

BOARD MEETING DATE: August 5, 2022

AGENDA NO. 17

REPORT: Legislative Committee

SYNOPSIS: The Legislative Committee held a meeting remotely on Friday, June 10, 2022. The following is a summary of the meeting.

<b>Agenda Item</b>	<b>Recommendation/Action</b>
AB 1944 (Lee) – Local government: open and public meetings	Support with Amendments
AB 2449 (Rubio) – Open Meetings: local agencies: teleconferences	Support with Amendments
AB 2766 (Maienschein) – Unfair Competition Law: enforcement powers: investigatory subpoena	Work with Author

**RECOMMENDED ACTION:**

Receive and file this report and approve agenda items as specified in this letter.

Michael A. Cacciotti, Chair  
Legislative Committee

DJA:LTO:PFC:DPG:ar

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**Committee Members**

Present: Mayor Pro Tem Michael A. Cacciotti, Chair  
Board Member Veronica Padilla-Campos  
Council Member Nithya Raman  
Senator Vanessa Delgado (Ret.)  
Supervisor Janice Rutherford  
Supervisor V. Manuel Perez

Absent: None

**Call to Order**

Chair Michael Cacciotti called the meeting to order at 9:00 a.m.

For additional information of the Legislative Committee Meeting, please refer to the Webcast at: [Webcast](#)

**ACTION/DISCUSSION ITEMS:**

**1. Recommend Position on State Bills:**

Denise Peralta Gailey, Public Affairs Manager/Legislative, Public Affairs & Media, presented AB 1944 (Lee) Local government: open and public meetings. The bill would allow local legislative bodies to hold public meetings via teleconferencing without identifying each teleconference location or making those locations accessible to the public upon meeting specified conditions. Those conditions would require a quorum of the legislative body participates from a single physical location that is:

- Identified on the agenda;
- Open to the public; and
- Within the agency’s jurisdiction.

The bill would sunset on January 1, 2030. AB 1944 would allow South Coast AQMD to continue to hold virtual meetings via teleconferencing without a declared state of emergency. An amendment is recommended to remove the provision that requires a quorum of members at a single physical location because this could be problematic for agencies with a large geographical jurisdiction.

There was no public comment. For additional information, please refer to the Webcast beginning at [5:14](#).

**Recommended Position: SUPPORT WITH AMENDMENTS**

Moved by Raman; seconded by Perez

Ayes: Cacciotti, Padilla-Campos, Perez, Raman, Rutherford

Noes: None

Abstain: None

Absent: Delgado

Ms. Peralta Gailey presented AB 2449 (Rubio) Open Meetings: local agencies: teleconferences. Similar to AB 1944, if specified conditions are met, the bill would allow members of a local legislative body to use teleconferencing for a public meeting without identifying each teleconference location or making those locations accessible to the public. This bill would require the same conditions in AB 1944 with the addition of:

- A two-way audio-visual platform or a two-way telephonic service and a live webcasting of the meeting to enable the public to remotely listen and address the legislative body as well as visually observe the meeting.
- All members of the legislative body attending the meeting by teleconference shall participate through both audio and visual technology.
- If a disruption prevents the agency from broadcasting the meeting or prevents members of the public from offering remote comments, the body shall take no further action until access for the public is restored.
- The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

Board Member Padilla-Campos inquired about the motivation for the bill. Ms. Peralta Gailey responded that this bill would provide flexibility for remote participation at public meetings by members.

There was no public comment. For additional information, please refer to the Webcast beginning at [10:16](#).

**Recommended position: SUPPORT WITH AMENDMENTS**

Moved by Perez; seconded by Raman

Ayes: Cacciotti, Padilla-Campos, Perez, Raman, Rutherford

Noes: None

Abstain: None

Absent: Delgado

Philip Crabbe, Senior Public Affairs Manager/Legislative, Public Affairs & Media, presented AB 2766 (Maienschein) Unfair Competition Law: enforcement powers: investigatory subpoena. This bill would grant the investigatory power of the Attorney General to:

- A city attorney of any city having a population over 750,000;
- County counsel of any county within which a city has a population over 750,000; or
- An attorney of a city and county, when the city attorney or county counsel reasonably believes that there may have been a violation of the Unfair Competition Law (UCL).

Supervisor Rutherford inquired about how the UCL relates to South Coast AQMD's investigations. Barbara Baird, Chief Deputy Counsel, discussed how the UCL allows prosecution for civil penalties of statutory or regulatory violations and AB 2766's potential impacts on air agencies investigatory and legal actions. Wayne Nastri,

Executive Officer, cited the Dominguez Channel case as a good example which illustrates how records used in these types of investigations are potentially at risk.

Supervisor Rutherford stated that if this bill allows other entities to prosecute bad actors, then we should let them, especially given air districts' limited resources.

Ms. Baird, expressed that air districts would still need to prepare the case, but the only difference would be who handles the actual prosecution which would not lessen the workload for enforcement staff. Chair Cacciotti added that cooperation through parallel prosecutory actions by multiple agencies can be beneficial.

Harvey Eder, Public Solar Power Coalition, provided public comment and inquired about civil penalty monies from prosecutions.

Ms. Baird responded that when an air district prosecutes a case, the civil penalties are placed in the agencies' general fund. A penalty may also contribute funds to a supplemental environmental project.

For additional information, please refer to the Webcast beginning at [13:44](#).

**Recommended position: WORK WITH AUTHOR**

Moved by Perez; seconded by Raman

Ayes: Cacciotti, Delgado, Padilla-Campos, Perez, Raman

Noes: Rutherford

Abstain: None

Absent: None

**2. Update on South Coast AQMD Sponsored and Key Support State Legislation**

Derrick Alatorre, Deputy Executive Officer/Legislative, Public Affairs & Media, provided updates on South Coast AQMD's sponsored legislation and a key support bill:

- AB 1749 (C. Garcia), to extend the AB 617 CERP development timeframe to 2 years, is in the Senate and has been referred to the Senate Environmental Quality Committee. Hearing has not been set.
- AB 2141 (E. Garcia), to provide sustainable AB 617 implementation and incentive funding, has been incorporated into the budget and will no longer move forward.
- AB 2836 (E. Garcia), to reauthorize the Carl Moyer and AB 923 programs, will be heard in the Senate Transportation Committee on Tuesday, June 14. The bill has also been referred to the Senate Environmental Quality and Senate Governance and Finance Committees.

- AB 2910 (Santiago), to increase civil penalty ceilings for air quality violations, is in the Senate and has been referred to the Senate Environmental Quality and Judiciary Committees. Staff is continuing to work with the author on possible amendments to the bill.

Mr. Alatorre added that another South Coast AQMD sponsored bill, AB 2852 (Bloom), to designate South Coast AQMD as an independent special district for the purposes of receiving federal funding, is dead. Mr. Crabbe added that this item will likely be pursued next legislative year.

Council Member Raman inquired about the potential amendments to AB 2910. Mr. Alatorre responded that proposed amendments may create a Supplemental Environmental Project (SEP) program.

There was no public comment. For additional information, please refer to the Webcast beginning at [27:40](#).

### **3. Update and Discussion on Federal Legislative Issues**

South Coast AQMD's federal legislative consultants (Cassidy & Associates, Kadesh & Associates, and Carmen Group) provided written reports on key issues in Washington, D.C.

Amelia Morales of Cassidy & Associates provided an overview of the upcoming electoral cycle highlighting the impacts of redistricting.

Mark Kadesh of Kadesh & Associates reported that California lost one seat in the House of Representatives with 52 remaining which includes five members who will not be seeking re-election in November. He added that South Coast AQMD has been identified for three Senate earmarks for zero-emission long-haul locomotive and ocean-going vessel projects.

Gary Hoistma of Carmen Group reported on potential changes to leadership in the House Appropriations, Energy & Commerce, and Ways & Means Committees; and, Senate Appropriations, Environment & Public Works and Finance Committees.

There was no public comment. For additional information, please refer to the Webcast beginning at [35:22](#).

### **4. Update and Discussion on State Legislative Issues**

South Coast AQMD's state legislative consultants (California Advisors, LLC, Joe A. Gonsalves & Son, and Resolute) provided written reports on key issues in Sacramento.

Ross Buckley of California Advisors, LLC reported that Assembly Speaker Anthony Rendon's speakership was challenged by Assembly Member Robert Rivas. There was not an immediate agreement for the Speaker to change, however it appears that there are continuing talks for a possible transition of power.

Paul Gonsalves of Joe A. Gonsalves & Son provided an overview of the June 7 primary election results for statewide constitutional offices.

David Quintana of Resolute reported that the AB 617 program will receive an on-going baseline annual allocation of \$300 million as part of the state budget. This budget year, \$260 million will come from the Greenhouse Gas Reduction Fund and \$40 million from the General Fund. The breakdown of funding is:

- \$240 million for incentives;
- \$10 million for community technical assistance; and,
- \$50 million for program implementation.

Efforts will continue to secure additional AB 617 funding throughout the budget process.

There was no public comment. For additional information, please refer to the Webcast beginning at [46:04](#).

## **OTHER MATTERS:**

### **5. Other Business**

There was no other business to report.

### **6. Public Comment Period**

There was no public comment.

### **7. Next Meeting Date**

The next regular Legislative Committee meeting is scheduled for Friday, August 12, 2022 at 9:00 a.m.

## **Adjournment**

The meeting adjourned at 9:53 a.m.

## **Attachments**

1. Attendance Record
2. Recommend Position on State Bills
3. Update on Federal Legislative Issues – Written Reports
4. Update on State Legislative Issues – Written Reports

# ATTACHMENT 1

## **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT LEGISLATIVE COMMITTEE MEETING ATTENDANCE RECORD – June 10, 2022**

Mayor Michael Cacciotti.....	South Coast AQMD Board Member
Senator Vanessa Delgado.....	South Coast AQMD Board Member
Board Member Veronica Padilla-Campos.....	South Coast AQMD Board Member
Supervisor V. Manuel Perez.....	South Coast AQMD Board Member
Council Member Nithya Raman.....	South Coast AQMD Board Member
Supervisor Janice Rutherford.....	South Coast AQMD Board Member
Mark Taylor.....	Board Consultant (Rutherford)
Amy Wong.....	Board Consultant (Padilla-Campos)
Ben Wong.....	Board Consultant (Cacciotti)
Ross Buckley.....	California Advisors, LLC
Paul Gonsalves.....	Joe A. Gonsalves & Son
Gary Hoitsma.....	Carmen Group, Inc.
Mark Kadesh.....	Kadesh & Associates
Amelia Morales.....	Cassidy & Associates
David Quintana.....	Resolute
Mark Abramowitz.....	Public Member
Ken Chawkins.....	Public Member
Ramine Cromartie.....	Public Member
Jackson Guze.....	Public Member
Bill La Marr.....	Public Member
Josh Nuni.....	Public Member
David Rothbart.....	Public Member
Patty Senecal.....	Public Member
Derrick Alatorre.....	South Coast AQMD Staff
Jason Aspell.....	South Coast AQMD Staff
Barbara Baird.....	South Coast AQMD Staff
Cindy Bustillos.....	South Coast AQMD Staff
Philip Crabbe.....	South Coast AQMD Staff
Scott Gallegos.....	South Coast AQMD Staff
Sheri Hanizavareh.....	South Coast AQMD Staff
Mark Henninger.....	South Coast AQMD Staff
Kathryn Higgins.....	South Coast AQMD Staff
Aaron Katzenstein.....	South Coast AQMD Staff
Alicia Lizarraga.....	South Coast AQMD Staff
Cristina Lopez.....	South Coast AQMD Staff
Jason Low.....	South Coast AQMD Staff
Susan Nakamura.....	South Coast AQMD Staff
Wayne Nastri.....	South Coast AQMD Staff
Denise Peralta Gailey.....	South Coast AQMD Staff
Sarah Rees.....	South Coast AQMD Staff
Aisha Reyes.....	South Coast AQMD Staff
Lisa Tanaka O'Malley.....	South Coast AQMD Staff
Anthony Tang.....	South Coast AQMD Staff
Uyen-Uyen Vo.....	South Coast AQMD Staff
Paul Wright.....	South Coast AQMD Staff
Victor Yip.....	South Coast AQMD Staff

# ATTACHMENT 2A

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 1944 (Lee)  
Version: As Amended on 5/25/22  
Analyst: DPG/PC

## **AB 1944 (Lee)**

Local government: open and public meetings.

**Summary:** This bill would allow, until January 1, 2030, members of a local legislative body to use teleconferencing for a public meeting without identifying each teleconference location or making those locations accessible to the public, if:

- At least a quorum of members of the legislative body participates from a single physical location that is:
  - identified on the agenda,
  - open to the public, and
  - within the local agency’s jurisdiction.

**Background:** Existing law, the Ralph M. Brown Act, requires, that all meetings of a local agency’s legislative body be open and public and that all persons be permitted to attend and participate. The act contains provisions for posting an agenda and providing the ability for the public to observe and provide comment. The act allows for meetings to occur via teleconferencing, subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with teleconferencing requirements when a declared state of emergency is in effect, or in other situations related to public health.

**Status:** 5/26/22 - Assembly Rule 69(d) suspended. Read third time. Passed. Ordered to the Senate.

**Specific Provisions:** Specifically, this bill would:

1. Allow members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting or proceeding, and without making each location accessible to the public if the following circumstances are present:
  - a. The legislative body holds a meeting and determines by a majority vote, that members will not be required to identify the address of any private location from which the member elects to teleconference.
  - b. At least a quorum of members of the legislative body participates from a single physical location that is clearly identified on the agenda, open to the public, and situated within the jurisdiction of the local agency.
2. If a legislative body elects to teleconference as authorized by this bill, it must:

- a. Provide a video stream accessible to members of the public, and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.
  - b. Identify on the agenda any member of the legislative body that will participate in the meeting remotely.
    - i. If a member of the legislative body elects to participate in the meeting remotely after the agenda is posted, an updated agenda must be posted.
3. This bill sunsets on January 1, 2030.

**Impacts on South Coast AQMD’s Mission, Operations or Initiatives:** During the pandemic, public entities have been able to hold teleconferenced public meetings with relevant Brown Act requirements exempted. The flexibility provided by those exemptions facilitated board members’ and the public’s ability to safely attend public meetings remotely and resulted in increased public participation.

This bill would enable local legislative bodies, including the South Coast AQMD, to avoid having to rely on a declared state of emergency to continue to reap the benefits of holding virtual or hybrid public meetings. Continuing to allow board members and members of the public to participate remotely from undisclosed locations, will perpetuate increased public participation, safety and flexibility surrounding public meetings, both for members of the public and board members of local entities. The bill would modernize existing Brown Act laws while maintaining transparency and public participation.

South Coast AQMD requests an amendment to eliminate the requirement that the in-person quorum of members be at a single location. Especially in larger local jurisdictions, such a requirement does not increase public access.

**Recommended Position: SUPPORT WITH AMENDMENTS**

**South Coast AQMD Amendment:**

- a. “At least a quorum of members of the legislative body participates from ~~a single~~ physical locations that ~~is~~*are* clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency has jurisdiction.”

**Support:**

Association of Bay Area Governments (if amended)  
Association of California Healthcare Districts  
Association of California School Administrators  
Bay Area Air Quality Management District  
California Association of Councils of Governments  
California Association of Joint Powers Authorities

California Association of Public Authorities for IHSS  
California Charter Schools Association  
California School Boards Association  
California State Association of Counties  
Cities Association of Santa Clara County  
City of Berkeley  
City of Cupertino  
City of Lafayette  
City of Mountain View  
City of Rancho Palos Verdes  
City of Redwood City City of San Jose  
City of Santa Clara  
County of Mendocino  
County of Monterey  
County of Santa Cruz  
County of Solano  
County of Tulare  
Disability Rights California  
Encina Wastewater Authority  
First 5 Solano Children and Families Commission  
Housing Contractors of California  
Indivisible CA-37  
Indivisible Sacramento  
Indivisible San Francisco  
Indivisible San Jose  
League of California Cities  
Los Angeles Unified School District  
Metropolitan Transportation Commission (if amended)  
Peninsula Clean Energy  
Public Risk Innovation, Solutions, and Management  
Rural County Representatives of California  
Sacramento Area Council of Governments  
San Francisco Bay Area Rapid Transit District  
San Gabriel Valley Council of Governments  
San Mateo County Transit District  
San Mateo County Transportation Authority  
Santa Clara Valley Open Space Authority  
Silicon Valley Clean Energy  
Silicon Valley Community Foundation  
Sonoma Clean Power  
Stanislaus Council of Governments  
State Association of County Retirement Systems

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 1944 (Lee)  
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Town of Hillsborough  
Town of Los Gatos  
Transportation Agency for Monterey County  
Transportation Authority of Marin  
Upper San Gabriel Valley Municipal Water District  
Urban Counties of California

**Opposition:**

ACLU California Action  
California News Publishers Association  
Californians Aware  
First Amendment Coalition  
Howard Jarvis Taxpayers Association  
Leadership Counsel for Justice & Accountability  
Orange County Press Club  
Public Advocates  
Society of Professional Journalists, Greater Los Angeles Chapter

# ATTACHMENT 2B

AMENDED IN ASSEMBLY MAY 25, 2022

AMENDED IN ASSEMBLY APRIL 18, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1944**

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**Introduced by Assembly Members Lee and Cristina Garcia**  
(Coauthors: Senators Becker, Cortese, and Stern)

February 10, 2022

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An act to amend, repeal, and add Section 54953 of the Government Code, relating to public meetings.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1944, as amended, Lee. Local government: open and public meetings.

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

the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted.

~~This bill would authorize, under specified circumstances and~~ *authorize*, upon a determination by a majority vote of the legislative body, a member to be exempt from identifying the address of the member's teleconference location in the notice and agenda or having the location be accessible to the public, if the member elects to teleconference from a location that is not a public ~~place~~. *place, including, beginning January 1, 2024, that at least a quorum of members of the legislative body participates from a single physical location that is clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency has jurisdiction.*

This bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.

This bill would repeal these provisions on January 1, 2030.

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 3 of Chapter 165 of the Statutes of 2021, 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 law, the legislative body of  
9 a local agency may use teleconferencing for the benefit of the  
10 public and the legislative body of a local agency in connection  
11 with any meeting or proceeding authorized by law. The  
12 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. All votes taken during  
19 a teleconferenced meeting shall be by rollcall.

20 (3) (A) If the legislative body of a local agency elects to use  
21 teleconferencing, it shall post agendas at all teleconference  
22 locations and conduct teleconference meetings in a manner that  
23 protects the statutory and constitutional rights of the parties or the  
24 public appearing before the legislative body of a local agency.

25 (B) Each teleconference location shall be identified in the notice  
26 and agenda of the meeting or proceeding, and each teleconference  
27 location shall be accessible to the public, except as provided in  
28 subparagraph (E).

29 (C) The agenda shall identify any member of the legislative  
30 body that will participate in the meeting remotely. If a member of  
31 the legislative body elects to participate in the meeting remotely  
32 after the agenda is posted, an updated agenda shall be posted. In

1 the time between the start of the meeting and 72 hours before a  
2 regular meeting, in accordance with Section 54954.2, and 24 hours  
3 before a special meeting, in accordance with Section 54956, a  
4 legislative body shall only update the agenda to reflect the members  
5 participating in the meeting remotely.

6 (D) During the teleconference, at least a quorum of the members  
7 of the 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). The  
10 agenda shall provide an opportunity for members of the public to  
11 address the legislative body directly pursuant to Section 54954.3  
12 at each teleconference location, except as provided in subparagraph  
13 (E).

14 (E) If a member of a legislative body elects to teleconference  
15 from a location that is not a public place, the legislative body shall  
16 be exempt from identifying the address of the location in the notice  
17 and agenda and from having the location be accessible to the public  
18 in both of the following circumstances:

19 (i) The legislative body holds its first teleconferenced meeting  
20 after passage of the act that added this subparagraph, for the  
21 purpose of determining, by a majority vote, whether members will  
22 not be required to identify the address of any private location from  
23 which the member elects to teleconference. This determination  
24 remains applicable to the legislative body until such time as the  
25 legislative body votes otherwise.

26 (ii) The legislative body holds a meeting and has previously  
27 determined, by majority vote, that members will not be required  
28 to identify the address of any private location from which the  
29 member elects to teleconference.

30 (F) If a legislative body elects to use teleconferencing as  
31 authorized by this section, it shall provide both of the following:

32 (i) A video stream accessible to members of the public.

33 (ii) An option for members of the public to address the body  
34 remotely during the public comment period through an audio-visual  
35 or call-in option.

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

1 (5) For the purposes of this section, “video stream” means a  
2 medium in which the data from a live filming or a video file is  
3 continuously delivered via the internet to a remote user, allowing  
4 a video to be viewed online by the public without being  
5 downloaded on a host computer or device.

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

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

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

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

33 (2) Nothing in this subdivision shall be construed as  
34 discouraging health authority members from regularly meeting at  
35 a common physical site within the jurisdiction of the authority or  
36 from using teleconference locations within or near the jurisdiction  
37 of the authority. A teleconference meeting for which a quorum is  
38 established pursuant to this subdivision shall be subject to all other  
39 requirements of this section.

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

12 (e) (1) A local agency may use teleconferencing without  
13 complying with the requirements of paragraph (3) of subdivision  
14 (b) if the legislative body complies with the requirements of  
15 paragraph (2) of this subdivision in any of the following  
16 circumstances:

17 (A) The legislative body holds a meeting during a proclaimed  
18 state of emergency, and state or local officials have imposed or  
19 recommended measures to promote social distancing.

20 (B) 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 (C) The legislative body holds a meeting during a proclaimed  
25 state of emergency and has determined, by majority vote, pursuant  
26 to subparagraph (B), 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) The legislative body shall give notice of the meeting and  
32 post agendas as otherwise required by this chapter.

33 (B) The legislative body shall allow members of the public to  
34 access the meeting and the agenda shall provide an opportunity  
35 for members of the public to address the legislative body directly  
36 pursuant to Section 54954.3. In each instance in which notice of  
37 the time of the teleconferenced meeting is otherwise given or the  
38 agenda for the meeting is otherwise posted, the legislative body  
39 shall also give notice of the means by which members of the public  
40 may access the meeting and offer public comment. The agenda

1 shall identify and include an opportunity for all persons to attend  
2 via a call-in option or an internet-based service option. This  
3 subparagraph shall not be construed to require the legislative body  
4 to provide a physical location from which the public may attend  
5 or comment.

6 (C) The legislative body shall conduct teleconference meetings  
7 in a manner that protects the statutory and constitutional rights of  
8 the parties and the public appearing before the legislative body of  
9 a local agency.

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

21 (E) The legislative body shall not require public comments to  
22 be submitted in advance of the meeting and must provide an  
23 opportunity for the public to address the legislative body and offer  
24 comment in real time. This subparagraph shall not be construed  
25 to require the legislative body to provide a physical location from  
26 which the public may attend or comment.

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

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

38 (ii) A legislative body that does not provide a timed public  
39 comment period, but takes public comment separately on each  
40 agenda item, shall allow a reasonable amount of time per agenda

1 item to allow public members the opportunity to provide public  
2 comment, including time for members of the public to register  
3 pursuant to subparagraph (F), or otherwise be recognized for the  
4 purpose of providing public comment.

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

10 (3) If a state of emergency remains active, or state or local  
11 officials have imposed or recommended measures to promote  
12 social distancing, in order to continue to teleconference without  
13 compliance with paragraph (3) of subdivision (b), the legislative  
14 body shall, not later than 30 days after teleconferencing for the  
15 first time pursuant to subparagraph (A), (B), or (C) of paragraph  
16 (1), and every 30 days thereafter, make the following findings by  
17 majority vote:

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

20 (B) Any of the following circumstances exist:

21 (i) The state of emergency continues to directly impact the  
22 ability of the members to meet safely in person.

23 (ii) State or local officials continue to impose or recommend  
24 measures to promote social distancing.

25 (4) For the purposes of this subdivision, “state of emergency”  
26 means a state of emergency proclaimed pursuant to Section 8625  
27 of the California Emergency Services Act (Article 1 (commencing  
28 with Section 8550) of Chapter 7 of Division 1 of Title 2).

29 (f) This section shall remain in effect only until January 1, 2024,  
30 and as of that date is repealed.

31 SEC. 2. Section 54953 of the Government Code, as added by  
32 Section 4 of Chapter 165 of the Statutes of 2021, is amended to  
33 read:

34 54953. (a) All meetings of the legislative body of a local  
35 agency shall be open and public, and all persons shall be permitted  
36 to attend any meeting of the legislative body of a local agency,  
37 except as otherwise provided in this chapter.

38 (b) (1) Notwithstanding any other law, the legislative body of  
39 a local agency may use teleconferencing for the benefit of the  
40 public and the legislative body of a local agency in connection

1 with any meeting or proceeding authorized by law. The  
2 teleconferenced meeting or proceeding shall comply with all  
3 requirements of this chapter and all otherwise applicable provisions  
4 of law relating to a specific type of meeting or proceeding.

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

9 (3) (A) If the legislative body of a local agency elects to use  
10 teleconferencing, it shall post agendas at all teleconference  
11 locations and conduct teleconference meetings in a manner that  
12 protects the statutory and constitutional rights of the parties or the  
13 public appearing before the legislative body of a local agency.

14 (B) Each teleconference location shall be identified in the notice  
15 and agenda of the meeting or proceeding, and each teleconference  
16 location shall be accessible to the public, except as provided in  
17 subparagraph (E).

18 (C) The agenda shall identify any member of the legislative  
19 body that will participate in the meeting remotely. If a member of  
20 the legislative body elects to participate in the meeting remotely  
21 after the agenda is posted, an updated agenda shall be posted. In  
22 the time between the start of the meeting and 72 hours before a  
23 regular meeting, in accordance with Section 54954.2, and 24 hours  
24 before a special meeting, in accordance with Section 54956, a  
25 legislative body shall only update the agenda to reflect the members  
26 participating in the meeting remotely.

27 (D) During the teleconference, at least a quorum of the members  
28 of the legislative body shall participate from locations within the  
29 boundaries of the territory over which the local agency exercises  
30 jurisdiction, except as provided in subdivision (d). The agenda  
31 shall provide an opportunity for members of the public to address  
32 the legislative body directly pursuant to Section 54954.3 at each  
33 teleconference location, except as provided in subparagraph (E).

34 (E) If a member of a legislative body elects to teleconference  
35 from a location that is not a public place, the legislative body shall  
36 be exempt from identifying the address of the location in the notice  
37 and agenda and from having the location be accessible to the public  
38 ~~in both of the following circumstances: if both of the following~~  
39 *circumstances are present:*

1 ~~(i) The legislative body holds its first teleconferenced meeting~~  
2 ~~after passage of the act that added this subparagraph, for the~~  
3 ~~purpose of determining, by a majority vote, whether members will~~  
4 ~~not be required to identify the address of any private location from~~  
5 ~~which the member elects to teleconference. This determination~~  
6 ~~remains applicable to the legislative body until such time as the~~  
7 ~~legislative body votes otherwise.~~

8 (ii)

9 (i) The legislative body holds a meeting and has ~~previously~~  
10 determined, by majority vote, that members will not be required  
11 to identify the address of any private location from which the  
12 member elects to teleconference. *A determination described by*  
13 *this clause shall remain applicable to the legislative body until*  
14 *the legislative body votes otherwise.*

15 (ii) *At least a quorum of members of the legislative body*  
16 *participates from a single physical location that is clearly identified*  
17 *on the agenda, open to the public, and situated within the*  
18 *boundaries of the territory over which the local agency has*  
19 *jurisdiction.*

20 (F) If a legislative body elects to use teleconferencing as  
21 authorized by this section, it shall provide both of the following:

22 (i) A video stream accessible to members of the public.

23 (ii) An option for members of the public to address the body  
24 remotely during the public comment period through an audio-visual  
25 or call-in option.

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

31 (5) For the purposes of this section, “video stream” means a  
32 medium in which the data from a live filming or a video file is  
33 continuously delivered via the internet to a remote user, allowing  
34 a video to be viewed online by the public without being  
35 downloaded on a host computer or device.

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

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

1 (3) Prior to taking final action, the legislative body shall orally  
2 report a summary of a recommendation for a final action on the  
3 salaries, salary schedules, or compensation paid in the form of  
4 fringe benefits of a local agency executive, as defined in  
5 subdivision (d) of Section 3511.1, during the open meeting in  
6 which the final action is to be taken. This paragraph shall not affect  
7 the public's right under the California Public Records Act (Division  
8 10 (commencing with Section 7920.000) of Title 1) to inspect or  
9 copy records created or received in the process of developing the  
10 recommendation.

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

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

30 (3) For purposes of this subdivision, a health authority means  
31 any entity created pursuant to Sections 14018.7, 14087.31,  
32 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
33 and Institutions Code, any joint powers authority created pursuant  
34 to Article 1 (commencing with Section 6500) of Chapter 5 of  
35 Division 7 for the purpose of contracting pursuant to Section  
36 14087.3 of the Welfare and Institutions Code, and any advisory  
37 committee to a county-sponsored health plan licensed pursuant to  
38 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
39 Health and Safety Code if the advisory committee has 12 or more  
40 members.

- 1 (e) This section shall become operative January 1, 2024.
- 2 (f) This section shall remain in effect only until January 1, 2030,
- 3 and as of that date is repealed.
- 4 SEC. 3. Section 54953 is added to the Government Code, to
- 5 read:
- 6 54953. (a) All meetings of the legislative body of a local
- 7 agency shall be open and public, and all persons shall be permitted
- 8 to attend any meeting of the legislative body of a local agency,
- 9 except as otherwise provided in this chapter.
- 10 (b) (1) Notwithstanding any other provision of law, the
- 11 legislative body of a local agency may use teleconferencing for
- 12 the benefit of the public and the legislative body of a local agency
- 13 in connection with any meeting or proceeding authorized by law.
- 14 The teleconferenced meeting or proceeding shall comply with all
- 15 requirements of this chapter and all otherwise applicable provisions
- 16 of law relating to a specific type of meeting or proceeding.
- 17 (2) Teleconferencing, as authorized by this section, may be used
- 18 for all purposes in connection with any meeting within the subject
- 19 matter jurisdiction of the legislative body. All votes taken during
- 20 a teleconferenced meeting shall be by rollcall.
- 21 (3) If the legislative body of a local agency elects to use
- 22 teleconferencing, it shall post agendas at all teleconference
- 23 locations and conduct teleconference meetings in a manner that
- 24 protects the statutory and constitutional rights of the parties or the
- 25 public appearing before the legislative body of a local agency.
- 26 Each teleconference location shall be identified in the notice and
- 27 agenda of the meeting or proceeding, and each teleconference
- 28 location shall be accessible to the public. During the teleconference,
- 29 at least a quorum of the members of the legislative body shall
- 30 participate from locations within the boundaries of the territory
- 31 over which the local agency exercises jurisdiction, except as
- 32 provided in subdivision (d). The agenda shall provide an
- 33 opportunity for members of the public to address the legislative
- 34 body directly pursuant to Section 54954.3 at each teleconference
- 35 location.
- 36 (4) For the purposes of this section, “teleconference” means a
- 37 meeting of a legislative body, the members of which are in different
- 38 locations, connected by electronic means, through either audio or
- 39 video, or both. Nothing in this section shall prohibit a local agency

1 from providing the public with additional teleconference ~~locations~~  
2 *locations*.

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

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

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

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

30 (2) Nothing in this subdivision shall be construed as  
31 discouraging health authority members from regularly meeting at  
32 a common physical site within the jurisdiction of the authority or  
33 from using teleconference locations within or near the jurisdiction  
34 of the authority. A teleconference meeting for which a quorum is  
35 established pursuant to this subdivision shall be subject to all other  
36 requirements of this section.

37 (3) For purposes of this subdivision, a health authority means  
38 any entity created pursuant to Sections 14018.7, 14087.31,  
39 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
40 and Institutions Code, any joint powers authority created pursuant

1 to Article 1 (commencing with Section 6500) of Chapter 5 of  
2 Division 7 for the purpose of contracting pursuant to Section  
3 14087.3 of the Welfare and Institutions Code, and any advisory  
4 committee to a county-sponsored health plan licensed pursuant to  
5 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
6 Health and Safety Code if the advisory committee has 12 or more  
7 members.

8 (e) This section shall become operative January 1, 2030.

9 SEC. 4. The Legislature finds and declares that Sections 1, 2,  
10 and 3 of this act, which amend, repeal, and add Section 54953 of  
11 the Government Code, further, within the meaning of paragraph  
12 (7) of subdivision (b) of Section 3 of Article I of the California  
13 Constitution, the purposes of that constitutional section as it relates  
14 to the right of public access to the meetings of local public bodies  
15 or the writings of local public officials and local agencies. Pursuant  
16 to paragraph (7) of subdivision (b) of Section 3 of Article I of the  
17 California Constitution, the Legislature makes the following  
18 findings:

19 This act is necessary to ensure minimum standards for public  
20 participation allowing for greater public participation in  
21 teleconference meetings.

22 SEC. 5. (a) The Legislature finds and declares that during the  
23 COVID-19 public health emergency, certain requirements of the  
24 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)  
25 of Part 1 of Division 2 of Title 5 of the Government Code) and the  
26 Bagley-Keene Open Meeting Act (Article 9 (commencing with  
27 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
28 the Government Code) were suspended by Executive Order No.  
29 N-29-20. Audio and video teleconference were widely used to  
30 conduct public meetings in lieu of physical location meetings, and  
31 public meetings conducted by teleconference during the COVID-19  
32 public health emergency have been productive, have increased  
33 public participation by all members of the public regardless of  
34 their location in the state and ability to travel to physical meeting  
35 locations, have protected the health and safety of civil servants  
36 and the public, and have reduced travel costs incurred by members  
37 of state bodies and reduced work hours spent traveling to and from  
38 meetings.

39 (b) The Legislature finds and declares that Sections 1, 2, and 3  
40 of this act, which amend, repeal, and add Section 54953 of the

1 Government Code, impose a potential limitation on the public's  
2 right of access to the meetings of public bodies or the writings of  
3 public officials and agencies within the meaning of Section 3 of  
4 Article I of the California Constitution. Pursuant to that  
5 constitutional provision, the Legislature makes the following  
6 findings to demonstrate the interest protected by this potential  
7 limitation and the need for protecting that interest:

8 By removing the requirement for each teleconference location  
9 to be identified in the notice and agenda, including the member's  
10 private home address, and by providing exceptions to the  
11 requirements that each teleconference location must be accessible  
12 to the public and that members of the public be given the  
13 opportunity to address the legislative body directly at each  
14 teleconference location, this act protects the personal, private  
15 information and location of public officials and their families while  
16 preserving the public's right to access information concerning the  
17 conduct of the people's business.

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# ATTACHMENT 2C

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2449 (Rubio)  
Version: As Amended on 5/23/22  
Analyst: DPG/PC

## **AB 2449 (Rubio)**

Open meetings: local agencies: teleconferences.

**Summary:** This bill would allow, until January 1, 2028, members of a local legislative body to use teleconferencing for a public meeting without identifying each teleconference location or making those locations accessible to the public, if:

- At least a quorum of members of the legislative body participates in person from a single physical location that is:
  - identified on the agenda,
  - open to the public, and
  - within the local agency’s jurisdiction.

**Background:** Existing law, the Ralph M. Brown Act, requires, that all meetings of a local agency’s legislative body be open and public and that all persons be permitted to attend and participate. The act contains provisions for posting an agenda and providing the ability for the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with teleconferencing requirements when a declared state of emergency is in effect, or in other situations related to public health.

**Status:** 5/26/22 - Read third time. Passed. Ordered to the Senate.

**Specific Provisions:** Specifically, this bill would:

1. Allow a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting and making each teleconference location accessible to the public 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, which shall be open to the public and situated within the boundaries the local agency’s jurisdiction.
2. In order to utilize the authority outlined above, this bill would require the legislative body to comply with various requirements, including:
  - a) Providing at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body: a two-way audio-visual platform; or, a two-way telephonic service and a live webcasting of the meeting.

- b) All members of the legislative body attending the meeting by teleconference shall participate through both audio and visual technology.
  - c) If a disruption prevents the agency from broadcasting the meeting or prevents members of the public from offering public comments remotely, the body shall take no further action until remote access for the public is restored.
  - d) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.
3. The provisions of this bill shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of three consecutive months.
  4. This bill sunsets on January 1, 2028.

**Impacts on South Coast AQMD’s Mission, Operations or Initiatives:** During the pandemic, public entities have been able to hold teleconferenced public meetings with relevant Brown Act requirements exempted. The flexibility provided by those exemptions facilitated board members’ and the public’s ability to safely attend public meetings remotely and resulted in increased public participation.

This bill would enable local legislative bodies, including the South Coast AQMD, to avoid having to rely on a declared state of emergency to continue to reap the benefits of holding virtual or hybrid public meetings. Continuing to allow board members and members of the public to participate remotely from undisclosed locations, will perpetuate increased public participation, safety and flexibility surrounding public meetings, both for members of the public and board members of local entities. The bill would modernize existing Brown Act laws while maintaining transparency and public participation.

South Coast AQMD requests an amendment to eliminate the requirement that the in-person quorum of members be at a single location. Especially in larger local jurisdictions, such a requirement does not increase public access.

**Recommended Position: SUPPORT WITH AMENDMENTS**

**South Coast AQMD Amendment:**

- a. “...at least a quorum of the members of the legislative body participates in person from ~~a singular~~ physical locations clearly identified on the agenda, which locations shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction...”

**Support:**

Three Valleys Municipal Water District [SPONSOR]  
Association of California Healthcare Districts

Association of California Water Agencies  
California Municipal Utilities Association  
California State Association of Counties  
Calleguas Municipal Water District  
Central Basin Municipal Water District  
Central Contra Costa Sanitary District  
City of Cupertino  
City of Rancho Palos Verdes  
County of Monterey (if amended)  
Cucamonga Valley Water District  
Eastern Municipal Water District  
Foothill Municipal Water District  
Inland Empire Utilities Agency  
League of California Cities  
Local Agency Formation Commission for the County of Los Angeles  
Los Angeles Unified School District  
Mesa Water District  
Metropolitan Water District of Southern California  
Municipal Water District Orange County  
Public Risk Innovation, Solutions, and Management  
Regional Chamber of Commerce, San Gabriel Valley  
Rowland Water District  
Rural County Representatives of California  
San Bernardino Municipal Water Department  
San Bernardino Valley Municipal Water District  
San Diego County Water Authority  
San Gabriel Basin Water Quality Authority  
San Gabriel Valley Council of Governments (if amended)  
San Gabriel Valley Economic Partnership  
San Gabriel Valley Municipal Water District  
San Gabriel Valley Water Association  
Santa Margarita Water District  
Solano County Board of Supervisors  
Southern California Water Coalition  
Suburban Water Systems  
Upper San Gabriel Valley Municipal Water District  
Urban Counties of California  
Walnut Valley Water District  
Western Municipal Water District

**Opposition:**

California News Publisher's Association

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2449 (Rubio)  
Version: As Amended on 5/23/22  
Analyst: DPG/PC

ACLU  
California Action  
First Amendment Coalition  
Howard Jarvis Taxpayers Association  
Californians Aware  
Leadership Counsel for Justice and Accountability  
Society for Professional Journalists Los Angeles

# ATTACHMENT 2D

AMENDED IN ASSEMBLY MAY 23, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2449**

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**Introduced by Assembly Member Blanca Rubio**

February 17, 2022

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An act to ~~amend~~ *amend, repeal, and add* Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, as amended, 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 of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified

teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health.

This bill would *revise and recast those teleconferencing provisions and, until January 1, 2028, would* authorize a local agency to use teleconferencing without complying with ~~those specified~~ *the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public* if 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 local agency's jurisdiction. ~~The~~ *Under this exception, the bill would authorize a member to participate remotely only under specified circumstances and for a period of three consecutive months.*

*This* bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

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 3 of Chapter 165 of the Statutes of 2021, 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. ~~All~~ *If the legislative*  
19 *body 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.*

33 (3) If the legislative body of a local agency elects to use  
34 teleconferencing, it shall post agendas at all teleconference  
35 ~~locations and conduct teleconference meetings in a manner that~~  
36 ~~protects the statutory and constitutional rights of the parties or the~~  
37 ~~public appearing before the legislative body of a local agency.~~  
38 *locations.* Each teleconference location shall be identified in the

1 notice and agenda of the meeting or proceeding, and each  
2 teleconference location shall be accessible to the public. During  
3 the teleconference, at least a quorum of the members of the  
4 legislative body shall participate from locations within the  
5 boundaries of the territory over which the local agency exercises  
6 jurisdiction, except as provided in subdivisions (d) and (e). ~~The~~  
7 ~~agenda shall provide an opportunity for members of the public to~~  
8 ~~address the legislative body directly pursuant to Section 54954.3~~  
9 ~~at each teleconference location.~~

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

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

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

20 (3) Prior to taking final action, the legislative body shall orally  
21 report a summary of a recommendation for a final action on the  
22 salaries, salary schedules, or compensation paid in the form of  
23 fringe benefits of a local agency executive, as defined in  
24 subdivision (d) of Section 3511.1, during the open meeting in  
25 which the final action is to be taken. This paragraph shall not affect  
26 the public’s right under the California Public Records Act (Division  
27 10 (commencing with Section 7920.000) ~~of~~ of Title 1) to inspect  
28 or copy records created or received in the process of developing  
29 the recommendation.

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

1 number and access codes are identified in the notice and agenda  
2 of the meeting.

3 (2) Nothing in this subdivision shall be construed as  
4 discouraging health authority members from regularly meeting at  
5 a common physical site within the jurisdiction of the authority or  
6 from using teleconference locations within or near the jurisdiction  
7 of the authority. A teleconference meeting for which a quorum is  
8 established pursuant to this subdivision shall be subject to all other  
9 requirements of this section.

10 (3) For purposes of this subdivision, a health authority means  
11 any entity created pursuant to Sections 14018.7, 14087.31,  
12 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
13 and Institutions Code, any joint powers authority created pursuant  
14 to Article 1 (commencing with Section 6500) of Chapter 5 of  
15 Division 7 for the purpose of contracting pursuant to Section  
16 14087.3 of the Welfare and Institutions Code, and any advisory  
17 committee to a county-sponsored health plan licensed pursuant to  
18 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
19 Health and Safety Code if the advisory committee has 12 or more  
20 members.

21 (e) (1) ~~A~~ *The legislative body of a local agency* may use  
22 teleconferencing without complying with the requirements of  
23 paragraph (3) of subdivision (b) if the legislative body complies  
24 with the requirements of paragraph (2) of this subdivision in any  
25 of the following circumstances:

26 (A) The legislative body holds a meeting during a proclaimed  
27 state of emergency, and state or local officials have imposed or  
28 recommended measures to promote social distancing.

29 (B) The legislative body holds a meeting during a proclaimed  
30 state of emergency for the purpose of determining, by majority  
31 vote, whether as a result of the emergency, meeting in person  
32 would present imminent risks to the health or safety of attendees.

33 (C) The legislative body holds a meeting during a proclaimed  
34 state of emergency and has determined, by majority vote, pursuant  
35 to subparagraph (B), that, as a result of the emergency, meeting  
36 in person would present imminent risks to the health or safety of  
37 attendees.

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

1 ~~(A) The legislative body shall give notice of the meeting and~~  
2 ~~post agendas as otherwise required by this chapter.~~

3 ~~(B) The legislative body shall allow members of the public to~~  
4 ~~access the meeting and the agenda shall provide an opportunity~~  
5 ~~for members of the public to address the legislative body directly~~  
6 ~~pursuant to Section 54954.3. In~~

7 ~~(A) In each instance in which notice of the time of the~~  
8 ~~teleconferenced meeting is otherwise given or the agenda for the~~  
9 ~~meeting is otherwise posted, the legislative body shall also give~~  
10 ~~notice of the means by which members of the public may access~~  
11 ~~the meeting and offer public comment. The agenda shall identify~~  
12 ~~and include an opportunity for all persons to attend via a call-in~~  
13 ~~option or an internet-based service option. This subparagraph shall~~  
14 ~~not be construed to require the legislative body to provide a~~  
15 ~~physical location from which the public may attend or comment.~~

16 ~~(C) The legislative body shall conduct teleconference meetings~~  
17 ~~in a manner that protects the statutory and constitutional rights of~~  
18 ~~the parties and the public appearing before the legislative body of~~  
19 ~~a local agency.~~

20 ~~(D)~~

21 ~~(B) In the event of a disruption that prevents the public agency~~  
22 ~~legislative body from broadcasting the meeting to members of the~~  
23 ~~public using the call-in option or internet-based service option, or~~  
24 ~~in the event of a disruption within the local agency’s control that~~  
25 ~~prevents members of the public from offering public comments~~  
26 ~~using the call-in option or internet-based service option, the~~  
27 ~~legislative body shall take no further action on items appearing on~~  
28 ~~the meeting agenda until public access to the meeting via the call-in~~  
29 ~~option or internet-based service option is restored. Actions taken~~  
30 ~~on agenda items during a disruption that prevents the public agency~~  
31 ~~legislative body from broadcasting the meeting may be challenged~~  
32 ~~pursuant to Section 54960.1.~~

33 ~~(E)~~

34 ~~(C) The legislative body shall not require public comments to~~  
35 ~~be submitted in advance of the meeting and must provide an~~  
36 ~~opportunity for the public to address the legislative body and offer~~  
37 ~~comment in real time. This subparagraph shall not be construed~~  
38 ~~to require the legislative body to provide a physical location from~~  
39 ~~which the public may attend or comment.~~

40 ~~(F)~~

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

7 ~~(G)~~

8 (E) (i) A legislative body that provides a timed public comment  
9 period for each agenda item shall not close the public comment  
10 period for the agenda item, or the opportunity to register, pursuant  
11 to subparagraph (F), to provide public comment until that timed  
12 public comment period has elapsed.

13 (ii) A legislative body that does not provide a timed public  
14 comment period, but takes public comment separately on each  
15 agenda item, shall allow a reasonable amount of time per agenda  
16 item to allow public members the opportunity to provide public  
17 comment, including time for members of the public to register  
18 pursuant to subparagraph (F), or otherwise be recognized for the  
19 purpose of providing public comment.

20 (iii) A legislative body that provides a timed general public  
21 comment period that does not correspond to a specific agenda item  
22 shall not close the public comment period or the opportunity to  
23 register, pursuant to subparagraph (F), until the timed general  
24 public comment period has elapsed.

25 (3) If a state of emergency remains active, or state or local  
26 officials have imposed or recommended measures to promote  
27 social distancing, in order to continue to teleconference without  
28 compliance with paragraph (3) of subdivision (b), the legislative  
29 body shall, not later than 30 days after teleconferencing for the  
30 first time pursuant to subparagraph (A), (B), or (C) of paragraph  
31 (1), and every 30 days thereafter, make the following findings by  
32 majority vote:

33 (A) The legislative body has reconsidered the circumstances of  
34 the state of emergency.

35 (B) Any of the following circumstances exist:

36 (i) The state of emergency continues to directly impact the  
37 ability of the members to meet safely in person.

38 (ii) State or local officials continue to impose or recommend  
39 measures to promote social distancing.

1     ~~(4) For the purposes of this subdivision, “state of emergency”~~  
2     ~~means a state of emergency proclaimed pursuant to Section 8625~~  
3     ~~of the California Emergency Services Act (Article 1 (commencing~~  
4     ~~with Section 8550) of Chapter 7 of Division 1 of Title 2).~~

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

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

17    ~~(1) The legislative body shall give notice of the meeting and~~  
18    ~~post agendas as otherwise required by this chapter.~~

19    ~~(2) All members of the legislative body attending the meeting~~  
20    ~~by teleconference shall participate only through both audio and~~  
21    ~~visual technology.~~

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

26    ~~(i) A two-way audio-visual platform.~~

27    ~~(ii) A two-way telephonic service and a live webcasting of the~~  
28    ~~meeting.~~

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

34    ~~(3) The legislative body shall allow members of the public to~~  
35    ~~access the meeting and the agenda shall provide an opportunity~~  
36    ~~for members of the public to address the legislative body directly~~  
37    ~~pursuant to Section 54954.3. In each instance in which notice of~~  
38    ~~the time of the meeting is otherwise given or the agenda for the~~  
39    ~~meeting is otherwise posted, the legislative body shall also give~~

1 notice of the means by which members of the public may access  
2 the meeting and offer public comment. The

3 (C) ~~The agenda shall identify and include an opportunity for all~~  
4 ~~persons to attend and address the legislative body directly pursuant~~  
5 ~~to Section 54954.3 via a call-in option or option, via an~~  
6 ~~internet-based service option, and an opportunity for members of~~  
7 ~~the public to attend and address the legislative body at the in-person~~  
8 ~~location of the meeting.~~

9 (4) ~~The legislative body shall conduct teleconference meetings~~  
10 ~~in a manner that protects the statutory and constitutional rights of~~  
11 ~~the parties and the public appearing before the legislative body of~~  
12 ~~a local agency, and at the in-person location of the meeting.~~

13 (5)

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

26 (6)

27 (E) The legislative body shall not require public comments to  
28 be submitted in advance of the meeting and must provide an  
29 opportunity for the public to address the legislative body and offer  
30 comment in real time.

31 (7)

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

38 (2) *A member of the legislative body shall only participate in*  
39 *the meeting remotely pursuant to this subdivision, if all of the*  
40 *following requirements are met:*

1 (A) *One of the following circumstances applies:*

2 (i) *The agenda identifies that the member of the legislative body*  
3 *will participate in the meeting remotely and provides a brief*  
4 *general description of the circumstances relating to their need to*  
5 *appear remotely at the given meeting. A brief general description*  
6 *of an item generally needs not to exceed 20 words.*

7 (ii) *The circumstances relating to the member's need to*  
8 *participate remotely arose after the agenda for the meeting was*  
9 *posted and those circumstances are publicly disclosed at the*  
10 *meeting before any action is taken.*

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

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

18 (3) *The provisions of this subdivision shall not serve as a means*  
19 *for any member of a legislative body to participate in meetings of*  
20 *the legislative body solely by teleconference from a remote location*  
21 *for a period of three consecutive months.*

22 ~~(8)~~

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

32 (h) *The legislative body shall conduct meetings subject to this*  
33 *chapter consistent with applicable state and federal civil rights*  
34 *laws, including, but not limited to, the language access and other*  
35 *nondiscrimination obligations of Section 11135 and Subchapter*  
36 *V (commencing with Section 2000d) of Chapter 21 of Title 42 of*  
37 *the United States Code.*

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

1 (2) *Nothing in this section shall prohibit a legislative body from*  
2 *providing members of the public with additional physical locations*  
3 *in which the public may observe and address the legislative body*  
4 *by electronic means.*

5 (j) *For the purposes of this section, the following definitions*  
6 *shall apply:*

7 (1) *“Remote location” means a location from which a member*  
8 *of a legislative body participates in a meeting pursuant to*  
9 *subdivision (f), other than any physical meeting location designated*  
10 *in the notice of the meeting. Remote locations need not be*  
11 *accessible to the public.*

12 (2) *“Remote participation” means participation in a meeting*  
13 *by teleconference at a location other than any physical meeting*  
14 *location designated in the notice of the meeting. Watching or*  
15 *listening to a meeting via webcasting or another similar electronic*  
16 *medium that does not permit members to interactively hear,*  
17 *discuss, or deliberate on matters, does not constitute remote*  
18 *participation.*

19 (3) *“State of emergency” means a state of emergency*  
20 *proclaimed pursuant to Section 8625 of the California Emergency*  
21 *Services Act (Article 1 (commencing with Section 8550) of Chapter*  
22 *7 of Division 1 of Title 2).*

23 (4) *“Teleconference” means a meeting of a legislative body,*  
24 *the members of which are in different locations, connected by*  
25 *electronic means, through either audio or video, or both.*

26 (5) *“Two-way audio-visual platform” means an online platform*  
27 *that provides participants with the ability to participate in a*  
28 *meeting via both an interactive video conference and a two-way*  
29 *telephonic function.*

30 (6) *“Two-way telephonic service” means a telephone service*  
31 *that does not require internet access, is not provided as part of a*  
32 *two-way audio-visual platform, and allows participants to dial a*  
33 *telephone number to listen and verbally participate.*

34 (7) *“Webcasting” means a streaming video broadcast online*  
35 *or on television, using streaming media technology to distribute*  
36 *a single content source to many simultaneous listeners and viewers.*

37 ~~(g)~~

38 (k) *This section shall remain in effect only until January 1, 2024,*  
39 *and as of that date is repealed.*

1 SEC. 2. Section 54953 of the Government Code, as added by  
 2 Section 4 of Chapter 165 of the Statutes of 2021, is amended to  
 3 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. ~~At~~ *If the legislative*  
 19 *body 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.*

33 (3) If the legislative body of a local agency elects to use  
 34 teleconferencing, it shall post agendas at all teleconference  
 35 ~~locations and conduct teleconference meetings in a manner that~~  
 36 ~~protects the statutory and constitutional rights of the parties or the~~  
 37 ~~public appearing before the legislative body of a local agency.~~  
 38 *locations.* Each teleconference location shall be identified in the  
 39 notice and agenda of the meeting or proceeding, and each  
 40 teleconference location shall be accessible to the public. During

1 the teleconference, at least a quorum of the members of the  
2 legislative body shall participate from locations within the  
3 boundaries of the territory over which the local agency exercises  
4 jurisdiction, except as provided in subdivision (d). ~~The agenda  
5 shall provide an opportunity for members of the public to address  
6 the legislative body directly pursuant to Section 54954.3 at each  
7 teleconference location.~~

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

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

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

18 (3) Prior to taking final action, the legislative body shall orally  
19 report a summary of a recommendation for a final action on the  
20 salaries, salary schedules, or compensation paid in the form of  
21 fringe benefits of a local agency executive, as defined in  
22 subdivision (d) of Section 3511.1, during the open meeting in  
23 which the final action is to be taken. This paragraph shall not affect  
24 the public’s right under the California Public Records Act (Division  
25 10 (commencing with Section 7920.000) of Title 1) to inspect or  
26 copy records created or received in the process of developing the  
27 recommendation.

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

1 (2) Nothing in this subdivision shall be construed as  
 2 discouraging health authority members from regularly meeting at  
 3 a common physical site within the jurisdiction of the authority or  
 4 from using teleconference locations within or near the jurisdiction  
 5 of the authority. A teleconference meeting for which a quorum is  
 6 established pursuant to this subdivision shall be subject to all other  
 7 requirements of this section.

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

19 (e) ~~A—(1) The legislative body of a local agency may use~~  
 20 ~~teleconferencing without complying with the requirements of~~  
 21 ~~paragraph (3) of subdivision (b) if, during the teleconference~~  
 22 ~~meeting, at least a quorum of the members of the legislative body~~  
 23 ~~participates in person from a singular *physical* location clearly~~  
 24 ~~identified on the agenda, which location shall be open to the public~~  
 25 ~~and situated within the boundaries of the territory over which the~~  
 26 ~~local agency exercises jurisdiction and the legislative body~~  
 27 ~~complies with all of the following:~~

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

30 ~~(2) All members of the legislative body attending the meeting~~  
 31 ~~by teleconference shall participate only through both audio and~~  
 32 ~~visual technology.~~

33 (A) *The legislative body shall provide at least one of the*  
 34 *following as a means by which the public may remotely hear and*  
 35 *visually observe the meeting, and remotely address the legislative*  
 36 *body:*

37 (i) *A two-way audio-visual platform.*

38 (ii) *A two-way telephonic service and a live webcasting of the*  
 39 *meeting.*

1 (B) In each instance in which notice of the time of the  
2 teleconferenced meeting is otherwise given or the agenda for the  
3 meeting is otherwise posted, the legislative body shall also give  
4 notice of the means by which members of the public may access  
5 the meeting and offer public comment.

6 ~~(3) The legislative body shall allow members of the public to~~  
7 ~~access the meeting and the agenda shall provide an opportunity~~  
8 ~~for members of the public to address the legislative body directly~~  
9 ~~pursuant to Section 54954.3. In each instance in which notice of~~  
10 ~~the time of the meeting is otherwise given or the agenda for the~~  
11 ~~meeting is otherwise posted, the legislative body shall also give~~  
12 ~~notice of the means by which members of the public may access~~  
13 ~~the meeting and offer public comment. The~~

14 (C) The agenda shall identify and include an opportunity for  
15 all persons to attend *and address the legislative body directly*  
16 *pursuant to Section 54954.3* via a call-in option or option, via an  
17 internet-based service option, and an opportunity for members of  
18 ~~the public to attend and address the legislative body~~ at the in-person  
19 location of the meeting.

20 ~~(4) The legislative body shall conduct teleconference meetings~~  
21 ~~in a manner that protects the statutory and constitutional rights of~~  
22 ~~the parties and the public appearing before the legislative body of~~  
23 ~~a local agency.~~

24 ~~(5)~~

25 (D) In the event of a disruption that prevents the ~~public agency~~  
26 *legislative body* from broadcasting the meeting to members of the  
27 public using the call-in option or internet-based service option, or  
28 in the event of a disruption within the local agency's control that  
29 prevents members of the public from offering public comments  
30 using the call-in option or internet-based service option, the  
31 *legislative* body shall take no further action on items appearing on  
32 the meeting agenda until public access to the meeting via the call-in  
33 option or internet-based service option is restored. Actions taken  
34 on agenda items during a disruption that prevents the ~~public agency~~  
35 *legislative body* from broadcasting the meeting may be challenged  
36 pursuant to Section 54960.1.

37 ~~(6)~~

38 (E) The legislative body shall not require public comments to  
39 be submitted in advance of the meeting and must provide an

1 opportunity for the public to address the legislative body and offer  
2 comment in real time.

3 ~~(7)~~

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

10 (2) *A member of the legislative body shall only participate in*  
11 *the meeting remotely pursuant to this subdivision, if all of the*  
12 *following requirements are met:*

13 (A) *One of the following circumstances applies:*

14 (i) *The agenda identifies that the member of the legislative body*  
15 *will participate in the meeting remotely and provides a brief*  
16 *general description of the circumstances relating to their need to*  
17 *appear remotely at the given meeting. A brief general description*  
18 *of an item generally need not exceed 20 words.*

19 (ii) *The circumstances relating to the member’s need to*  
20 *participate remotely arose after the agenda for the meeting was*  
21 *posted and those circumstances are publicly disclosed at the*  
22 *meeting before any action is taken.*

23 (B) *The member shall publicly disclose at the meeting before*  
24 *any action is taken whether any other individuals 18 years of age*  
25 *or older are present in the room at the remote location with the*  
26 *member, and the general nature of the member’s relationship with*  
27 *any such individuals.*

28 (C) *The member shall participate through both audio and visual*  
29 *technology.*

30 (3) *The provisions of this subdivision shall not serve as a means*  
31 *for any member of a legislative body to participate in meetings of*  
32 *the legislative body solely by teleconference from a remote location*  
33 *for a period of three consecutive months.*

34 ~~(8)~~

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

1 otherwise given or the agenda for the meeting is otherwise posted,  
2 the legislative body shall also give notice of the procedure for  
3 receiving and resolving requests for accommodation.

4 (g) *The legislative body shall conduct meetings subject to this*  
5 *chapter consistent with applicable state and federal civil rights*  
6 *laws, including, but not limited to, the language access and other*  
7 *nondiscrimination obligations of Section 11135 and Subchapter*  
8 *V (commencing with Section 2000d) of Chapter 21 of Title 42 of*  
9 *the United States Code.*

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

12 (2) *Nothing in this section shall prohibit a legislative body from*  
13 *providing members of the public with additional physical locations*  
14 *in which the public may observe and address the legislative body*  
15 *by electronic means.*

16 (i) *For the purposes of this section, the following definitions*  
17 *shall apply:*

18 (1) *“Remote location” means a location from which a member*  
19 *of a legislative body participates in a meeting pursuant to*  
20 *subdivision (e), other than any physical meeting location*  
21 *designated in the notice of the meeting. Remote locations need not*  
22 *be accessible to the public.*

23 (2) *“Remote participation” means participation in a meeting*  
24 *by teleconference at a location other than any physical meeting*  
25 *location designated in the notice of the meeting. Watching or*  
26 *listening to a meeting via webcasting or another similar electronic*  
27 *medium that does not permit members to interactively hear,*  
28 *discuss, or deliberate on matters, does not constitute remote*  
29 *participation.*

30 (3) *“Teleconference” means a meeting of a legislative body,*  
31 *the members of which are in different locations, connected by*  
32 *electronic means, through either audio or video, or both.*

33 (4) *“Two-way audio-visual platform” means an online platform*  
34 *that provides participants with the ability to participate in a*  
35 *meeting via both an interactive video conference and a two-way*  
36 *telephonic function.*

37 (5) *“Two-way telephonic service” means a telephone service*  
38 *that does not require internet access, is not provided as part of a*  
39 *two-way audio-visual platform, and allows participants to dial a*  
40 *telephone number to listen and verbally participate.*

1 (6) “Webcasting” means a streaming video broadcast online  
2 or on television, using streaming media technology to distribute  
3 a single content source to many simultaneous listeners and viewers.

4 (f)

5 (j) This section shall become operative January 1, ~~2024~~, 2024,  
6 shall remain in effect only until January 1, 2028, and as of that  
7 date is repealed.

8 SEC. 3. Section 54953 is added to the Government Code, to  
9 read:

10 54953. (a) All meetings of the legislative body of a local  
11 agency shall be open and public, and all persons shall be permitted  
12 to attend any meeting of the legislative body of a local agency,  
13 except as otherwise provided in this chapter.

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

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

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

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

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

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

11     (3) *Prior to taking final action, the legislative body shall orally*  
12 *report a summary of a recommendation for a final action on the*  
13 *salaries, salary schedules, or compensation paid in the form of*  
14 *fringe benefits of a local agency executive, as defined in subdivision*  
15 *(d) of Section 3511.1, during the open meeting in which the final*  
16 *action is to be taken. This paragraph shall not affect the public’s*  
17 *right under the California Public Records Act (Chapter 3.5*  
18 *(commencing with Section 6250) of Division 7 of Title 1) to inspect*  
19 *or copy records created or received in the process of developing*  
20 *the recommendation.*

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

33     (2) *Nothing in this subdivision shall be construed as*  
34 *discouraging health authority members from regularly meeting at*  
35 *a common physical site within the jurisdiction of the authority or*  
36 *from using teleconference locations within or near the jurisdiction*  
37 *of the authority. A teleconference meeting for which a quorum is*  
38 *established pursuant to this subdivision shall be subject to all other*  
39 *requirements of this section.*

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

12 (e) This section shall become operative January 1, 2028.

13 ~~SEC. 3.~~

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

22 By removing the requirement for agendas to be placed at the  
 23 location of each public official participating in a public meeting  
 24 remotely, including from the member’s private home or hospital  
 25 room, this act protects the personal, private information of public  
 26 officials and their families while preserving the public’s right to  
 27 access information concerning the conduct of the people’s business.

28 ~~SEC. 4.~~

29 SEC. 5. The Legislature finds and declares that Sections 1 and  
 30 2 of this act, which amend Section 54953 of the Government Code,  
 31 further, within the meaning of paragraph (7) of subdivision (b) of  
 32 Section 3 of Article I of the California Constitution, the purposes  
 33 of that constitutional section as it relates to the right of public  
 34 access to the meetings of local public bodies or the writings of  
 35 local public officials and local agencies. Pursuant to paragraph (7)  
 36 of subdivision (b) of Section 3 of Article I of the California  
 37 Constitution, the Legislature makes the following findings:

1 This act is necessary to ensure minimum standards for public  
2 participation and notice requirements allowing for greater public  
3 participation in teleconference meetings.

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# ATTACHMENT 2E

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2766 (Maienschein)  
Version: As Introduced on 2/18/22  
Analyst: PC

## **AB 2766 (Maienschein)**

Unfair Competition Law: enforcement powers: investigatory subpoena.

**Summary:** This bill would grant the investigatory power granted to the Attorney General as a head of a department to:

- the city attorney of any city having a population in excess of 750,000,
- to the county counsel of any county within which a city has a population in excess of 750,000, or to
- a city attorney of a city and county,

when the city attorney or county counsel reasonably believes that there may have been a violation of the Unfair Competition Law (UCL).

**Background:** The UCL establishes a statutory cause of action for unfair competition, including any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. Under this law, actions for relief are required to be prosecuted exclusively by the Attorney General, a district attorney, a county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance, a city attorney of a city having a population in excess of 750,000 or by a county counsel of any county within which a city has a population in excess of 750,000, or a city attorney in a city and county, or, with the consent of the district attorney, by a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California, or by a person who has suffered injury in fact and has lost money or property as a result of the unfair competition.

Existing law authorizes a district attorney, upon reasonable belief there has been a violation of the UCL or various other laws related to unfair business practices, to exercise all the powers granted to the Attorney General as a head of a department to investigate the potential violation, including the authority to issue subpoenas.

**Status:** 5/24/22 In Senate. Read first time. To Com. on RLS. for assignment.

**Specific Provisions:** Specifically, this bill would:

1. Grant the investigatory power granted to the Attorney General as a head of a department to:
  - a. the city attorney of any city having a population in excess of 750,000, to
  - b. the county counsel of any county within which a city has a population in excess of 750,000, or to
  - c. a city attorney of a city and county,

when the city attorney or county counsel reasonably believes that there may have been a violation of the UCL.

**Impacts on South Coast AQMD’s Mission, Operations or Initiatives:** This bill would give city attorneys and county counsels of the largest cities and counties in California, which already have the power to prosecute unfair competition law cases, investigative tools and powers to investigate those cases, including the ability to issue pre-litigation subpoenas.

This new grant of investigatory and subpoena power could impact South Coast AQMD and other air districts and public agencies if:

- that power is used to investigate cases already within their jurisdiction and/or purview without proper coordination, or
- if city attorneys or county counsels were to use these powers to access South Coast AQMD’s or other public agencies’ records in order to prosecute cases.

Also, if this investigatory and subpoena power was granted to air districts, it could strengthen air districts’ efforts to address wrongdoers and to more effectively reduce air pollution and toxics and protect public health. Thus, South Coast AQMD would like to explore adding air district attorneys under this bill.

**Recommended Position: WORK WITH AUTHOR**

**South Coast AQMD Concerns/Issues:**

- Ensure that these subpoenas and investigatory powers are used in coordination with local air districts’ efforts;
- Make sure that public agencies cannot be subpoenaed on matters already being investigated and/or prosecuted by that agency; and
- Consider giving local air district attorneys these powers as well.

**Support:**

Bet Tzedek Legal Services  
City of San Diego  
County of Santa Clara  
David Chiu, San Francisco City Attorney  
Los Angeles County Board of Supervisors  
Mayor of City & County of San Francisco London Breed  
Public Rights Project

**Opposition:**

American Property Casualty Insurance Association  
California and Nevada Credit Union League  
California Bankers Association  
California Chamber of Commerce  
California Mortgage Bankers Association  
California Retailers Association

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2766 (Maienschein)  
Version: As Introduced on 2/18/22  
Analyst: PC

Civil Justice Association of California  
National Federation of Independent Businesses  
TechNet

# ATTACHMENT 2F

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2766**

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**Introduced by Assembly Member Maienschein**

February 18, 2022

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An act to amend Section 16759 of the Business and Professions Code, relating to business.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2766, as introduced, Maienschein. Unfair Competition Law: enforcement powers: investigatory subpoena.

The Unfair Competition Law (UCL) establishes a statutory cause of action for unfair competition, including any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. Under this law, actions for relief are required to be prosecuted exclusively by the Attorney General, a district attorney, a county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance, a city attorney of a city having a population in excess of 750,000 or by a county counsel of any county within which a city has a population in excess of 750,000, or a city attorney in a city and county, or, with the consent of the district attorney, by a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California, as specified, or by a person who has suffered injury in fact and has lost money or property as a result of the unfair competition.

Existing law authorizes a district attorney, upon reasonable belief there has been a violation of the UCL or various other laws related to unfair business practices, to exercise all the powers granted to the Attorney General as a head of a department to investigate the potential violation, including the authority to issue subpoenas.

This bill would grant the investigatory power granted to the Attorney General as a head of a department to the city attorney of any city having a population in excess of 750,000, to the county counsel of any county within which a city has a population in excess of 750,000, or to a city attorney of a city and county, when the city attorney or county counsel reasonably believes that there may have been a violation of the UCL.

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 16759 of the Business and Professions  
2 Code is amended to read:  
3 16759. (a) All those powers granted to the Attorney General  
4 as a head of a department under Article 2 (commencing with  
5 Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of  
6 the Government Code shall be granted to the district attorney of  
7 any county when that district attorney reasonably believes that  
8 there may have been a violation of Article 2 (commencing with  
9 Section 16720) or Article 3 (commencing with Section 16750) of  
10 this chapter, or a violation of Chapter 4 (commencing with Section  
11 17000) of this part, or a violation of Chapter 5 (commencing with  
12 Section 17200) of this part, and shall be subject to the provisions  
13 of Chapter 20 (commencing with Section 7460) of Division 7 of  
14 Title 1 of the Government Code. ~~Any investigations~~  
15 (b) *All those powers granted to the Attorney General as head*  
16 *of a department under Article 2 (commencing with Section 11180)*  
17 *of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government*  
18 *Code shall be granted to the city attorney of any city having a*  
19 *population in excess of 750,000, to the county counsel of any*  
20 *county within which a city has a population in excess of 750,000,*  
21 *or to a city attorney of a city and county, when the city attorney*  
22 *or county counsel reasonably believes that there may have been*  
23 *a violation of Chapter 5 (commencing with Section 17200) of this*  
24 *part and shall be subject to the provisions of Chapter 20*  
25 *(commencing with Section 7460) of Division 7 of Title 1 of the*  
26 *Government Code.*  
27 (c) *Any investigation* pursuant to these powers shall be  
28 conducted in accordance with the procedures set forth in Article  
29 2 (commencing with Section 11180) of Chapter 2 of Part 1 of

1 Division 3 of Title 2 of the Government Code, including all  
2 *applicable* principles relating to immunity from ~~self-incrimination~~  
3 ~~applicable thereto.~~ *self-incrimination*. However, ~~nothing in~~ Section  
4 16758 shall *not* be construed as providing automatic immunity  
5 with respect to the subject of a subpoena issued in connection with  
6 that investigation. Court orders sought pursuant to this section  
7 shall be sought in the superior court of the county ~~where~~ *in which*  
8 the ~~district attorney~~ *attorney, authorized pursuant to subdivision*  
9 *(a), or the city attorney or county counsel, authorized pursuant to*  
10 *subdivision (b), seeking the order holds office.*

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## ATTACHMENT 3A



CASSIDY | ASSOCIATES

To: South Coast Air Quality Management District  
From: Cassidy & Associates  
Date: May 25, 2021  
Re: May Report

### HOUSE/SENATE

The House is not in session until June 7.

The Senate is currently working through the backlog of nominations. As of now, the COVID-19 emergency funding package appears to remain stuck in the Senate until there is some resolution addressing Title 42, the public health authority allowing swift expulsion of asylum seekers.

The House and Senate have commenced negotiations to resolve the differences between the two chambers' competitiveness bills, S 1260, the US Innovation and Competition Act, and HR 4521, the America COMPETES Act. With basic formalities dispensed with, negotiators now must work through the thorniest issues that divide the chambers with the trade title at the top of that list. As of now, it is not likely that a final agreement will be reached before the end of July, with potential to slip to the Fall.

Hearings on the Administration's budget requests continue in the House and the Senate. Submissions for FY2023 appropriations requests wrap up this week, and committee staff will continue to work behind the scenes to draft their bills.

The reconciliation vehicle that allows Democrats to pass a tax and spending bill remains alive until September 30. Until then, there is a chance for a scaled back version of Build Back Better

to pass. Congressional Democrats see the legislation as their final ability to show progress to voters prior to the November midterms. Senator Joe Manchin (D-WV) has indicated he could support a bill that includes prescription drug price controls, corporate tax increases and green energy spending. Senate Majority Leader Schumer and Senator Manchin and their staffs are continuing discussions.

In July, the House is slated to consider the National Defense Authorization Act, a number of Appropriations bills, and an economic development bill from the Committee on Transportation and Infrastructure. Additionally, any Conference Reports will come to the floor when they are ready.

#### *EPA*

The Bipartisan Infrastructure Law created a new EPA program to protect children's health, reduce pollution, and boost American manufacturing by providing \$500 million for school districts and other eligible school bus operators and contractors to begin replacing the nation's fleet of school buses with clean, American-made, zero-emission buses. This \$500 million represents the first round of funding out of the unprecedented \$5 billion investment for low and zero-emission school buses over the next five years, secured through President Biden's Bipartisan Infrastructure Law.

Vice President Kamala Harris, Administrator Michael S. Regan and White House Infrastructure Coordinator Mitch Landrieu will visit Meridian High School in Falls Church, Virginia to make the announcement and highlight how it will reduce greenhouse gas pollution, provide cleaner air around schools and communities, and better protect children's health. The investment will also drive demand for American-made batteries and vehicles, boost domestic manufacturing, and create good-paying jobs.

EPA is accepting applications from May 20, 2022, until August 19, 2022. Questions about applying may be directed to [CleanSchoolBus@epa.gov](mailto:CleanSchoolBus@epa.gov). This is the first competition that EPA is running through the Clean School Bus program. The Agency will also launch a grant competition later this year. Further Clean School Bus competitions funded by the Bipartisan Infrastructure Law will be run every year over the next five years. To learn more about the rebate programs, applicant eligibility, selection process, and informational webinar dates, visit [www.epa.gov/cleanschoolbus](http://www.epa.gov/cleanschoolbus).

Earlier in May, the EPA moved to protect people from per- and polyfluoroalkyl substances (PFAS) by adding five PFAS chemicals for a total of six PFAS chemicals to a list of risk-based values that help EPA determine if response or remediation activities are needed. EPA's action provides the Agency with critical tools needed for Superfund and other Agency programs to investigate contamination and protect people from these PFAS chemicals using the latest peer-reviewed science. In addition to updating the Regional Screening Levels and Regional Removal Management Levels, EPA is moving as quickly as possible to update the interim health advisories for PFOA and PFOS to reflect new science and input from the Science Advisory Board.

Concurrently, EPA will continue to develop a proposed PFAS National Drinking Water Regulation for publication in fall 2022. EPA anticipates finalizing the rule in fall of 2023.

Cassidy and Associates support in May:

- Secured key meetings with the Biden Administration for Executive staff
- Worked with South Coast AQMD staff to strategize on DC outreach
- Continued to monitor and report on activities in Congress and the Administration that impact the District.

## *IMPORTANT LEGISLATIVE DATES*

### ***August 1, 2022***

House out for August Recess

### ***August 8, 2022***

Senate out for August Recess

### ***October 3, 2022***

House and Senate out for midterm elections

## **PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES**

### **End Date/Program**

#### ***Sept. 30, 2025***

Pandemic Response Accountability Committee, Congressional Oversight Commission

## *AGENCY RESOURCES*

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions

[here](#). Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services ([HHS](#)), Centers of Medicare and Medicaid ([CMS](#)), Food and Drug Administration ([FDA](#)), Department of Education ([DoED](#)), Department of Agriculture ([USDA](#)), Small Business Administration ([SBA](#)), Department of Labor ([DOL](#)), Department of Homeland Security ([DHS](#)), Department of State ([DOS](#)), Department of Veterans Affairs ([VA](#)), Environmental Protection Agency ([EPA](#)), Department of the Interior ([DOI](#)), Department of Energy ([DOE](#)), Department of Commerce ([DOC](#)), Department of Justice ([DOJ](#)), Department of Housing and Urban Development ([HUD](#)), Department of the Treasury ([USDT](#)), Office of the Director of National Intelligence ([ODNI](#)), and U.S. Election Assistance Commission ([EAC](#)).

Helpful Agency Contact Information:

U.S. Department of Health and Human Services – Darcie Johnston (Office – 202-853-0582 / Cell – 202-690-1058 / Email – [darcie.johnston@hhs.gov](mailto:darcie.johnston@hhs.gov))

U.S. Department of Homeland Security – Cherie Short (Office – 202-441-3103 / Cell – 202-893-2941 / Email – [Cherie.short@hq.dhs.gov](mailto:Cherie.short@hq.dhs.gov))

U.S. Department of State – Bill Killion (Office – 202-647-7595 / Cell – 202-294-2605 / Email – [killionw@state.gov](mailto:killionw@state.gov))

U.S. Department of Transportation – Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – [sean.poole@dot.gov](mailto:sean.poole@dot.gov))

# ATTACHMENT 3B

## KADESH & ASSOCIATES

South Coast AQMD Report for the June 2022  
Legislative Meeting covering May 2022  
Kadesh & Associates

The Senate has been in session for all of May, with the House in session for two weeks. In that time, much of the activity has been focused on emergency appropriations. The Biden administration requested additional emergency funds to support Ukraine at the end of April, as funding provided in March for that purpose was quickly diminishing. The House approved a supplementary appropriations bill for Ukraine shortly thereafter, and after a brief delay in the Senate, the \$40B aid package was sent to President Biden and signed into law.

The other emergency spending bill, for Covid-19 vaccines and preparedness, has stalled indefinitely in the Senate. As a condition for approving the \$10B Covid-19 compromise, Senate Republicans have called for a vote on Title 42, relating to immigration and public health. Initially, leadership in Congress had hoped to couple the two emergency funding measures, but President Biden conceded that the Covid-19 funding will be dealt with separately from Ukraine. An eventual Covid-19 funding deal will likely look very different from the \$10B compromise that was reached earlier, as some of the proposed funding offsets have now been spent and there is a growing consensus that more funding will be needed.

Senate Appropriations leadership met this week to determine the path forward for regular FY23 appropriations. The hope is to reach bipartisan agreement in the coming weeks on an overall topline spending figure to enable the Appropriations Committees to write their bills. The House intends to mark up its twelve appropriations bills in June, and Senate Appropriations Chairman Leahy has recently signaled that he hopes to be ready to mark them up in July and August.

Although Sen. Manchin has once again signaled interest in moving legislation related to energy – whether as a result of his bipartisan Senate talks or via the budget reconciliation bill formerly known as Build Back Better – the window for action continues to close, especially as other legislative priorities have continued to crop up and take congressional attention this spring, such as high gas prices and baby formula shortages.

Finally, the Senate EPW Committee met this week to consider the nomination of Joe Goffman to lead the EPA's Office of Air and Radiation. As part of that hearing, Senator Padilla asked him about the clean truck rule and the future regulatory agenda on mobile sources. In response, Mr. Goffman discussed the working group that Region 9 EPA, CARB, and South Coast AQMD and other California air districts have formed to develop recommendations for strategies to address federally regulated mobile sources of air pollution. Among other things, he pointed to the need for investment in technology and incentives to turn over polluting port equipment and on- and off-road vehicles, and credited the local air districts technical staff for its work.

# KADESH & ASSOCIATES

## Kadesh & Associates Activity Summary-

- Work with South Coast AQMD to provide timely briefing material and questions to congressional delegation in preparation for hearings on nominees and the fy23 budget.
- Continued work with the delegation and South Coast AQMD staff to focus attention on air quality implications of FY23 budget request and appropriations.

## Contacts:

Contacts included staff and House Members throughout the CA delegation, especially the authors of priority legislation, Senate offices, members of the South Coast House delegation, and members of key committees. We have also been in touch with administration staff.

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# ATTACHMENT 3C



**Carmen Group**  
I N C O R P O R A T E D

**To:** South Coast AQMD Legislative Committee  
**From:** Carmen Group  
**Date:** May 26, 2022  
**Re:** Federal Update -- Executive Branch

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**Meetings:** In May, Carmen Group arranged virtual meetings for South Coast AQMD staff with the following: House Energy & Commerce Committee Republican staff on Clean Air Act regulatory and compliance issues; U.S. Chamber of Commerce energy/environment staff on the ultra-low NOx truck rule and clean air issues; and Cummins, Inc., technology staff on advanced locomotive engines and related rail regulatory issues.

**Senate Nomination Hearing:** On May 25, the Senate Environment & Public Works Committee held a hearing on the nomination of Joseph Goffman to be EPA Assistant Administrator for Air and Radiation. Republicans on the committee pressed Goffman on regulatory issues including the Clean Power Plan which is the subject of a pending Supreme Court decision, indicating the committee could be evenly split on supporting his nominalization when it comes to a vote. But despite delays and policy differences, consensus remains strong that Goffman will eventually be confirmed by the full Senate.

## **Department of Transportation**

**MARAD Adds Funds to FY22 Port Infrastructure Grant Program:** On May 9, the Maritime Administration (MARAD) announced that \$234.3 million was added to the FY22 round of Port Infrastructure Development Program (PIDP) grants which are to be awarded on a competitive basis to projects that improve the safety and efficiency of goods movement in and around the nation's major ports. The new money -- made available by the late Congressional approval of full-year FY22 appropriations -- is being added to the \$450 million that was first made available under the program solicitation announced in February. Thus, a total of \$684.3 million is now available under the PIDP program for all applications submitted by the May 16, 2022 deadline.

**FRA Says New Corridor ID Program Will Guide the Future of Passenger Rail:** In May, the Federal Railroad Administration (FRA) announced the establishment of a new Corridor Identification and Development (ID) Program, which is described as a first step in transforming America's passenger rail network through the Bipartisan Infrastructure Law. FRA says the program will set up a pipeline for guiding federal investments and technical assistance, allowing intercity rail projects to be implemented faster and coordinated better than ever before.

## **Environmental Protection Agency**

**Proven Process. Proven Results.™**

**EPA Announces Funds Available for Clean School Bus Program:** In May, the EPA announced the availability of \$500 million for school districts and other eligible school bus operators and contractors to begin replacing the nation’s fleet of school buses with clean low- or zero-emission buses. This grant solicitation marks the first round of funding out of the \$5 billion allocated over 5 years under the EPA’s new Clean School Bus Program established in the Bipartisan Infrastructure Law. Applications are being accepted through August 19, 2022.

**EPA Seeks Small Business Applicants to Advise on Vehicle Emissions Standards:** In May, the EPA invited small businesses to nominate themselves or others to participate as Small Entity Representatives (SERs) for a Small Business Advocacy Review (SBAR) Panel focused on the EPA’s development of a rule to reduce air pollutant emissions from cars and light trucks for MYs 2027 and later. Through its May 31 deadline, EPA sought self-nominations from small businesses that may be subject to the rule requirements.

**EPA/DOJ Announce New Environmental Justice Enforcement Strategy:** On May 5, EPA Administrator Michael Regan and US Attorney General Merrick Garland announced a comprehensive enforcement strategy to advance environmental justice. EPA says the strategy leverages all available legal tools to secure protections for communities that have been overburdened by pollution. This includes restoring Supplemental Environment Projects (SEPs) which the EPA had previously used to provide environmental and/or public health benefits to communities harmed by environmental violations, but which had been halted by the Trump Administration.

**EPA Grants Will Fund Projects on Air Toxics at University of California:** In May, the EPA announced a total of \$1,997,949 in research grants to three University of California campuses –UC Davis, UC Los Angeles, and UC San Diego – for research to advance measurement and monitoring methods for air toxics and contaminants of emerging concern in the atmosphere.

## **Department of Energy**

**DOE Announces Funding to Support Electric Vehicle Batteries:** In May, the Department of Energy (DOE) announced two separate allocations of significant funding to support electric vehicle battery manufacturing and development. This included \$3.16 billion from the Bipartisan Infrastructure Law to boost domestic battery production and supply chains; and \$45 million through DOE’s Advanced Research Projects Agency-Energy (ARPA-E) to launch what is called the Electric Vehicles for American Low-carbon Living (EVs4ALL), which will support the research and development of advanced batteries that charge faster, have greater efficiency and resilience, and boost consumer confidence against range anxiety.

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**Outreach:** Additional contacts included members of our business coalition group on the truck rule and clean air issues; and Senate Environment & Public Works Committee staff on clean air issues of importance to South Coast AQMD.

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## CALIFORNIA ADVISORS, LLC

South Coast AQMD Report  
California Advisors, LLC  
June 10, 2022, Legislative Committee Hearing

### **Legislative Update**

As May ends, there has been a flurry of activity as we reach the halfway point of the 2022 legislative year. Friday, May 20 marked the last day for fiscal committees to hear and report bills to the floor introduced in their house of origin. Accordingly, the Senate and Assembly Appropriations Committees combined to refer over 950 bills to their respective suspense files. Generally, any bill that costs the state new money to implement is referred to the suspense file - this rule applies to most bills introduced in any legislative session. Of the roughly 950 bills referred to suspense, 740 passed and 219 bills were held in committee.

Additionally, Friday, May 27<sup>th</sup> was another critical point in the legislative term: the house of origin deadline. The house of origin deadline requires that any bill must be out of the house it was introduced in and be reported to the other house. The week leading up to the deadline had several long days where legislators considered hundreds of bills on each day to meet the deadline.

### **Budget Update**

On May 13, Governor Newsom presented the 2022–23 May Revision of his January budget proposal. Overall, the May Revision proposes spending of \$300.6 billion in total state funds, consisting of approximately \$227.3 billion from the General Fund, \$68.9 billion from special funds, and \$4.4 billion from bond funds. General Fund revenues are estimated to be nearly \$55 billion higher than January. The May Revision also includes \$18.1 billion in direct relief to millions of Californians to help offset rising costs and it projects an increase in the minimum wage for millions of workers.

While the Revision anticipates a considerable increase in revenue, it also balances that against increased economic uncertainty due to international events, continuing global supply chain disruptions, and persistent record rates of inflation. To hedge against this uncertainty, the Revision reflects \$37.1 billion in budgetary reserves and plans to prepay billions of dollars in state debts and make supplemental deposits into the state's rainy day fund. Additionally, the Revision reflects \$49.2 billion in discretionary surplus, and the overall budget plan spends 94 percent of the discretionary surplus on one-time projects.

The May Revision builds on the Cap-and-Trade Expenditure Plan in the Governor's Budget by targeting additional investments to programs that identify and mitigate methane emissions and protect disadvantaged communities. Specifically, the Administration proposes investing an

additional \$120 million from Cap-and-Trade auction proceeds to two programs. First, the Governor proposes \$100 million from the Greenhouse Gas Reduction Fund on a one-time basis to expand the number of satellites launched for methane observations, which would provide weekly measurement of large methane emissions in the state and enhance enforcement capabilities. Additionally, the Governor proposes \$20 million from the Greenhouse Gas Reduction Fund on a one-time basis for the AB 617 Community Air Protection Program, which reduces emissions in communities with disproportionate exposure to air pollution through targeted air monitoring and community emissions reduction programs. The Governor's Budget included \$240 million to support AB 617 investments; this additional allocation will bring the total proposed investment to \$260 million.

The Legislative Analysts Office has published a new report warning the Legislature that California is at risk of a recession within two years. They also argue that the Governor's May Revisions does not adequately address the State Appropriation Limit (SAL). Under their projections, the SAL requirements would reach \$10 billion to \$20 billion per year over the multiyear period. They believe the administration does not include a plan to address these requirements, which would far exceed the state's operating capacity. Consequently, under May Revision policies, the state likely would have significant budget shortfalls in the coming years.

In June, we will continue to see intense negotiations around the state budget. The budget bill must be approved by the Legislature before midnight on June 15<sup>th</sup>. In the last couple years, conversations around the budget often continue into July and August. We anticipate that will continue to be the case this year.

# ATTACHMENT 4B



## **Joe A. Gonsalves & Son**

**Anthony D. Gonsalves**

**Jason A. Gonsalves**

**Paul A. Gonsalves**

PROFESSIONAL LEGISLATIVE REPRESENTATION

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**TO:** South Coast Air Quality Management District  
**FROM:** Anthony, Jason & Paul Gonsalves  
**SUBJECT:** Legislative Update – April 2022  
**DATE:** Thursday, May 26, 2022

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The months of April and May are arguably some of the busiest months in the legislative calendar. April 29, 2022 marked the passage of the deadline for all bills, with potential costs to the state, to pass out of their policy committees in their house of origin. As you can imagine, most bills introduced in the Legislature cost some money to implement, meaning most bills have to be heard and passed by this deadline to stay alive. Furthermore, May 20, 2022 was the deadline to pass all bills, with costs associated with them, out of the Appropriations Committee and to the floor of their house of origin. Lastly, May 27, 2022 is the deadline for all bills to pass off the floor and to the other house (Assembly bills to the Senate and Senate bills to the Assembly).

While all of this is going on, work continues on the state budget throughout April and May. On May 13, 2022, Governor Newsom presented his May Revise to his January Budget Proposal. The Governor's May Revise estimates a \$97 billion surplus and proposes a \$300.7 billion budget spending plan, which is \$14.2 billion more than his January Budget proposal. Of the \$300.7 billion, \$227.4 billion is General Fund, \$68.9 billion is special funds, and \$4.4 billion is bond funds. The total budget, which includes \$140.9 billion in federal funds, totals \$441.6 billion.

To compare the May Revise to last year's budget, General Fund spending increased by \$45.6 billion, from \$203.6 billion to \$249.2 billion.

The following will provide you with updates of interest to South Coast AQMD:

### **MAY REVISE**

On May 13, 2022, Governor Newsom presented his May Revise to his January Budget Proposal and, most notably, announced the state is projected to have a \$97.5 billion surplus. This is the largest surplus the state has ever seen. Roughly half of the surplus is required by law to be spent on education (Proposition 98), leaving roughly \$49 billion in discretionary money. The Governor proposed to reserve 99% of that for one-time spending: \$18.1 billion to provide financial relief for Californians buffeted by inflation, \$37 billion for infrastructure investments (including

\$5.6 billion for education facility upgrades), and an extra \$2.3 billion for the ongoing fight against COVID-19.

Additionally, the Governor's May Revise proposes allocating \$37.1 billion of those funds to Budget Reserves. Under his revised proposal, the Governor dedicated \$23.3 billion to the Rainy-Day Fund (up from \$20.9 billion at the January Governor's Budget), \$3.4 billion to the Special Fund for Economic Uncertainties, \$9.5 billion to the Public School System Stabilization Account, and \$900 million to the Safety Net Reserve.

As part of the May Revise, The Governor's released his California Blueprint, which includes the California Climate Commitment, bringing California's multi-year climate investment to \$47.1 billion. The following will provide you with a summary of the California Climate Commitment:

- \$2.7 billion to reduce the risk of catastrophic wildfires and protect our forests. These projects include forest thinning, prescribed burns, grazing, reforestation, fuel breaks, and new technology to detect wildfires early.
- \$2 billion for near- and long-term actions to address immediate drought needs and build climate-resilient water supplies. Last year, California committed \$5.2 billion to ensure water security for Californians.
- \$800 million to cool our schools and neighborhoods, including projects to reduce urban overheating.
- \$445 million investment to protect Californians, particularly those in disadvantaged communities, against the public health risks of carbon pollution.
- \$6.1 billion, for a total investment to \$10 billion over six years, to fund affordable electric vehicles. It includes \$1.2 billion for EVs and charging in low-income communities and \$2.4 billion for zero-emission trucks and buses.
- \$1.5 billion for electric school buses
- Proposes investments to spur new clean energy technologies, including methane satellites and carbon removal innovation, and to develop California's Lithium Valley.
- \$10 billion energy package, including \$5.2 billion to deploy a Strategic Electricity Reliability Reserve to enhance grid reliability, \$1.2 billion to address past-due electricity bills, \$295 million to develop grid support, and \$970 million to incentivize residential solar and storage installation.
- \$9.1 billion to build cleaner, faster and more accessible public transportation and prepare for the impacts of climate change, including \$7.95 billion for high-speed rail and transit.
- \$2.1 billion to restore our forests, woodlands, grasslands, rivers and other natural wonders that can help play an important role in combating climate change and sequestering carbon, including \$100 million to support tribal initiatives that advance shared climate goals.
- Billions to move our economy off oil and gas and deliver affordable clean energy, invest in clean home upgrades to lower energy bills, build affordable housing and transit, and tackle pollution.
- \$845 million to provide the training and education needed for workers to attain new, clean jobs, build offshore wind, install EV chargers across the state, and upgrade homes and schools.
- \$1.1 billion to farmers who are on the frontlines of extreme weather and invest in farming practices that promote soil health and sustainability.

- \$1 billion in affordable housing development and transportation that reduces carbon pollution and its effects on low income communities.
- Invests in climate and tech tax credits to support innovators and entrepreneurs, expanding innovation hubs, and distributing grants for new businesses.

Now the ball is in the Legislature’s court as Legislative Leaders in the Assembly and Senate decide where they agree with the Governor and which priorities they want negotiate before the June 15<sup>th</sup> Constitutional deadline to pass a final, balanced budget for the fiscal year that starts July 1, 2022.

### **CLEAN CAR STANDARDS**

On May 19, 2022 Governor Newsom, California Attorney General Rob Bonta, and the California Air Resources Board (CARB) led a multi-state coalition in filing a motion to intervene in defense of the Environmental Protection Agency’s (EPA) decision to restore California’s waiver under the Clean Air Act for its greenhouse gas (GHG) and zero-emission vehicle (ZEV) standards. The coalition seeks to join the EPA in defending the waiver from challenges filed by several states and industry groups.

California’s clean car standards have been adopted by 17 states, representing more than one-third of the U.S. automobile market. These standards, which have been implemented in some states for more than a decade, are essential components of state plans to reduce emissions and attain federally mandated National Ambient Air Quality Standards for particulate matter and ozone, two pollutants which cause significant adverse health impacts.

Governor Newsom, Attorney General Bonta, and CARB have pushed the Biden Administration to reduce emissions from the transportation sector and to reaffirm California’s authority to do the same. This summer, Attorney General Bonta testified and later submitted comments urging the EPA to restore California’s waiver under the Clean Air Act for its GHG and zero-emission vehicle standards. The Attorney General also led a coalition in urging NHTSA to repeal a Trump-era rule, known as the “Preemption Rule,” that purported to preempt California’s GHG and zero-emission vehicles standards.

On December 21, 2021, NHTSA announced a repeal of that rule. More recently, Attorney General Bonta led a multistate coalition in urging the EPA to adopt more stringent GHG standards for light-duty vehicles for model years 2021-2026, and intervened to defend these standards after they were finalized.

In filing the motion, Attorney General Bonta, Governor Newsom, and CARB are joined by the attorneys general of Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Pennsylvania, Vermont, and Washington, as well as the cities of Los Angeles and New York.

### **CARB’S DRAFT CLIMATE ACTION PLAN**

On May 10, 2022, the California Air Resources Board (CARB) released their draft 2022 Climate Change Scoping Plan that will guide the state’s transition to a clean energy economy, reduce the

use of fossil fuels, achieve carbon neutrality by 2045 or sooner, and significantly clean the state's air.

The draft 2022 Climate Change Scoping Plan is the third update to the state's initial 2008 Scoping Plan. It identifies a technologically feasible, cost-effective and equity-focused path to achieve carbon neutrality over the next two decades while also assessing the progress the State is making towards reducing its greenhouse gas emissions by at least 40% below 1990 levels by 2030.

There is now a formal 45-day public comment period where, during that time, the Environmental Justice Advisory Committee may provide additional input on the draft plan. The Board will consider the plan in June and may then provide direction to staff, with an additional period of public comment and engagement prior to the second meeting of the Board in the fall to consider adopting a final draft of the plan.

The most significant aspect of the draft plan is the aggressive pace and scale it calls for to reduce our reliance on fossil fuels. The plan calls for regulations, incentives, and carbon pricing to accelerate the transition to zero-emission transportation, phase out the use of fossil gas used to heat homes and buildings, and provide communities with sustainable options for walking, biking, and public transit. Support for the transportation sector will be through an acceleration of adding more clean, affordable, and reliable renewable energy to displace fossil-fuel fired electricity generation and scaling up new options such as hydrogen and renewable gas for hard-to-electrify end uses.

The draft plan also re-envision our forests, farmlands and rangelands to ensure they play a role in reducing emissions and incorporate and store more carbon. The plan also makes clear that in order to succeed in balancing remaining carbon output with carbon storage, California will need to go beyond the capacity of our natural and working lands and deploy additional methods of capturing carbon dioxide that include pulling it from industrial smokestacks or drawing it out of the atmosphere itself and then safely and permanently storing it.

The draft 2022 Climate Change Scoping Plan was developed by CARB in collaboration and coordination with multiple state agencies. Development of the plan also included robust public engagement including over a dozen workshops, webinars or public meetings over the past year. In addition, the draft plan was shaped by recommendations from the Environmental Justice Advisory Committee to ensure that environmental justice and frontline communities are front and center in the state's efforts to address the climate emergency. The EJAC held 18 meetings and there are some five dozen recommendations of the committee referenced throughout the draft plan.

The draft Scoping Plan evaluated 4 potential scenarios for achieving carbon neutrality, all of which will also achieve the 2030 goal of reducing GHG emissions 40% below 1990 levels. Two of those scenarios would achieve carbon neutrality by 2035; the other two by 2045. CARB staff concluded that Scenario 3 provided the most economically and technologically feasible route to carbon neutrality, including providing equity-based solutions focused on affordability and job preservation.

## **CEC'S ELECTRIC PROGRAM INVESTMENT CHARGE PROGRAM**

On May 19, 2022, the California Energy Commission (CEC) provided an update on their Electric Program Investment Charge (EPIC) program. The EPIC program has invested more than \$130 million annually on projects that advance the environmental sustainability, reliability, and affordability of the electric system. Since 2012, EPIC has supported more than 430 projects with \$1 billion in funding, resulting in \$7.8 billion in private investment raised by awardees ranging from major universities to small start-up companies.

Governor Gavin Newsom's 2022–23 budget proposal builds on EPIC's success by including \$1 billion for grants to companies headquartered in California. The grants would be used to develop and commercialize new technology breakthroughs to help the state achieve its climate and clean energy goals.

Since its inception, the EPIC program has focused on decarbonizing the electrical system and addressing the devastating effects of climate change. More than \$232 million has been approved for projects that reduce GHG emissions while improving the affordability, health, and comfort of homes and businesses.

The EPIC program is investing in innovation in just about every sector of the state including its offshore wind industry, the electrification of its transportation system, the development of long-duration batteries and the advancement of clean energy entrepreneurs.

Other EPIC-funded innovations profiled in the new report include:

- Transparent photovoltaic window coating that can harness solar energy from glass surfaces to generate electricity, all while remaining visibly indistinguishable from traditional windows.
- Panels that use radiative cooling, rejecting heat from rooftops out past the atmosphere and into the cold expanses of space, turning the sky into a renewable resource for cooling.
- 3D concrete printing manufacturing technology that allows for on-site construction of low-cost, ultra-tall wind turbine towers.
- A lithium-metal battery system that increases energy density up to 48 percent along with exceptional power output and cycle life, which increases the range and capacity for electric vehicles and aircraft.

More than two-thirds of EPIC technology demonstration and deployment funds have been invested in projects with sites in low-income and disadvantaged communities and California Native American tribes. In 2020, the EPIC program was renewed by the California Public Utilities Commission ensuring another decade of support for the state's energy future.

## **LEGISLATIVE DEADLINES**

2022

<u>April 29, 2022:</u>	Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.
<u>May 6, 2022:</u>	Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.
<u>May 13, 2022:</u>	Last day for policy committees to meet prior to May 31
<u>May 20, 2022:</u>	Last day for fiscal committees to hear and report to the floor bills introduced in their house. Last day for fiscal committees to meet prior to May 31
<u>May 27, 2022:</u>	Last day for each house to pass bills introduced in that house
<u>June 15, 2022:</u>	Budget Bill must be passed by midnight
<u>June 30, 2022:</u>	Last day for a legislative measure to qualify for the Nov. 8, 2022 General Election ballot
<u>July 1, 2022:</u>	Last day for policy committees to meet and report bills
<u>July 1- August 1, 2022:</u>	Summer Recess
<u>August 12, 2022:</u>	Last day for fiscal committees to meet and report bills
<u>August 15 – 31, 2022:</u>	Floor session only. No committee may meet for any purpose except Rules Committee.
<u>August 25, 2022:</u>	Last day to amend bills on the floor
<u>August 31, 2022:</u>	Last day for each house to pass bills. Final Recess begins upon adjournment

## South Coast Air Quality Management District Legislative and Regulatory Update – May 2022

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### ❖ Important Upcoming Dates

June 15	–	Budget Bill must be passed by midnight.
June 30	–	Last day for a legislative measure to qualify for the November 8 ballot
July 1	–	Last day for policy committees to meet and report bills
July 1	–	Summer Recess begins upon adjournment of session

### ❖ RESOLUTE Actions on Behalf of South Coast AQMD. RESOLUTE partners David Quintana, Jarrell Cook, and Alfredo Arredondo continued their representation of South Coast AQMD before the State's Legislative and the Executive branch. Selected highlights of our recent advocacy include:

- Assisted South Coast AQMD staff in confirming and participating in key meetings with staff for legislators as AB 2386 and AB 2141 were placed on the Appropriations Suspense File.
- Continued outreach to numerous legislative members and offices to advance South Coast AQMD's priority legislation and issues.

### ❖ South Coast AQMD Sponsored Legislation.

- AB 2141 (Eduardo Garcia): AB 617 Sustainable Funding Appropriations Suspense File (5/19/2022). Passed with 12 Ayes, 4 Noes, and 0 No Vote Recorded.
  - Ayes: Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Holden, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson
  - Noes: Bigelow, Megan Dahle, Davies, Fong
  - NVR: N/A
- AB 2141 (Eduardo Garcia): AB 617 Sustainable Funding Assembly Floor Vote (5/23/2022). Passed with 54 Ayes, 18 Noes, and 6 No Vote Recorded.
  - Ayes: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bloom, Boerner Horvath, Bryan, Calderon, Carrillo, Cervantes, Chen, Cooley, Cooper, Daly, Mike Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Medina, Mullin, Muratsuchi, Nazarian, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Salas, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon
  - Noes: Bigelow, Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Patterson, Seyarto, Smith, Valladares, Voepel, Waldron
  - NVR: Berman, Mia Bonta, Mayes, McCarty, O'Donnell, Blanca Rubio
- AB 2836 (Eduardo Garcia): Carl Moyer Extension Appropriations Suspense File (5/19/2022). Passed with 13 Ayes, 0 Noes, and 3 No Vote Recorded.
  - Ayes: Bigelow, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Holden, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson
  - Noes: N/A
  - NVR: Megan Dahle, Davies, Fong
- AB 2836 (Eduardo Garcia): Carl Moyer Extension Assembly Floor Vote (05/25/2022). Passed with 65 Ayes, 0 Noes, and 13 No Vote Recorded.

- Ayes: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Santiago, Stone, Ting, Valladares, Villapudua, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon
- Noes: N/A
- NVR: Berman, Choi, Fong, Kiley, Lackey, Mayes, Nguyen, O'Donnell, Salas, Seyarto, Smith, Voepel, Waldron

❖ **Governor Releases May Revision to the Proposed 2023 Budget Act.** On May 13, 2022, the Governor released the [May Revision](#) to his proposed Budget Act which allocates an additional \$52 billion in surplus funding which resulted from higher than expected tax revenue receipts. The [Legislative Analyst Office](#) (LAO) indicates there may be a heightened risk of recession within the next two years:

“Predicting precisely when the next recession will occur is not possible. However, certain economic indicators historically have offered warning signs that a recession is on the horizon. As shown in Figure 8, many of these indicators currently suggest a heightened risk of a recession within two years. High inflation and tight labor markets suggest an overheated economy is struggling to find avenues for further expansion, an observation seemingly supported by a decline in real gross domestic product in the first quarter of 2022. Home sales have declined as mortgage rates have risen rapidly. Consumer sentiment has fallen to levels typically seen only during recessions. Changes in prices of certain U.S. treasury bonds suggest financial markets may be pessimistic about the economic outlook. In the last five decades, a similar collection of economic conditions has occurred six times. Each of those six times a recession has occurred within two years (and often sooner).



- ❖ **Cap-And-Trade Quarterly Auction Results.** On May 26, CARB released the latest results from the Cap-And-Trade auction that took place on May 18th. Results are largely in line with previous updates on quarterly auction results and continue to outperform the Governor’s assumptions in the budget proposal. This auction raised about \$1.095 billion, which puts the overall revenue raised for the 2021-2022 fiscal year at \$4.5 billion. The Governor’s January budget assumed a total of \$3.5 billion raised at auction in the 2021-2022 fiscal year. This provides additional flexibility for the legislature to make additional investments for priority programs in the 2022-23 Greenhouse Gas Reduction Fund (GGRF) Expenditure Plan, including AB 617 funding, of course. As a reminder, the LAO recently provided a [useful overview](#) of how much additional flexibility is available in the GGRF Expenditure Plan discussions/negotiations.

Below are the totals for the 2021-2022 quarterly results.

August 2021:	\$1,137,078,049.88
November 2021:	\$1,293,418,042.97
February 2022:	\$974,959,720.13
May 2022:	\$1,095,579,789

Of note, the price of allowances sold continues to increase, reflecting a higher price per ton of CO2. This auction settled at a price of \$30.85 per allowance (the minimum/reserve price was \$19.70).