenos, with far more members of the public participating in each meeting from the convenience of their own home—creating greater equity in the process and fostering the health of our democracy; and

WHEREAS, AB-2449 last year made amendments but failed to specifically address the needs of the Neighborhood Council system; and

WHEREAS, the 99 Neighborhood Councils in Los Angeles all have unique communities, needs, technology abilities, access to public meeting spaces; and

WHEREAS, in person meetings may jeopardize the health and safety of vulnerable Angelenos, due to ongoing risk from COVID-19; and

WHEREAS, it is not realistic to expect the Neighborhood Council system to be able to carry out “hybrid” meetings effectively, both due to budget and technology limitations; and

WHEREAS, Neighborhood Councils wish to have the option to meet virtually in perpetuity; and

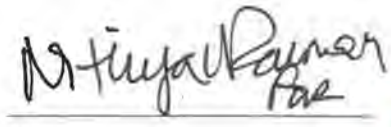
WHEREAS, the ability for Neighborhood Councils to meet virtually will end with state and local emergency orders expiring; and

NOW, THEREFORE, BE IT RESOLVED, that by adoption of this Resolution, with the concurrence of the Mayor, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program, Sponsorship or Support for legislation to amend the Ralph M. Brown Act to permit the City of Los Angeles Neighborhood Council system to choose to operate remote meetings indefinitely.

PRESENTED BY:



**HUGO SOTO-MARTÍNEZ**  
Councilmember, 13th District



**JOHN LEE**  
Councilmember, 12th District

SECONDED BY:



**ORIGINAL**

PK

JAN 10 2023



**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, prior to the outset of the COVID pandemic, the Ralph M. Brown Act placed such significant restrictions on the use of teleconferencing or virtual meetings that this tool was rarely used; in particular, the Brown Act required that all teleconferencing locations be open to the public; and

WHEREAS, when COVID restrictions prevented in-person meetings, on March 17, 2020, the Governor signed Executive Order #N-29-20, which modified the Brown Act to permit local governing bodies to meet virtually; the State Legislature subsequently enacted AB 361, which would until January 1, 2024 authorize virtual meetings, but only during a declared state of emergency and when state or local health officials have imposed or recommended measures to promote social distancing or when meeting in person would present imminent risks to the health or safety of attendees; and the State Legislature most recently enacted AB 2449, which allows for virtual participation by individual members of a local legislative body, but only upon a showing of just cause and for a limited number of meetings, and still requires a quorum of the legislative body to meet in a physical location that is open to the public; and

WHEREAS, AB 361 and AB 2449 fail to fully recognize that virtual meetings make it easier for people to participate in local government meetings as members of the public, and because the Brown Act applies to boards, commissions and advisory bodies created by a local legislative body, the strict limits on virtual meetings also reduces the pool of people who are able to serve on these bodies; and

WHEREAS, these restrictions on virtual meetings especially burden people with family care obligations, less-flexible work schedules, physical limitations and/or who do not have access to a car, which is a particular problem in jurisdictions like the City of Los Angeles whose residents are spread across large geographic areas; and allowing virtual meeting has especially benefited the 99 Los Angeles Neighborhood Councils with nearly 2,000 volunteer Board members;

WHEREAS, in Los Angeles, public attendance and comment has increased substantially during the period during which virtual meetings have become standard practice;

NOW, THEREFORE, BE IT RESOLVED, with concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2023-2024 State Legislative Program SUPPORT for legislative action that would amend the Ralph M. Brown Act to allow local legal legislative bodies, including appointed boards, commissions, advisory bodies, and Neighborhood Councils, to continue to


PK

JAN 10 2023

conduct most meetings virtually in the absence of any special circumstances, subject to appropriate safeguards to ensure full and robust opportunities for public participation, including by persons who lack means of digital access.

CO-PRESENTED BY:   
BOB BLUMENFIELD  
Councilmember, 3rd District

CO-PRESENTED BY:   
PAUL KREKORIAN  
Councilmember, 2nd District

SECONDED BY: 

**ORIGINAL**

If CIS approved, proposed language to include in CIS:

The West Hills Neighborhood Council supports urgent changes to the Ralph M. Brown Act which would allow Neighborhood Councils the option to hold board and committee meetings remotely (i.e. via telephone or online) for several reasons, including:

1. Neighborhood Council board members are unpaid volunteers who often have obligations beyond volunteer duties, such as self-care, child and elder care and work obligations.
2. Neighborhood Council board members may have transportation or mobility limitations that make physical attendance difficult or impossible.
3. Remote access to meetings allows more stakeholders to participate in meetings and to serve on boards.
4. Hybrid meetings (i.e. in-person ***and*** via telephone/online) are not economically feasible. In-person meetings are held, typically, at a location loaned to the Neighborhood Council) from a local facility (such as a school) and not at a permanent location allowing for storage of equipment necessary to telecast in-person meetings.
5. The Ralph M. Brown Act's requirement that each teleconference location be identified and accessible to the public is outdated and poses a danger to board members who volunteer to participate in a Neighborhood Council.

## Distribution of Public Meeting Materials (Assembly Bill 2647)

Assembly Bill 2647 (“AB 2647”) makes small changes to the requirements for agencies distributing board meeting materials to board members within 72 hours of a meeting. Currently, meeting materials distributed during the 72-hour window ahead of a regular meeting must be made available for public inspection at the office or agendized location at the same time they are distributed to a majority of the board, which can raise practical issues when documents are emailed and/or agencies are working remotely. AB 2647 gives agencies flexibility to instead post such materials online, so long as **all** of the following requirements are met:

- Posting online is only sufficient if the agency had **previously posted an initial staff report or similar document with an executive summary and staff recommendation (if any) relating to the agenda item** at least 72 hours before the meeting, at the office or meeting location identified on the agenda.
- The meeting materials are **immediately posted on the website in a way that makes it clear they relate to the same agenda item for the upcoming meeting.**
- The **web address is listed on all meeting agendas.**
- **Physical copies of the meeting materials are made available for public inspection at the next regular business hours**, at the office or meeting location designated in the agenda, and **only if the next regular business hours commence within 24 hours** (i.e., cannot be done from a Friday to a Monday).

## Removal of Disruptive Individuals (Senate Bill 1100)

Senate Bill 1100 (“SB 1100”) amends the Brown Act to authorize the presiding board member (e.g., the board chair) to remove disruptive individuals from a board meeting, so long as the individual is first warned by the presiding board member that their behavior is disrupting the meeting and failure to cease such behavior may result in removal. If the behavior does not promptly cease, the individual may be removed.

“Disrupting” is defined as engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. This includes failure to comply with regulations adopted by the board or engaging in behavior that constitutes the use of force or a true threat of force. “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

SB 1100 is in addition to existing Brown Act procedures for clearing the room when meeting order cannot be restored, as well as existing rights for agencies to adopt reasonable regulations on disruptive conduct.



## Assembly Bill No. 2647

### CHAPTER 971

An act to amend Section 54957.5 of the Government Code, relating to local government.

[Approved by Governor September 30, 2022. Filed with  
Secretary of State September 30, 2022.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2647, Levine. Local government: open meetings.

Existing law, the California Public Records Act, requires state agencies and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. Existing law, the Ralph M. Brown Act, requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Existing law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions.

Existing law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Existing law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Existing law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. Existing law requires a local agency to post the agenda for a special meeting at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

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.

This bill would make legislative findings to that effect.

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

SECTION 1. Section 54957.5 of the Government Code, as amended by Section 208 of Chapter 615 of the Statutes of 2021, is amended to read:

54957.5. (a) Agendas of public meetings are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay and in compliance with Section 54954.2 or Section 54956, as applicable. However, this section shall not apply to a writing, or portion thereof, that is exempt from public disclosure.

(b) (1) If a writing is a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to discussion or consideration at an open meeting of the body less than 72 hours before that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) (A) Except as provided in subparagraph (B), a local agency shall comply with both of the following requirements:

(i) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose.

(ii) A local agency shall list the address of the office or location designated pursuant to clause (i) on the agendas for all meetings of the legislative body of that agency.

(B) A local agency shall not be required to comply with the requirements of subparagraph (A) if all of the following requirements are met:

(i) An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated pursuant to clause (i) of subparagraph (A) at least 72 hours before the meeting.

(ii) The local agency immediately posts any writing described in paragraph (1) on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(iii) The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

(iv) (I) Subject to subclause (II), the local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated pursuant to clause (i) of subparagraph (A).



(II) This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

(c) Writings that are public records described in subdivision (b) and distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), including, but not limited to, the ability of the public to inspect public records pursuant to Section 7922.525 and obtain copies of public records pursuant to either subdivision (b) of Section 7922.530 or Section 7922.535. This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 54957.5 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Because this act would authorize local agencies to make public documents available by posting the public documents on the local agency's internet website, thus making the public documents available by local agencies more quickly and cost effectively, this act furthers the purpose of Section 3 of Article I of the California Constitution.

## Senate Bill No. 1100

### CHAPTER 171

An act to add Section 54957.95 to the Government Code, relating to local government.

[Approved by Governor August 22, 2022. Filed with Secretary of State August 22, 2022.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1100, Cortese. Open meetings: orderly conduct.

(1) 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. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill would authorize the presiding member of the legislative body conducting a meeting or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) 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.

This bill would make legislative findings to that effect.

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

SECTION 1. The Legislature finds and declares as follows:

(a) It is the intent of the Legislature to prescribe requirements for governing public meetings that are consistent with subdivision (c) of Section 54954.3 of the Government Code, which provides that a legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.

(b) It is further the intent of the Legislature to prescribe requirements for governing public meetings to protect civil liberties in accordance with the United States Constitution, the California Constitution, and relevant law.

(c) It is further the intent of the Legislature to codify the authority and standards for governing public meetings in accordance with *Acosta v. City of Costa Mesa*, 718 F.3d 800, 811 (9th Cir. 2013), in which the court explained that an ordinance governing the decorum of a city council meeting is not facially overbroad if it only permits a presiding officer to eject an attendee for actually disturbing or impeding a meeting.

SEC. 2. Section 54957.95 is added to the Government Code, to read:

54957.95. (a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 54957.95 to the Government Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act is necessary to give legislative bodies clear authorization to restore order to meetings in the event of actual disruptions that are disturbing, disrupting, impeding, or rendering infeasible the orderly conduct of the meeting and, thereby, preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.

SEC. 4. The Legislature finds and declares that Section 2 of this act, which adds Section 54957.95 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to give legislative bodies clear authorization to restore order to meetings in the event of actual disruptions that are disturbing, disrupting, impeding, or rendering infeasible the orderly conduct of the meeting and, thereby, preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.