

Supporting a Safe and Welcoming Environment for All Participants in California Environmental Protection Agency Public Processes

The California Environmental Protection Agency (CalEPA) is providing internal guidance to staff to support public participation by all Californians in public meetings conducted by the California Environmental Protection Agency (CalEPA), and its Boards, Departments and Offices (BDOs). CalEPA remains steadfastly committed to serving the public, ensuring that government remains transparent and accessible to all members of the public, and eliminating barriers to participation, particularly for historically underserved communities.

As public servants, we must strive to create an environment where all Californians feel welcome to participate. Taking the recommended proactive steps will help facilitate participation by all members of the public in meetings. This document sets forth best practices as well as federal and state legal obligations. For additional information, please see DGS guidance on Interactions with Federal Immigration Enforcement Agents in a State Workplace, dated April 9, 2025.

Meeting Preparation and Planning

- Plan for and provide multiple options for participation:
 - Consider whether in person only meetings are necessary and if not, include virtual options for viewing and participating in all public meetings, whenever technologically feasible. A remote option is already available for meetings of state bodies governed by the Bagley-Keene Act (Gov. Code, § 11123.2) but should be extended to all public meetings. A virtual option reduces risk for those who might fear gathering in public places.
 - Utilize a virtual platform that allows participants to join with video off and to be identified as anonymous.
 - Provide an option for participation by phone, if technologically feasible.
 - Anonymous comments: Provide options to submit anonymous written comments. This can happen via online options, email, mail, forms, or surveys. For oral comments, also provide participants the option to share comments anonymously. Commenters should be made aware however that for anonymous commenters on

rulemakings, the agency may not be able to provide notifications of updates to regulatory text unless an alternate contact is provided.

- Comments on someone's behalf: Ensure participants know they can have someone else share their comments on their behalf.
- Remote participation / satellite viewing locations: If of interest, partner with local organizations that may be interested in hosting satellite viewing locations of the public meeting. This could benefit community members without internet access who wish to participate remotely.
- Notify the public of multiple options for participation. Ensure the meeting notice includes all participation options, alternate methods for registering virtually (video and phone), and easy to follow instructions for registering and virtually participating during the meeting. Consider communicating that the format of comments submitted will not impact BDO's consideration of the comment.
- Do not require identifying information as a condition of participating in or attending a meeting. Bagley-Keene places limitations on collection of identifying information. These practices should be extended to all public meetings.
 - State law prohibits the collection of identifying or other information as a condition of participation in Bagley-Keene meetings. (See Gov. Code, § 11124, subd. (a).)
 - Any sign-in sheet at Bagley-Keene meetings *must* clearly state "that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (See Gov. Code, § 11124, subd. (b).) In place of a sign-in sheet, consider other methods of tracking attendance such as manual counting.
 - Where a virtual platform requires submission of information to register for or log into the meeting, participants must "be permitted to submit a pseudonym or other anonymous information." (See Gov. Code, §11124, subd. (c).)
- If coordinating a panel of community members, offer the option to have panelists present without sharing their name. Alternatively, staff can work with local trusted partners/organizations to coordinate panels or community members directly.

Meetings

- Meeting opening statement.

- Be welcoming but do not set unrealistic expectations. Avoid statements guaranteeing meetings to be a “safe space” as these are public meetings in public spaces that can be attended by anyone. Such statements create false expectations leading to more distrust.
- Do not inquire about immigration status or make disclosure of immigration status a condition to participate in a public meeting.
- Explain participation options and available resources to ensure attendees are aware of their rights and choices.
- Consider advising participants that:
 - Identifying information (name, place of residence or work, place of birth, immigration status) is not required to participate in the meeting.
 - Ensure interpreters, if present for a meeting, are not requesting IDs or requiring other information to borrow interpretation headsets. (See Gov. Code, § 11124(a).) Instead, keep track of the number of headsets distributed and have someone stand by the meeting exit to collect headsets.
 - Participants can request others comment on their behalf and identify staff who can receive and read such comments.
- Practice risk communication techniques: If questions or concerns about immigration enforcement arise, stay calm, neutral, and focus on facilitating public participation and offering alternative options to provide input or comment to the BDO (use flyers, links and other methods to direct folks if they want to leave the physical space). Be prepared to redirect discussions that veer into legal advice—staff should only provide factual information about meeting logistics and available resources.
- In the event immigration enforcement authorities appear, staff should adhere to the following guidelines. (These internal guidelines are intended to inform your conduct as a state employee; do not disseminate these guidelines outside CalEPA or advise members of the public about their legal rights or obligations):
 - Some meetings and working groups occur in publicly accessible parts of buildings but others sometimes occur in interior conference rooms not generally open to the public without staff escort. Do not voluntarily consent to an immigration enforcement agent entering any nonpublic

areas of CalEPA/BDO buildings, unless the agent provides a valid judicial warrant that is signed by a judge or magistrate. A judicial warrant is a formal written order authorizing a law enforcement officer to make an arrest, a seizure or a search. A federal or state court can issue a judicial warrant. A warrant signed by an immigration judge is not a judicial warrant. Voluntarily granting such consent may subject CalEPA or the BDO to civil penalties. (Gov. Code, § 7285.1)¹

- Do not hide or harbor an undocumented immigrant from an immigration enforcement agent. Such conduct may subject the employee to a fine or even imprisonment. (8 U.S.C.A. § 13224)
- Do not physically interfere with an immigration enforcement agent, even if the agent does not have a judicial warrant. (18 U.S.C.A. § 111)
- Do not provide legal advice to members of the public/participants at meetings.
- Immediately contact your supervisor and the BDO Legal Office if an immigration enforcement agent appears at a meeting you are conducting. The BDO Legal Office can assist in determining if the agent has presented a valid judicial warrant.

After Meetings

- Each BDO has an existing records retention policy. Records from meetings must be retained consistent with these policies. CalEPA and its BDOs have legal obligations to respond to Public Records Act requests or other requests for records through appropriate legal process (including subpoenas or warrants). Please be aware that records from meetings may be subject to subsequent disclosure; redactions may or may not be legally permissible.
- Employee Assistance Program: Any employees unsettled by interactions at a meeting are encouraged to utilize the resources available via the Employee Assistance Program (EAP).

¹ Although less likely to arise in the context of public meetings, do not voluntarily consent to an immigration enforcement agent accessing, reviewing, or obtaining CalEPA or BDO *employee* records without a valid properly served subpoena or judicial warrant. Voluntarily granting such consent may subject CalEPA or the BDO to civil penalties (Gov. Code, § 7285.2)

- EAP is both voluntary and confidential. The program is available 24 hours a day, 7 days a week, 365 days a year.
- Toll-free number at 1-866-EAP-4SOC (866-327-4762) or TTY at 1-800-424-6117
- TDD callers: 800-327-0801
- EAP Website: www.eap.calhr.ca.gov
- Magellan Healthcare benefits guide:
<https://member.magellanhealthcare.com/en/benefits-guide-soc>

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