

Subject **Re: REQUESTING SUPPORT: AB 259 AND SB 496**
From Colleen Haley <colleenh@csda.net>
To Stephanie Moreno <smoreno@gcrcd.org>
Date 2025-03-13 01:08 PM



Wonderful! Thanks so much, Stephanie.

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From: Stephanie Moreno <smoreno@gcrcd.org>
Sent: Thursday, March 13, 2025 12:56:35 PM
To: Colleen Haley <colleenh@csda.net>
Subject: Re: REQUESTING SUPPORT: AB 259 AND SB 496

Hi, Colleen! Although I don't have an issue with either of these bills, I need Board approval to submit the forms and we just had our Board meeting last week. I will go ahead and schedule them for Board consideration at the April meeting. Stephanie

Sincerely,

Stephanie Moreno, Executive Director/District Clerk (she/her)
North Santa Clara Resource Conservation District (NSCRCD)
formerly the Guadalupe-Coyote RCD
An independent special district of the State of California
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On 2025-03-10 01:04 PM, Colleen Haley wrote:

Dear Stephanie,

Hope you are doing well! As you may know, CSDA's Legislative Committee has taken a support position on the following bills and CSDA is requesting support letter from its members. Please see the legislation below and ask me if you have any questions. As far as timing goes...neither bill has been heard in its first policy committee yet, but we expect that to happen very soon and it would be valuable to receive the letters beforehand, if possible. Thank you so much for the consideration.

AB 259 – REQUESTING SUPPORT

In 2022, the Legislature passed [Assembly Bill 2449 \(Rubio\)](#), a bill related to the Ralph M. Brown Act ("the Brown Act"). Beginning in 2023, local agencies were provided with alternative Brown Act meeting procedures able to be observed in the event of a board member's absence in connection with a "just cause" or "emergency circumstances," allowing for those members so-affected to participate in the meeting remotely consistent with the process detailed in the bill. Since that time, several special districts and other local agencies have utilized the procedures established by AB 2449, successfully facilitating remote participation for legislative policymakers that would otherwise be encumbered by illness, official travel, or medical emergency.

Though the terms of AB 2449 have been amended since their passage (most notably by [Assembly Bill 2302 \(Addis, 2024\)](#)), the sunset date associated with its terms has not been changed; the alternative

Brown Act meeting procedures established by the bill expire at the end of 2025. To avoid this outcome and preserve the meeting flexibility provided by AB 2449, CSDA is sponsoring legislation to remove the sunset associated with the bill. CSDA is partnering with the office of Assembly Member Blanca Rubio (D-Baldwin Park), author of the original bill, to run this legislation.

To support the measure, please [fill out this form](#).

For more information, please see CSDA's [Take Action page](#). There is also a downloadable sample letter available here in case you'd prefer to submit the letter that way.

SB 496 – REQUESTING SUPPORT

On October 1, 2023, CARB's Advanced Clean Fleets (ACF) regulation took effect. This mandate, among other things, generally requires a phased transition of medium- and heavy-duty fleets from internal combustion engines (ICEs) to zero-emission vehicles (ZEVs) by 2045.

These regulations are having a significant effect on state and local government agencies, by increasing the amount of reporting required annually for all vehicles added to and removed from a state or local government agency's fleet, the unfunded procurement of new technologies, and the development of the infrastructure needed to service these new technologies, while still meeting the same the performance as current technologies.

[SB 496 \(Hurtado\)](#) will protect communities and provide relief to local agencies by:

- SB 496 establishes an Appeals Advisory Committee by which local agencies may request a review of exemption request denials. This ensures transparency while protecting due process for those seeking further review.
- Additionally, SB 496 would update the emergency vehicle exemption, allowing those vehicles that respond to and support critical operations related to emergencies and disasters, often under austere conditions, to continue to protect our communities.
- SB 496 also modifies the requirements of the daily usage exemption, removing barriers for the applicant to comply with the mandate.
- Finally, this measure promotes affordability amid rapidly rising cost pressures on essential local services by averting the costly acquisition of ZEVs before it is possible to install the infrastructure required to use them

To support the measure, please [fill out this form](#).

For more information, please see CSDA's [Take Action page](#). There is also a downloadable sample letter available here in case you'd prefer to submit the letter that way.

Colleen Haley

Bay Area Network Field Representative

California Special Districts Association

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California Special Districts Association

Special District Risk Management Authority

CSDA Finance Corporation





Automated Form Letter

The individual submitting this form authorizes CSDA to submit a position letter on the selected issue, as identified at csda.net/take-action, to any applicable legislative and administrative bodies on behalf of the identified entity and using the attached logo and electronic signature. To rescind this authorization, email advocacy@csda.net or call 877-924-2732.

Visit our [Take Action](#) page to learn about these important advocacy item(s) and review the associated Sample Letter that will be delivered on behalf of your district when you submit this form. Please select which automated form letter you would like to submit:

*

AB 259; Sunset Elimination for AB 2449 (Rubio, 2022)

Upload District Logo (.jpg or png format)

no file selected

Signatory's Name *

First Last

Signatory's Title/Position *

District Name *

City *

State *

ZIP *

District Website (if available)

Email of Authorizing District Official *

Name of Authorizing District Official *

First Last

Phone Number *

 - -

####

Signatory's Signature
(type name as it should appear on letter) *

Electronic Signature Authorization *

Signatory is authorized to approve/sign the letter on behalf of the district

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Blanca Rubio

January 16, 2025

An act to amend and repeal Sections 54953 and 54954.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as introduced, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act authorizes the legislative body of a local agency to use teleconferencing, as specified, and requires a legislative body of a local agency that elects to use teleconferencing to comply with specified requirements, including that the local agency post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Existing law requires a member to satisfy specified requirements to participate in a meeting remotely pursuant to these

alternative teleconferencing provisions, including that specified circumstances apply. Existing law establishes limits on the number of meetings a member may participate in solely by teleconference from a remote location pursuant to these alternative teleconferencing provisions, including prohibiting such participation for more than 2 meetings per year if the legislative body regularly meets once per month or less.

This bill would remove the January 1, 2026, date from those provisions, thereby extending the alternative teleconferencing procedures indefinitely.

Existing law authorizes a member to participate remotely pursuant to the alternative teleconferencing provisions described above under specified circumstances, including participating due to emergency circumstances. Under existing law, the emergency circumstances basis for remote participation is contingent on a request to, and action by, the legislative body, as prescribed.

Existing law generally requires the legislative body of the local agency or its designee, at least 72 hours before a regular meeting, to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, as specified. Existing law, until January 1, 2026, authorizes a legislative body, notwithstanding that provision, to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made, as specified.

This bill would remove the January 1, 2026, date from that provision, thereby extending the authorization for a legislative body of a local agency to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances as described above indefinitely.

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.

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.

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 54953 of the Government Code, as
2 amended by Section 1 of Chapter 389 of the Statutes of 2024, is
3 amended to read:

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

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

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. If the legislative body
19 of a local agency elects to use teleconferencing, the legislative
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a
24 manner that protects the statutory and constitutional rights of the
25 parties or the public appearing before the legislative body of a
26 local agency.

27 (C) The legislative body shall give notice of the meeting and
28 post agendas as otherwise required by this chapter.

29 (D) The legislative body shall allow members of the public to
30 access the meeting and the agenda shall provide an opportunity
31 for members of the public to address the legislative body directly
32 pursuant to Section 54954.3.

1 (3) If the legislative body of a local agency elects to use
2 teleconferencing, it shall post agendas at all teleconference
3 locations. Each teleconference location shall be identified in the
4 notice and agenda of the meeting or proceeding, and each
5 teleconference location shall be accessible to the public. During
6 the teleconference, at least a quorum of the members of the
7 legislative body shall participate from locations within the
8 boundaries of the territory over which the local agency exercises
9 jurisdiction, except as provided in subdivisions (d) and (e).

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

12 (2) The legislative body of a local agency shall publicly report
13 any action taken and the vote or abstention on that action of each
14 member present for the action.

15 (3) Prior to taking final action, the legislative body shall orally
16 report a summary of a recommendation for a final action on the
17 salaries, salary schedules, or compensation paid in the form of
18 fringe benefits of a local agency executive, as defined in
19 subdivision (d) of Section 3511.1, during the open meeting in
20 which the final action is to be taken. This paragraph shall not affect
21 the public's right under the California Public Records Act (Division
22 10 (commencing with Section 7920.000) of Title 1) to inspect or
23 copy records created or received in the process of developing the
24 recommendation.

25 (d) (1) Notwithstanding the provisions relating to a quorum in
26 paragraph (3) of subdivision (b), if a health authority conducts a
27 teleconference meeting, members who are outside the jurisdiction
28 of the authority may be counted toward the establishment of a
29 quorum when participating in the teleconference if at least 50
30 percent of the number of members that would establish a quorum
31 are present within the boundaries of the territory over which the
32 authority exercises jurisdiction, and the health authority provides
33 a teleconference number, and associated access codes, if any, that
34 allows any person to call in to participate in the meeting and the
35 number and access codes are identified in the notice and agenda
36 of the meeting.

37 (2) Nothing in this subdivision shall be construed as
38 discouraging health authority members from regularly meeting at
39 a common physical site within the jurisdiction of the authority or
40 from using teleconference locations within or near the jurisdiction

1 of the authority. A teleconference meeting for which a quorum is
2 established pursuant to this subdivision shall be subject to all other
3 requirements of this section.

4 (3) For purposes of this subdivision, a health authority means
5 any entity created pursuant to Sections 14018.7, 14087.31,
6 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
7 and Institutions Code, any joint powers authority created pursuant
8 to Article 1 (commencing with Section 6500) of Chapter 5 of
9 Division 7 for the purpose of contracting pursuant to Section
10 14087.3 of the Welfare and Institutions Code, and any advisory
11 committee to a county-sponsored health plan licensed pursuant to
12 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
13 Health and Safety Code if the advisory committee has 12 or more
14 members.

15 (e) (1) The legislative body of a local agency may use
16 teleconferencing without complying with the requirements of
17 paragraph (3) of subdivision (b) if the legislative body complies
18 with the requirements of paragraph (2) of this subdivision in either
19 of the following circumstances:

20 (A) The legislative body holds a meeting during a proclaimed
21 state of emergency for the purpose of determining, by majority
22 vote, whether as a result of the emergency, meeting in person
23 would present imminent risks to the health or safety of attendees.

24 (B) The legislative body holds a meeting during a proclaimed
25 state of emergency and has determined, by majority vote, pursuant
26 to subparagraph (A), that, as a result of the emergency, meeting
27 in person would present imminent risks to the health or safety of
28 attendees.

29 (2) A legislative body that holds a meeting pursuant to this
30 subdivision shall do all of the following:

31 (A) In each instance in which notice of the time of the
32 teleconferenced meeting is otherwise given or the agenda for the
33 meeting is otherwise posted, the legislative body shall also give
34 notice of the means by which members of the public may access
35 the meeting and offer public comment. The agenda shall identify
36 and include an opportunity for all persons to attend via a call-in
37 option or an internet-based service option.

38 (B) In the event of a disruption that prevents the legislative body
39 from broadcasting the meeting to members of the public using the
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency's control that prevents
2 members of the public from offering public comments using the
3 call-in option or internet-based service option, the legislative body
4 shall take no further action on items appearing on the meeting
5 agenda until public access to the meeting via the call-in option or
6 internet-based service option is restored. Actions taken on agenda
7 items during a disruption that prevents the legislative body from
8 broadcasting the meeting may be challenged pursuant to Section
9 54960.1.

10 (C) The legislative body shall not require public comments to
11 be submitted in advance of the meeting and must provide an
12 opportunity for the public to address the legislative body and offer
13 comment in real time.

14 (D) Notwithstanding Section 54953.3, an individual desiring to
15 provide public comment through the use of an internet website, or
16 other online platform, not under the control of the local legislative
17 body, that requires registration to log in to a teleconference may
18 be required to register as required by the third-party internet
19 website or online platform to participate.

20 (E) (i) A legislative body that provides a timed public comment
21 period for each agenda item shall not close the public comment
22 period for the agenda item, or the opportunity to register, pursuant
23 to subparagraph (D), to provide public comment until that timed
24 public comment period has elapsed.

25 (ii) A legislative body that does not provide a timed public
26 comment period, but takes public comment separately on each
27 agenda item, shall allow a reasonable amount of time per agenda
28 item to allow public members the opportunity to provide public
29 comment, including time for members of the public to register
30 pursuant to subparagraph (D), or otherwise be recognized for the
31 purpose of providing public comment.

32 (iii) A legislative body that provides a timed general public
33 comment period that does not correspond to a specific agenda item
34 shall not close the public comment period or the opportunity to
35 register, pursuant to subparagraph (D), until the timed general
36 public comment period has elapsed.

37 (3) If a state of emergency remains active, in order to continue
38 to teleconference without compliance with paragraph (3) of
39 subdivision (b), the legislative body shall, not later than 45 days
40 after teleconferencing for the first time pursuant to subparagraph

1 (A) or (B) of paragraph (1), and every 45 days thereafter, make
2 the following findings by majority vote:

3 (A) The legislative body has reconsidered the circumstances of
4 the state of emergency.

5 (B) The state of emergency continues to directly impact the
6 ability of the members to meet safely in person.

7 (4) This subdivision shall not be construed to require the
8 legislative body to provide a physical location from which the
9 public may attend or comment.

10 (f) (1) The legislative body of a local agency may use
11 teleconferencing without complying with paragraph (3) of
12 subdivision (b) if, during the teleconference meeting, at least a
13 quorum of the members of the legislative body participates in
14 person from a singular physical location clearly identified on the
15 agenda, which location shall be open to the public and situated
16 within the boundaries of the territory over which the local agency
17 exercises jurisdiction and the legislative body complies with all
18 of the following:

19 (A) The legislative body shall provide at least one of the
20 following as a means by which the public may remotely hear and
21 visually observe the meeting, and remotely address the legislative
22 body:

23 (i) A two-way audiovisual platform.

24 (ii) A two-way telephonic service and a live webcasting of the
25 meeting.

26 (B) In each instance in which notice of the time of the
27 teleconferenced meeting is otherwise given or the agenda for the
28 meeting is otherwise posted, the legislative body shall also give
29 notice of the means by which members of the public may access
30 the meeting and offer public comment.

31 (C) The agenda shall identify and include an opportunity for all
32 persons to attend and address the legislative body directly pursuant
33 to Section 54954.3 via a call-in option, via an internet-based service
34 option, and at the in-person location of the meeting.

35 (D) In the event of a disruption that prevents the legislative body
36 from broadcasting the meeting to members of the public using the
37 call-in option or internet-based service option, or in the event of
38 a disruption within the local agency's control that prevents
39 members of the public from offering public comments using the
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting
2 agenda until public access to the meeting via the call-in option or
3 internet-based service option is restored. Actions taken on agenda
4 items during a disruption that prevents the legislative body from
5 broadcasting the meeting may be challenged pursuant to Section
6 54960.1.

7 (E) The legislative body shall not require public comments to
8 be submitted in advance of the meeting and must provide an
9 opportunity for the public to address the legislative body and offer
10 comment in real time.

11 (F) Notwithstanding Section 54953.3, an individual desiring to
12 provide public comment through the use of an internet website, or
13 other online platform, not under the control of the local legislative
14 body, that requires registration to log in to a teleconference may
15 be required to register as required by the third-party internet
16 website or online platform to participate.

17 (2) A member of the legislative body shall only participate in
18 the meeting remotely pursuant to this subdivision, if all of the
19 following requirements are met:

20 (A) One of the following circumstances applies:

21 (i) The member notifies the legislative body at the earliest
22 opportunity possible, including at the start of a regular meeting,
23 of their need to participate remotely for just cause, including a
24 general description of the circumstances relating to their need to
25 appear remotely at the given meeting. The provisions of this clause
26 shall not be used by any member of the legislative body for more
27 than two meetings per calendar year.

28 (ii) The member requests the legislative body to allow them to
29 participate in the meeting remotely due to emergency circumstances
30 and the legislative body takes action to approve the request. The
31 legislative body shall request a general description of the
32 circumstances relating to their need to appear remotely at the given
33 meeting. A general description of an item generally need not exceed
34 20 words and shall not require the member to disclose any medical
35 diagnosis or disability, or any personal medical information that
36 is already exempt under existing law, such as the Confidentiality
37 of Medical Information Act (Chapter 1 (commencing with Section
38 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
39 of this clause, the following requirements apply:

1 (I) A member shall make a request to participate remotely at a
2 meeting pursuant to this clause as soon as possible. The member
3 shall make a separate request for each meeting in which they seek
4 to participate remotely.

5 (II) The legislative body may take action on a request to
6 participate remotely at the earliest opportunity. If the request does
7 not allow sufficient time to place proposed action on such a request
8 on the posted agenda for the meeting for which the request is made,
9 the legislative body may take action at the beginning of the meeting
10 in accordance with paragraph (4) of subdivision (b) of Section
11 54954.2.

12 (B) The member shall publicly disclose at the meeting before
13 any action is taken, whether any other individuals 18 years of age
14 or older are present in the room at the remote location with the
15 member, and the general nature of the member’s relationship with
16 any such individuals.

17 (C) The member shall participate through both audio and visual
18 technology.

19 (3) (A) The provisions of this subdivision shall not serve as a
20 means for any member of a legislative body to participate in
21 meetings of the legislative body solely by teleconference from a
22 remote location for more than the following number of meetings,
23 as applicable:

24 (i) Two meetings per year, if the legislative body regularly meets
25 once per month or less.

26 (ii) Five meetings per year, if the legislative body regularly
27 meets twice per month.

28 (iii) Seven meetings per year, if the legislative body regularly
29 meets three or more times per month.

30 (B) For the purpose of counting meetings attended by
31 teleconference under this paragraph, a “meeting” shall be defined
32 as any number of meetings of the legislative body of a local agency
33 that begin on the same calendar day.

34 (g) The legislative body shall have and implement a procedure
35 for receiving and swiftly resolving requests for reasonable
36 accommodation for individuals with disabilities, consistent with
37 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
38 Sec. 12132), and resolving any doubt in favor of accessibility. In
39 each instance in which notice of the time of the meeting is
40 otherwise given or the agenda for the meeting is otherwise posted,

1 the legislative body shall also give notice of the procedure for
2 receiving and resolving requests for accommodation.

3 (h) The legislative body shall conduct meetings subject to this
4 chapter consistent with applicable civil rights and
5 nondiscrimination laws.

6 (i) (1) Nothing in this section shall prohibit a legislative body
7 from providing the public with additional teleconference locations.

8 (2) Nothing in this section shall prohibit a legislative body from
9 providing the public with additional physical locations in which
10 the public may observe and address the legislative body by
11 electronic means.

12 (j) For the purposes of this section, the following definitions
13 shall apply:

14 (1) “Emergency circumstances” means a physical or family
15 medical emergency that prevents a member from attending in
16 person.

17 (2) “Just cause” means any of the following:

18 (A) A childcare or caregiving need of a child, parent,
19 grandparent, grandchild, sibling, spouse, or domestic partner that
20 requires them to participate remotely. “Child,” “parent,”
21 “grandparent,” “grandchild,” and “sibling” have the same meaning
22 as those terms do in Section 12945.2.

23 (B) A contagious illness that prevents a member from attending
24 in person.

25 (C) A need related to a physical or mental disability as defined
26 in Sections 12926 and 12926.1 not otherwise accommodated by
27 subdivision (g).

28 (D) Travel while on official business of the legislative body or
29 another state or local agency.

30 (3) “Remote location” means a location from which a member
31 of a legislative body participates in a meeting pursuant to
32 subdivision (f), other than any physical meeting location designated
33 in the notice of the meeting. Remote locations need not be
34 accessible to the public.

35 (4) “Remote participation” means participation in a meeting by
36 teleconference at a location other than any physical meeting
37 location designated in the notice of the meeting. Watching or
38 listening to a meeting via webcasting or another similar electronic
39 medium that does not permit members to interactively hear,

1 discuss, or deliberate on matters, does not constitute remote
2 participation.

3 (5) “State of emergency” means a state of emergency proclaimed
4 pursuant to Section 8625 of the California Emergency Services
5 Act (Article 1 (commencing with Section 8550) of Chapter 7 of
6 Division 1 of Title 2).

7 (6) “Teleconference” means a meeting of a legislative body,
8 the members of which are in different locations, connected by
9 electronic means, through either audio or video, or both.

10 (7) “Two-way audiovisual platform” means an online platform
11 that provides participants with the ability to participate in a meeting
12 via both an interactive video conference and a two-way telephonic
13 function.

14 (8) “Two-way telephonic service” means a telephone service
15 that does not require internet access, is not provided as part of a
16 two-way audiovisual platform, and allows participants to dial a
17 telephone number to listen and verbally participate.

18 (9) “Webcasting” means a streaming video broadcast online or
19 on television, using streaming media technology to distribute a
20 single content source to many simultaneous listeners and viewers.

21 ~~(k) This section shall remain in effect only until January 1, 2026,
22 and as of that date is repealed.~~

23 SEC. 2. Section 54953 of the Government Code, as amended
24 by Section 2 of Chapter 534 of the Statutes of 2023, is repealed.

25 ~~54953. (a) All meetings of the legislative body of a local
26 agency shall be open and public, and all persons shall be permitted
27 to attend any meeting of the legislative body of a local agency,
28 except as otherwise provided in this chapter.~~

29 ~~(b) (1) Notwithstanding any other provision of law, the
30 legislative body of a local agency may use teleconferencing for
31 the benefit of the public and the legislative body of a local agency
32 in connection with any meeting or proceeding authorized by law.
33 The teleconferenced meeting or proceeding shall comply with all
34 otherwise applicable requirements of this chapter and all otherwise
35 applicable provisions of law relating to a specific type of meeting
36 or proceeding.~~

37 ~~(2) Teleconferencing, as authorized by this section, may be used
38 for all purposes in connection with any meeting within the subject
39 matter jurisdiction of the legislative body. If the legislative body~~

1 of a local agency elects to use teleconferencing, the legislative
2 body of a local agency shall comply with all of the following:

3 (A) All votes taken during a teleconferenced meeting shall be
4 by rollcall.

5 (B) The teleconferenced meetings shall be conducted in a
6 manner that protects the statutory and constitutional rights of the
7 parties or the public appearing before the legislative body of a
8 local agency.

9 (C) The legislative body shall give notice of the meeting and
10 post agendas as otherwise required by this chapter.

11 (D) The legislative body shall allow members of the public to
12 access the meeting and the agenda shall provide an opportunity
13 for members of the public to address the legislative body directly
14 pursuant to Section 54954.3.

15 (3) If the legislative body of a local agency elects to use
16 teleconferencing, it shall post agendas at all teleconference
17 locations. Each teleconference location shall be identified in the
18 notice and agenda of the meeting or proceeding, and each
19 teleconference location shall be accessible to the public. During
20 the teleconference, at least a quorum of the members of the
21 legislative body shall participate from locations within the
22 boundaries of the territory over which the local agency exercises
23 jurisdiction, except as provided in subdivisions (d) and (e).

24 (e) (1) No legislative body shall take action by secret ballot,
25 whether preliminary or final.

26 (2) The legislative body of a local agency shall publicly report
27 any action taken and the vote or abstention on that action of each
28 member present for the action.

29 (3) Prior to taking final action, the legislative body shall orally
30 report a summary of a recommendation for a final action on the
31 salaries, salary schedules, or compensation paid in the form of
32 fringe benefits of a local agency executive, as defined in
33 subdivision (d) of Section 3511.1, during the open meeting in
34 which the final action is to be taken. This paragraph shall not affect
35 the public's right under the California Public Records Act (Division
36 10 (commencing with Section 7920.000) of Title 1) to inspect or
37 copy records created or received in the process of developing the
38 recommendation.

39 (d) (1) Notwithstanding the provisions relating to a quorum in
40 paragraph (3) of subdivision (b), if a health authority conducts a

1 teleconference meeting, members who are outside the jurisdiction
2 of the authority may be counted toward the establishment of a
3 quorum when participating in the teleconference if at least 50
4 percent of the number of members that would establish a quorum
5 are present within the boundaries of the territory over which the
6 authority exercises jurisdiction, and the health authority provides
7 a teleconference number, and associated access codes, if any, that
8 allows any person to call in to participate in the meeting and the
9 number and access codes are identified in the notice and agenda
10 of the meeting.

11 (2) Nothing in this subdivision shall be construed as
12 discouraging health authority members from regularly meeting at
13 a common physical site within the jurisdiction of the authority or
14 from using teleconference locations within or near the jurisdiction
15 of the authority. A teleconference meeting for which a quorum is
16 established pursuant to this subdivision shall be subject to all other
17 requirements of this section.

18 (3) For purposes of this subdivision, a health authority means
19 any entity created pursuant to Sections 14018.7, 14087.31,
20 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
21 and Institutions Code, any joint powers authority created pursuant
22 to Article 1 (commencing with Section 6500) of Chapter 5 of
23 Division 7 for the purpose of contracting pursuant to Section
24 14087.3 of the Welfare and Institutions Code, and any advisory
25 committee to a county-sponsored health plan licensed pursuant to
26 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
27 Health and Safety Code if the advisory committee has 12 or more
28 members.

29 (e) (1) The legislative body of a local agency may use
30 teleconferencing without complying with the requirements of
31 paragraph (3) of subdivision (b) if the legislative body complies
32 with the requirements of paragraph (2) of this subdivision in either
33 of the following circumstances:

34 (A) The legislative body holds a meeting during a proclaimed
35 state of emergency for the purpose of determining, by majority
36 vote, whether as a result of the emergency, meeting in person
37 would present imminent risks to the health or safety of attendees.

38 (B) The legislative body holds a meeting during a proclaimed
39 state of emergency and has determined, by majority vote, pursuant
40 to subparagraph (A), that, as a result of the emergency, meeting

1 in-person would present imminent risks to the health or safety of
2 attendees:

3 (2) A legislative body that holds a meeting pursuant to this
4 subdivision shall do all of the following:

5 (A) In each instance in which notice of the time of the
6 teleconferenced meeting is otherwise given or the agenda for the
7 meeting is otherwise posted, the legislative body shall also give
8 notice of the means by which members of the public may access
9 the meeting and offer public comment. The agenda shall identify
10 and include an opportunity for all persons to attend via a call-in
11 option or an internet-based service option.

12 (B) In the event of a disruption that prevents the legislative body
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the local agency's control that prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the legislative body
18 shall take no further action on items appearing on the meeting
19 agenda until public access to the meeting via the call-in option or
20 internet-based service option is restored. Actions taken on agenda
21 items during a disruption that prevents the legislative body from
22 broadcasting the meeting may be challenged pursuant to Section
23 54960.1.

24 (C) The legislative body shall not require public comments to
25 be submitted in advance of the meeting and must provide an
26 opportunity for the public to address the legislative body and offer
27 comment in real time.

28 (D) Notwithstanding Section 54953.3, an individual desiring to
29 provide public comment through the use of an internet website, or
30 other online platform, not under the control of the local legislative
31 body, that requires registration to log in to a teleconference may
32 be required to register as required by the third-party internet
33 website or online platform to participate.

34 (E) (i) A legislative body that provides a timed public comment
35 period for each agenda item shall not close the public comment
36 period for the agenda item, or the opportunity to register, pursuant
37 to subparagraph (D), to provide public comment until that timed
38 public comment period has elapsed.

39 (ii) A legislative body that does not provide a timed public
40 comment period, but takes public comment separately on each

1 agenda item, shall allow a reasonable amount of time per agenda
2 item to allow public members the opportunity to provide public
3 comment, including time for members of the public to register
4 pursuant to subparagraph (D), or otherwise be recognized for the
5 purpose of providing public comment.

6 (iii) A legislative body that provides a timed general public
7 comment period that does not correspond to a specific agenda item
8 shall not close the public comment period or the opportunity to
9 register, pursuant to subparagraph (D), until the timed general
10 public comment period has elapsed.

11 (3) If a state of emergency remains active, in order to continue
12 to teleconference without compliance with paragraph (3) of
13 subdivision (b), the legislative body shall, not later than 45 days
14 after teleconferencing for the first time pursuant to subparagraph
15 (A) or (B) of paragraph (1), and every 45 days thereafter, make
16 the following findings by majority vote:

17 (A) The legislative body has reconsidered the circumstances of
18 the state of emergency.

19 (B) The state of emergency continues to directly impact the
20 ability of the members to meet safely in person.

21 (4) This subdivision shall not be construed to require the
22 legislative body to provide a physical location from which the
23 public may attend or comment.

24 (f) The legislative body shall have and implement a procedure
25 for receiving and swiftly resolving requests for reasonable
26 accommodation for individuals with disabilities, consistent with
27 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
28 Sec. 12132), and resolving any doubt in favor of accessibility. In
29 each instance in which notice of the time of the meeting is
30 otherwise given or the agenda for the meeting is otherwise posted,
31 the legislative body shall also give notice of the procedure for
32 receiving and resolving requests for accommodation.

33 (g) The legislative body shall conduct meetings subject to this
34 chapter consistent with applicable civil rights and
35 nondiscrimination laws.

36 (h) (1) Nothing in this section shall prohibit a legislative body
37 from providing the public with additional teleconference locations.

38 (2) Nothing in this section shall prohibit a legislative body from
39 providing the public with additional physical locations in which

1 the public may observe and address the legislative body by
2 electronic means.

3 (i) For the purposes of this section, the following definitions
4 shall apply:

5 (1) “State of emergency” means a state of emergency proclaimed
6 pursuant to Section 8625 of the California Emergency Services
7 Act (Article 1 (commencing with Section 8550) of Chapter 7 of
8 Division 1 of Title 2):

9 (2) “Teleconference” means a meeting of a legislative body,
10 the members of which are in different locations, connected by
11 electronic means, through either audio or video, or both.

12 (j) This section shall become operative January 1, 2026.

13 SEC. 3. Section 54954.2 of the Government Code, as amended
14 by Section 91 of Chapter 131 of the Statutes of 2023, is amended
15 to read:

16 54954.2. (a) (1) At least 72 hours before a regular meeting,
17 the legislative body of the local agency, or its designee, shall post
18 an agenda containing a brief general description of each item of
19 business to be transacted or discussed at the meeting, including
20 items to be discussed in closed session. A brief general description
21 of an item generally need not exceed 20 words. The agenda shall
22 specify the time and location of the regular meeting and shall be
23 posted in a location that is freely accessible to members of the
24 public and on the local agency’s internet website, if the local
25 agency has one. If requested, the agenda shall be made available
26 in appropriate alternative formats to persons with a disability, as
27 required by Section 202 of the Americans with Disabilities Act of
28 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
29 adopted in implementation thereof. The agenda shall include
30 information regarding how, to whom, and when a request for
31 disability-related modification or accommodation, including
32 auxiliary aids or services, may be made by a person with a
33 disability who requires a modification or accommodation in order
34 to participate in the public meeting.

35 (2) For a meeting occurring on and after January 1, 2019, of a
36 legislative body of a city, county, city and county, special district,
37 school district, or political subdivision established by the state that
38 has an internet website, the following provisions shall apply:

39 (A) An online posting of an agenda shall be posted on the
40 primary internet website home page of a city, county, city and

1 county, special district, school district, or political subdivision
2 established by the state that is accessible through a prominent,
3 direct link to the current agenda. The direct link to the agenda shall
4 not be in a contextual menu; however, a link in addition to the
5 direct link to the agenda may be accessible through a contextual
6 menu.

7 (B) An online posting of an agenda, including, but not limited
8 to, an agenda posted in an integrated agenda management platform,
9 shall be posted in an open format that meets all of the following
10 requirements:

11 (i) Retrievable, downloadable, indexable, and electronically
12 searchable by commonly used internet search applications.

13 (ii) Platform independent and machine readable.

14 (iii) Available to the public free of charge and without any
15 restriction that would impede the reuse or redistribution of the
16 agenda.

17 (C) A legislative body of a city, county, city and county, special
18 district, school district, or political subdivision established by the
19 state that has an internet website and an integrated agenda
20 management platform shall not be required to comply with
21 subparagraph (A) if all of the following are met:

22 (i) A direct link to the integrated agenda management platform
23 shall be posted on the primary internet website home page of a
24 city, county, city and county, special district, school district, or
25 political subdivision established by the state. The direct link to the
26 integrated agenda management platform shall not be in a contextual
27 menu. When a person clicks on the direct link to the integrated
28 agenda management platform, the direct link shall take the person
29 directly to an internet website with the agendas of the legislative
30 body of a city, county, city and county, special district, school
31 district, or political subdivision established by the state.

32 (ii) The integrated agenda management platform may contain
33 the prior agendas of a legislative body of a city, county, city and
34 county, special district, school district, or political subdivision
35 established by the state for all meetings occurring on or after
36 January 1, 2019.

37 (iii) The current agenda of the legislative body of a city, county,
38 city and county, special district, school district, or political
39 subdivision established by the state shall be the first agenda
40 available at the top of the integrated agenda management platform.

1 (iv) All agendas posted in the integrated agenda management
2 platform shall comply with the requirements in clauses (i), (ii),
3 and (iii) of subparagraph (B).

4 (D) For the purposes of this paragraph, both of the following
5 definitions shall apply:

6 (i) “Integrated agenda management platform” means an internet
7 website of a city, county, city and county, special district, school
8 district, or political subdivision established by the state dedicated
9 to providing the entirety of the agenda information for the
10 legislative body of the city, county, city and county, special district,
11 school district, or political subdivision established by the state to
12 the public.

13 (ii) “Legislative body” has the same meaning as that term is
14 used in subdivision (a) of Section 54952.

15 (E) The provisions of this paragraph shall not apply to a political
16 subdivision of a local agency that was established by the legislative
17 body of the city, county, city and county, special district, school
18 district, or political subdivision established by the state.

19 (3) No action or discussion shall be undertaken on any item not
20 appearing on the posted agenda, except that members of a
21 legislative body or its staff may briefly respond to statements made
22 or questions posed by persons exercising their public testimony
23 rights under Section 54954.3. In addition, on their own initiative
24 or in response to questions posed by the public, a member of a
25 legislative body or its staff may ask a question for clarification,
26 make a brief announcement, or make a brief report on their own
27 activities. Furthermore, a member of a legislative body, or the
28 body itself, subject to rules or procedures of the legislative body,
29 may provide a reference to staff or other resources for factual
30 information, request staff to report back to the body at a subsequent
31 meeting concerning any matter, or take action to direct staff to
32 place a matter of business on a future agenda.

33 (b) Notwithstanding subdivision (a), the legislative body may
34 take action on items of business not appearing on the posted agenda
35 under any of the conditions stated below. Prior to discussing any
36 item pursuant to this subdivision, the legislative body shall publicly
37 identify the item.

38 (1) Upon a determination by a majority vote of the legislative
39 body that an emergency situation exists, as defined in Section
40 54956.5.

1 (2) Upon a determination by a two-thirds vote of the members
2 of the legislative body present at the meeting, or, if less than
3 two-thirds of the members are present, a unanimous vote of those
4 members present, that there is a need to take immediate action and
5 that the need for action came to the attention of the local agency
6 subsequent to the agenda being posted as specified in subdivision
7 (a).

8 (3) The item was posted pursuant to subdivision (a) for a prior
9 meeting of the legislative body occurring not more than five
10 calendar days prior to the date action is taken on the item, and at
11 the prior meeting the item was continued to the meeting at which
12 action is being taken.

13 (4) To consider action on a request from a member to participate
14 in a meeting remotely due to emergency circumstances, pursuant
15 to Section 54953, if the request does not allow sufficient time to
16 place the proposed action on the posted agenda for the meeting
17 for which the request is made. The legislative body may approve
18 such a request by a majority vote of the legislative body.

19 (c) This section is necessary to implement and reasonably within
20 the scope of paragraph (1) of subdivision (b) of Section 3 of Article
21 I of the California Constitution.

22 (d) For purposes of subdivision (a), the requirement that the
23 agenda be posted on the local agency's internet website, if the
24 local agency has one, shall only apply to a legislative body that
25 meets either of the following standards:

26 (1) A legislative body as that term is defined by subdivision (a)
27 of Section 54952.

28 (2) A legislative body as that term is defined by subdivision (b)
29 of Section 54952, if the members of the legislative body are
30 compensated for their appearance, and if one or more of the
31 members of the legislative body are also members of a legislative
32 body as that term is defined by subdivision (a) of Section 54952.

33 ~~(e) This section shall remain in effect only until January 1, 2026,~~
34 ~~and as of that date is repealed.~~

35 SEC. 4. Section 54954.2 of the Government Code, as amended
36 by Section 92 of Chapter 131 of the Statutes of 2023, is repealed.

37 ~~54954.2. (a) (1) At least 72 hours before a regular meeting,~~
38 ~~the legislative body of the local agency, or its designee, shall post~~
39 ~~an agenda containing a brief general description of each item of~~
40 ~~business to be transacted or discussed at the meeting, including~~

1 items to be discussed in closed session. A brief general description
 2 of an item generally need not exceed 20 words. The agenda shall
 3 specify the time and location of the regular meeting and shall be
 4 posted in a location that is freely accessible to members of the
 5 public and on the local agency's internet website, if the local
 6 agency has one. If requested, the agenda shall be made available
 7 in appropriate alternative formats to persons with a disability, as
 8 required by Section 202 of the Americans with Disabilities Act of
 9 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
 10 adopted in implementation thereof. The agenda shall include
 11 information regarding how, to whom, and when a request for
 12 disability-related modification or accommodation, including
 13 auxiliary aids or services, may be made by a person with a
 14 disability who requires a modification or accommodation in order
 15 to participate in the public meeting.

16 (2) For a meeting occurring on and after January 1, 2019, of a
 17 legislative body of a city, county, city and county, special district,
 18 school district, or political subdivision established by the state that
 19 has an internet website, the following provisions shall apply:

20 (A) An online posting of an agenda shall be posted on the
 21 primary internet website home page of a city, county, city and
 22 county, special district, school district, or political subdivision
 23 established by the state that is accessible through a prominent,
 24 direct link to the current agenda. The direct link to the agenda shall
 25 not be in a contextual menu; however, a link in addition to the
 26 direct link to the agenda may be accessible through a contextual
 27 menu.

28 (B) An online posting of an agenda, including, but not limited
 29 to, an agenda posted in an integrated agenda management platform,
 30 shall be posted in an open format that meets all of the following
 31 requirements:

32 (i) Retrievable, downloadable, indexable, and electronically
 33 searchable by commonly used internet search applications.

34 (ii) Platform independent and machine readable.

35 (iii) Available to the public free of charge and without any
 36 restriction that would impede the reuse or redistribution of the
 37 agenda.

38 (C) A legislative body of a city, county, city and county, special
 39 district, school district, or political subdivision established by the
 40 state that has an internet website and an integrated agenda

1 management platform shall not be required to comply with
2 subparagraph (A) if all of the following are met:

3 (i) ~~A direct link to the integrated agenda management platform~~
4 ~~shall be posted on the primary internet website home page of a~~
5 ~~city, county, city and county, special district, school district, or~~
6 ~~political subdivision established by the state. The direct link to the~~
7 ~~integrated agenda management platform shall not be in a contextual~~
8 ~~menu. When a person clicks on the direct link to the integrated~~
9 ~~agenda management platform, the direct link shall take the person~~
10 ~~directly to an internet website with the agendas of the legislative~~
11 ~~body of a city, county, city and county, special district, school~~
12 ~~district, or political subdivision established by the state.~~

13 (ii) ~~The integrated agenda management platform may contain~~
14 ~~the prior agendas of a legislative body of a city, county, city and~~
15 ~~county, special district, school district, or political subdivision~~
16 ~~established by the state for all meetings occurring on or after~~
17 ~~January 1, 2019.~~

18 (iii) ~~The current agenda of the legislative body of a city, county,~~
19 ~~city and county, special district, school district, or political~~
20 ~~subdivision established by the state shall be the first agenda~~
21 ~~available at the top of the integrated agenda management platform.~~

22 (iv) ~~All agendas posted in the integrated agenda management~~
23 ~~platform shall comply with the requirements in clauses (i), (ii),~~
24 ~~and (iii) of subparagraph (B).~~

25 (D) ~~For the purposes of this paragraph, both of the following~~
26 ~~definitions shall apply:~~

27 (i) ~~“Integrated agenda management platform” means an internet~~
28 ~~website of a city, county, city and county, special district, school~~
29 ~~district, or political subdivision established by the state dedicated~~
30 ~~to providing the entirety of the agenda information for the~~
31 ~~legislative body of the city, county, city and county, special district,~~
32 ~~school district, or political subdivision established by the state to~~
33 ~~the public.~~

34 (ii) ~~“Legislative body” has the same meaning as that term is~~
35 ~~used in subdivision (a) of Section 54952.~~

36 (E) ~~The provisions of this paragraph shall not apply to a political~~
37 ~~subdivision of a local agency that was established by the legislative~~
38 ~~body of the city, county, city and county, special district, school~~
39 ~~district, or political subdivision established by the state.~~

1 ~~(3) No action or discussion shall be undertaken on any item not~~
2 ~~appearing on the posted agenda, except that members of a~~
3 ~~legislative body or its staff may briefly respond to statements made~~
4 ~~or questions posed by persons exercising their public testimony~~
5 ~~rights under Section 54954.3. In addition, on their own initiative~~
6 ~~or in response to questions posed by the public, a member of a~~
7 ~~legislative body or its staff may ask a question for clarification,~~
8 ~~make a brief announcement, or make a brief report on their own~~
9 ~~activities. Furthermore, a member of a legislative body, or the~~
10 ~~body itself, subject to rules or procedures of the legislative body,~~
11 ~~may provide a reference to staff or other resources for factual~~
12 ~~information, request staff to report back to the body at a subsequent~~
13 ~~meeting concerning any matter, or take action to direct staff to~~
14 ~~place a matter of business on a future agenda.~~

15 ~~(b) Notwithstanding subdivision (a), the legislative body may~~
16 ~~take action on items of business not appearing on the posted agenda~~
17 ~~under any of the conditions stated below. Prior to discussing any~~
18 ~~item pursuant to this subdivision, the legislative body shall publicly~~
19 ~~identify the item.~~

20 ~~(1) Upon a determination by a majority vote of the legislative~~
21 ~~body that an emergency situation exists, as defined in Section~~
22 ~~54956.5.~~

23 ~~(2) Upon a determination by a two-thirds vote of the members~~
24 ~~of the legislative body present at the meeting, or, if less than~~
25 ~~two-thirds of the members are present, a unanimous vote of those~~
26 ~~members present, that there is a need to take immediate action and~~
27 ~~that the need for action came to the attention of the local agency~~
28 ~~subsequent to the agenda being posted as specified in subdivision~~
29 ~~(a).~~

30 ~~(3) The item was posted pursuant to subdivision (a) for a prior~~
31 ~~meeting of the legislative body occurring not more than five~~
32 ~~calendar days prior to the date action is taken on the item, and at~~
33 ~~the prior meeting the item was continued to the meeting at which~~
34 ~~action is being taken.~~

35 ~~(e) This section is necessary to implement and reasonably within~~
36 ~~the scope of paragraph (1) of subdivision (b) of Section 3 of Article~~
37 ~~I of the California Constitution.~~

38 ~~(d) For purposes of subdivision (a), the requirement that the~~
39 ~~agenda be posted on the local agency's internet website, if the~~

1 ~~local agency has one, shall only apply to a legislative body that~~
2 ~~meets either of the following standards:~~

3 ~~(1) A legislative body as that term is defined by subdivision (a)~~
4 ~~of Section 54952.~~

5 ~~(2) A legislative body as that term is defined by subdivision (b)~~
6 ~~of Section 54952, if the members of the legislative body are~~
7 ~~compensated for their appearance, and if one or more of the~~
8 ~~members of the legislative body are also members of a legislative~~
9 ~~body as that term is defined by subdivision (a) of Section 54952.~~

10 ~~(e) This section shall become operative January 1, 2026.~~

11 SEC. 5. The Legislature finds and declares that Sections 1 and
12 2 of this act, which amend and repeal Section 54953 of the
13 Government Code, and Sections 3 and 4 of this act, which amend
14 and repeal Section 54954.2 of the Government Code, impose a
15 limitation on the public’s right of access to the meetings of public
16 bodies or the writings of public officials and agencies within the
17 meaning of Section 3 of Article I of the California Constitution.
18 Pursuant to that constitutional provision, the Legislature makes
19 the following findings to demonstrate the interest protected by this
20 limitation and the need for protecting that interest:

21 By extending the alternative teleconferencing procedure
22 provisions and provisions relating to requests from members to
23 participate in those meetings remotely due to emergency
24 circumstances indefinitely, this act allows for greater accessibility
25 to, and public participation in, teleconference meetings while
26 preserving the public’s right to access information concerning the
27 conduct of the people’s business.

28 SEC. 6. The Legislature finds and declares that Sections 1 and
29 2 of this act, which amend and repeal Section 54953 of the
30 Government Code, and Sections 3 and 4 of this act, which amend
31 and repeal Section 54954.2 of the Government Code, further,
32 within the meaning of paragraph (7) of subdivision (b) of Section
33 3 of Article I of the California Constitution, the purposes of that
34 constitutional section as it relates to the right of public access to
35 the meetings of local public bodies or the writings of local public
36 officials and local agencies. Pursuant to paragraph (7) of
37 subdivision (b) of Section 3 of Article I of the California
38 Constitution, the Legislature makes the following findings:

- 1 This act is necessary to ensure greater accessibility to, and public
- 2 participation in, teleconference meetings.

O

Introduced by Senator Hurtado
(Coauthors: Senators Archuleta and Niello)
(Coauthor: Assembly Member Alanis)

February 19, 2025

An act to add Article 6 (commencing with Section 43850) and Article 6.2 (commencing with Section 43860) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 496, as introduced, Hurtado. Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources.

Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances.

This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified governmental and nongovernmental entities. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board’s internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee’s consideration of an appeal to be made publicly available on the state board’s internet website. The bill would require the state board to consider a recommendation of the committee at a public meeting no later than 60 days after the recommendation is made.

This bill would expand the emergency vehicle exemption under the Advanced Clean Fleets Regulation or similar regulation, as specified. The bill, with respect to requirements applicable to state and local government fleets under the Advanced Clean Fleets Regulation, would modify the requirements of the daily usage exemption and would prohibit the state board from requiring the fleet owner to provide documentation showing the executed zero-emissions vehicle purchase agreement in order to qualify for a specified extension to comply with certain requirements of the regulation.

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

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

1 SECTION 1. Article 6 (commencing with Section 43850) is
 2 added to Chapter 4 of Part 5 of Division 26 of the Health and Safety
 3 Code, to read:

4
 5 Article 6. Advanced Clean Fleets Regulation Appeals Advisory
 6 Committee

7
 8 43850. For purposes of this article, the following definitions
 9 apply:

1 (a) “Advanced Clean Fleets Regulation” means Article 3.2
2 (commencing with Section 2013) of, Article 3.3 (commencing
3 with Section 2014) of, Article 3.4 (commencing with Section 2015)
4 of, and Article 3.5 (commencing with Section 2016) of, Chapter
5 1 of Division 3 of Title 13 of the California Code of Regulations.

6 (b) “Committee” means the Advanced Clean Fleets Regulation
7 Appeals Advisory Committee established pursuant to Section
8 43851.

9 (c) “Electrical corporation” has the same meaning as defined
10 in Section 218 of the Public Utilities Code.

11 43851. (a) (1) On or before _____, the state board shall
12 establish the Advanced Clean Fleets Regulation Appeals Advisory
13 Committee.

14 (2) The committee shall review appeals of denied requests for
15 exemptions or time extensions from the requirements of the
16 Advanced Clean Fleets Regulation and make recommendations
17 to the state board with respect to the denial of the exemption or
18 time extension request.

19 (b) The committee shall be composed of all of the following:

20 (1) One representative of the state board who is appointed by
21 the state board.

22 (2) One representative of the Public Utilities Commission who
23 is appointed by the Public Utilities Commission.

24 (3) One representative of the State Energy Resources
25 Conservation and Development Commission who is appointed by
26 the State Energy Resources Conservation and Development
27 Commission.

28 (4) One representative of the Department of General Services
29 who is appointed by the Director of General Services.

30 (5) One representative of the Department of Transportation who
31 is appointed by the Director of Transportation.

32 (6) One representative of a transit agency who is appointed by
33 the state board.

34 (7) One representative of a regional transportation agency who
35 is appointed by the state board.

36 (8) (A) No fewer than 13 and no more than 21 members selected
37 by the state board from any of the following categories:

38 (i) (I) Private fleet owners.

39 (ii) (II) No less than 25 percent of the members appointed pursuant
40 to this paragraph shall be private fleet owners.

1 (ii) (I) State and local government representatives with expertise
2 relating to government fleets.
3 (II) No less than 25 percent of the members appointed pursuant
4 to this paragraph shall be public fleet managers.
5 (iii) Representatives of electrical corporations.
6 (iv) Electric vehicle manufacturing industry experts.
7 (v) Representatives of environmental and environmental justice
8 groups.
9 (vi) Representatives of labor groups.
10 (B) Members appointed pursuant to this paragraph shall serve
11 on the committee for a minimum of one year and a maximum of
12 three years.
13 43852. (a) The committee shall meet monthly on an evenly
14 spaced schedule.
15 (b) (1) Meetings of the committee shall be open to the public
16 in accordance with the requirements of the Bagley-Keene Open
17 Meeting Act (Article 9 (commencing with Section 11120) of
18 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
19 Code).
20 (2) Meetings of the committee shall be recorded and the
21 recording of each meeting shall be made publicly available on the
22 state board's internet website.
23 (3) It is the intent of the Legislature that members of the
24 committee review materials relating to committee meetings and
25 engage in constructive dialogue in all meetings.
26 (c) The representative of the state board shall be the nonvoting
27 chair of the committee.
28 (d) A quorum shall consist of a majority of the voting members
29 appointed to the committee at the time of a meeting. Any action
30 requires a majority vote of the members present at a meeting at
31 which there is a quorum.
32 43853. (a) If the state board denies an application for an
33 exemption or time extension from any requirement of the Advanced
34 Clean Fleets Regulation, the applicant may appeal the denial to
35 the committee.
36 (b) No later than 60 days after the applicant appeals the denial
37 of the exemption or time extension request to the committee, the
38 committee shall consider the appeal at a meeting and make a
39 recommendation to the state board regarding whether the
40 exemption or time extension request should have been denied.

1 (c) The chair of the committee shall serve as the liaison between
2 the committee and the state board, and shall report the actions and
3 recommendations of the committee to the state board.

4 (d) For each appeal to the committee, all of the following
5 information shall be made publicly available on the state board's
6 internet website:

7 (1) The applicant's original request for an exemption or time
8 extension from any requirement of the Advanced Clean Fleets
9 Regulation and any accompanying information submitted by the
10 applicant.

11 (2) All materials of the state board relating to the denial of the
12 exemption or time extension request.

13 (3) The appeal and any accompanying information submitted
14 by the applicant.

15 (4) The minutes of the meeting during which the appeal was
16 considered.

17 (e) No later than 60 days after the committee makes a
18 recommendation pursuant to subdivision (b), the state board shall
19 consider the recommendation at a public meeting of the state board.

20 SEC. 2. Article 6.2 (commencing with Section 43860) is added
21 to Chapter 4 of Part 5 of Division 26 of the Health and Safety
22 Code, to read:

23
24 Article 6.2. Advanced Clean Fleets Regulation
25

26 43860. For purposes of this article, "Advanced Clean Fleets
27 Regulation" means Article 3.2 (commencing with Section 2013)
28 of, Article 3.3 (commencing with Section 2014) of, Article 3.4
29 (commencing with Section 2015) of, and Article 3.5 (commencing
30 with Section 2016) of, Chapter 1 of Division 3 of Title 13 of the
31 California Code of Regulations.

32 43861. For purposes of the Advanced Clean Fleets Regulation,
33 or a similar regulation adopted by the state board, vehicles
34 reasonably anticipated to respond to emergency situations, or that
35 support those efforts, and vehicles reasonably anticipated to be
36 used by disaster services workers, as described in Section 3100 of
37 the Government Code, for purposes of responding to the disaster
38 for which they have been activated, are exempt to the same extent
39 as authorized emergency vehicles as defined in Section 165 of the
40 Vehicle Code.

1 43862. For purposes of the extension authorized in paragraph
2 (3) of subdivision (n) of Section 2013, and subdivision (c) of
3 Section 2013.1, of Title 13 of the California Code of Regulations,
4 the state board shall not require a fleet owner to submit
5 documentation showing the executed zero-emissions vehicle
6 purchase agreement in order to qualify for that extension.

7 43863. (a) The state board shall not administer the daily usage
8 exemption established pursuant to subdivision (b) of Section 2013.1
9 of Title 13 of the California Code of Regulations in accordance
10 with the criteria set forth in that subdivision. Instead, the state
11 board shall administer the daily usage exemption established
12 pursuant to that subdivision in accordance with the criteria set
13 forth in subdivision (b).

14 (b) Fleet owners may request an exemption as specified in
15 paragraph (2) of subdivision (n) of Section 2013 of Title 13 of the
16 California Code of Regulations to purchase a new internal
17 combustion engine (ICE) vehicle of the same configuration as an
18 ICE vehicle being replaced as specified in paragraph (1) of
19 subdivision (b) of Section 2013.1 of Title 13 of the California Code
20 of Regulations if no new battery-electric vehicle (BEV) is available
21 to purchase that can meet the demonstrated daily usage needs of
22 any existing vehicles of the same configuration in the fleet, as
23 determined by the criteria specified in paragraphs (2) to (5),
24 inclusive, of subdivision (b) of Section 2013.1 of Title 13 of the
25 California Code of Regulations. If approved, fleet owners shall
26 place their new ICE vehicle orders within one year from the date
27 the exemption is granted. The executive officer of the state board
28 shall not approve exemption requests for a vehicle configuration
29 that is available to purchase as a near-zero-emissions vehicle. The
30 fleet owner shall submit the following information by email to
31 TRUCRS@arb.ca.gov to apply:

32 (1) The make, model, weight class, configuration, and a
33 photograph of the ICE vehicle to be replaced.

34 (2) The BEV that is available to purchase in the same weight
35 class and configuration with the highest rated energy capacity
36 available. The fleet owner shall submit the make, model, weight
37 class, configuration, and rated energy capacity of the identified
38 BEV.

39 (3) (A) The BEV manufacturer's available full state of charge
40 minimum and maximum range specifications in ideal and

1 less-than-ideal conditions, including when operated in ambient
2 temperatures below 45 and above 90 degrees Fahrenheit and when
3 operated under maximum towing capacity loads and climbing road
4 grades with a minimum 5-percent grade for four miles. If this
5 information is not available from the BEV manufacturer, a
6 20-percent reduction in maximum range shall be used for a range
7 comparison to an ICE vehicle's range data. For vehicles that
8 operate truck-mounted or integrated equipment while stationary,
9 in lieu of supplying the BEV manufacturer's range specifications
10 based on vehicle miles traveled, the needed rated energy capacity
11 is the same as the measured BEV energy use specified in
12 subparagraph (B). The fleet owner shall submit the calculation and
13 results.

14 (B) In lieu of providing BEV manufacturer minimum and
15 maximum range specifications as specified in subparagraph (A),
16 fleet owners may instead submit measured fuel burn rate data from
17 ICE vehicles of the same configuration already operated on similar
18 daily assignments to substantiate their exemption request.
19 Information shall include vehicle loading and weight data, route
20 grade, low and high ambient temperatures, and vehicle miles
21 traveled per day, for three consecutive business days. For vehicles
22 that operate truck-mounted or integrated equipment while
23 stationary, the fuel burn rate data shall also include fuel used while
24 stationary truck-mounted or integrated equipment is operated each
25 day.

26 (4) A description of the daily assignments or routes used by
27 existing vehicle configurations with an explanation as to why no
28 new BEVs available to purchase of the same weight class and
29 configuration can be charged or refueled during the workday at
30 the depot, within one mile of the routes, or where ZEV fueling
31 infrastructure is available. The explanation shall include a
32 description of why charging could not be managed during driver
33 rest periods or breaks during the workday.

34 (5) In granting or denying the exemption request, the executive
35 officer of the state board shall rely on the information submitted
36 by the applicant and use their good engineering judgment to
37 determine whether the information meets the criteria specified in
38 this subdivision. The executive officer shall include information
39 regarding their years of related vehicle engineering experience,

- 1 certifications, and any professional engineering licenses they have
- 2 with a denied exemption request.

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