

AMENDED IN SENATE JUNE 12, 2002

AMENDED IN ASSEMBLY APRIL 16, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2937

Introduced by Assembly Member Shelley

February 25, 2002

An act to amend ~~Section 6252~~ *Sections 6252 and 54952* of the Government Code, relating to ~~public records~~ *local agencies*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2937, as amended, Shelley. Public records: entities.

~~The~~

(1) *The California Public Records Act establishes the right of every person to inspect and obtain copies of public records not exempt from disclosure from specified state and local agencies. The act defines local agency to include, among other things, specified nonprofit entities that are legislative bodies of a local agency for purposes of open meeting requirements.*

This bill would delete nonprofit from this definition.

(2) *The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. The act defines legislative body as including, among other things, a board, commission, committee, or other multimember body that governs a private corporation or entity that either is created by the elected legislative body in order to exercise authority that may lawfully be delegated to it or receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local*

agency appointed to that governing body as a full voting member by the legislative body of the local agency, as specified.

This bill would specifically include within the definition of legislative body a board, commission, committee, or other multimember body that governs a limited liability company, as specified.

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 6252 of the Government Code is
2 amended to read:

3 6252. As used in this chapter:

4 (a) "State agency" means every state office, officer,
5 department, division, bureau, board, and commission or other
6 state body or agency, except those agencies provided for in Article
7 IV (except Section 20 thereof) or Article VI of the California
8 Constitution.

9 (b) "Local agency" includes a county; city, whether general
10 law or chartered; city and county; school district; municipal
11 corporation; district; political subdivision; or any board,
12 commission or agency thereof; other local public agency; or
13 entities that are legislative bodies of a local agency pursuant to
14 subdivisions (c) and (d) of Section 54952.

15 (c) "Person" includes any natural person, corporation,
16 partnership, limited liability company, firm, or association.

17 (d) "Public agency" means any state or local agency.

18 (e) "Public records" includes any writing containing
19 information relating to the conduct of the public's business
20 prepared, owned, used, or retained by any state or local agency
21 regardless of physical form or characteristics. "Public records" in
22 the custody of, or maintained by, the Governor's office means any
23 writing prepared on or after January 6, 1975.

24 (f) "Writing" means any handwriting, typewriting, printing,
25 photographing, and every other means of recording upon any form
26 of communication or representation, including letters, words,
27 pictures, sounds, or symbols, or combination thereof, and all
28 papers, maps, magnetic or paper tapes, photographic films and
29 prints, photostatic copies, magnetic or punched cards, discs,
30 drums, and other documents.



1 (g) “Member of the public” means any person, except a
2 member, agent, officer, or employee of a federal, state, or local
3 agency acting within the scope of his or her membership, agency,
4 office, or employment.

5 *SEC. 2. Section 54952 of the Government Code is amended to*
6 *read:*

7 54952. As used in this chapter, “legislative body” means:

8 (a) The governing body of a local agency or any other local
9 body created by state or federal statute.

10 (b) A commission, committee, board, or other body of a local
11 agency, whether permanent or temporary, decisionmaking or
12 advisory, created by charter, ordinance, resolution, or formal
13 action of a legislative body. However, advisory committees,
14 composed solely of the members of the legislative body ~~which~~ *that*
15 are less than a quorum of the legislative body are not legislative
16 bodies, except that standing committees of a legislative body,
17 irrespective of their composition, which have a continuing subject
18 matter jurisdiction, or a meeting schedule fixed by charter,
19 ordinance, resolution, or formal action of a legislative body are
20 legislative bodies for purposes of this chapter.

21 (c) (1) A board, commission, committee, or other
22 multimember body that governs a private corporation ~~or~~, *limited*
23 *liability company, or other* entity that either:

24 (A) Is created by the elected legislative body in order to
25 exercise authority that may lawfully be delegated by the elected
26 governing body to a private corporation ~~or~~, *limited liability*
27 *company, or other* entity.

28 (B) Receives funds from a local agency and the membership of
29 whose governing body includes a member of the legislative body
30 of the local agency appointed to that governing body as a full
31 voting member by the legislative body of the local agency.

32 (2) Notwithstanding subparagraph (B) of paragraph (1), no
33 board, commission, committee, or other multimember body that
34 governs a private corporation ~~or~~, *limited liability company, or*
35 *other* entity that receives funds from a local agency and, as of
36 February 9, 1996, has a member of the legislative body of the local
37 agency as a full voting member of the governing body of that
38 private corporation ~~or~~, *limited liability company, or other* entity
39 shall be relieved from the public meeting requirements of this



1 chapter by virtue of a change in status of the full voting member
2 to a nonvoting member.

3 (d) The lessee of any hospital the whole or part of which is first
4 leased pursuant to subdivision (p) of Section 32121 of the Health
5 and Safety Code after January 1, 1994, where the lessee exercises
6 any material authority of a legislative body of a local agency
7 delegated to it by that legislative body whether the lessee is
8 organized and operated by the local agency or by a delegated
9 authority.

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