

ASSEMBLY BILL

No. 1827

Introduced by Assembly Member Cohn

January 20, 2004

An act to amend Section 54954.5 of, and to add Sections 11126.2 and 54956.75 to, the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1827, as introduced, Cohn. Closed sessions: state audits.

Under the Bagley-Keene Open Meeting Act and the Ralph M. Brown Act the meetings of state bodies and the legislative bodies of local agencies, including public commissions, boards, councils, and other public agencies in the state, are required to be open and public, including their actions and deliberations, unless the act authorizes a closed session.

Existing law also prohibits the release of any papers, correspondence, memoranda, or any substantive information pertaining to any audit not completed and prohibits the State Auditor and any employee or former employee of the bureau from divulging or making known to any person not employed by the bureau any particulars of any record, document, or information not expressly permitted by law.

This bill would permit a state body or the legislative body of a local agency, including any other public agency subject to these open meeting laws to hold a closed session to discuss issues relating to audit work currently being conducted by the Bureau of State Audits or a confidential draft audit report prepared by the bureau unless the report has been publicly released or is exempted from that requirement by some other provision of law.

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 11126.2 is added to the Government
2 Code, to read:

3 11126.2. (a) Nothing in this article shall be construed to
4 prohibit a state body from holding closed sessions to discuss issues
5 relating to audit work currently being conducted by the Bureau of
6 State Audits or a confidential draft audit report by the Bureau of
7 State Audits.

8 (b) After the public release of an audit report by the Bureau of
9 State Audits, if a state body meets to discuss the audit report, it
10 shall do so in an open session unless exempted from that
11 requirement by some other provision of law.

12 SEC. 2. Section 54954.5 of the Government Code is amended
13 to read:

14 54954.5. For purposes of describing closed session items
15 pursuant to Section 54954.2, the agenda may describe closed
16 sessions as provided below. No legislative body or elected official
17 shall be in violation of Section 54954.2 or 54956 if the closed
18 session items were described in substantial compliance with this
19 section. Substantial compliance is satisfied by including the
20 information provided below, irrespective of its format.

21 (a) With respect to a closed session held pursuant to Section
22 54956.7:

23
24 LICENSE/PERMIT DETERMINATION
25 Applicant(s): (Specify number of applicants)
26

27 (b) With respect to every item of business to be discussed in
28 closed session pursuant to Section 54956.8:

29
30 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
31 Property: (Specify street address, or if no street address, the
32 parcel number or other unique reference, of the real property under
33 negotiation)
34 Agency negotiator: (Specify names of negotiators attending the
35 closed session) (If circumstances necessitate the absence of a



1 specified negotiator, an agent or designee may participate in place
2 of the absent negotiator so long as the name of the agent or
3 designee is announced at an open session held prior to the closed
4 session.)

5 Negotiating parties: (Specify name of party (not agent))

6 Under negotiation: (Specify whether instruction to negotiator
7 will concern price, terms of payment, or both)

8

9 (c) With respect to every item of business to be discussed in
10 closed session pursuant to Section 54956.9:

11

12 CONFERENCE WITH LEGAL COUNSEL—EXISTING
13 LITIGATION

14 (Subdivision (a) of Section 54956.9)

15 Name of case: (Specify by reference to claimant’s name, names
16 of parties, case or claim numbers)

17 or

18 Case name unspecified: (Specify whether disclosure would
19 jeopardize service of process or existing settlement negotiations)

20 CONFERENCE WITH LEGAL
21 COUNSEL—ANTICIPATED LITIGATION

22 Significant exposure to litigation pursuant to subdivision (b) of
23 Section 54956.9: (Specify number of potential cases)

24 (In addition to the information noticed above, the agency may
25 be required to provide additional information on the agenda or in
26 an oral statement prior to the closed session pursuant to
27 subparagraphs (B) to (E), inclusive, of paragraph (3) of
28 subdivision (b) of Section 54956.9.)

29 Initiation of litigation pursuant to subdivision (c) of Section
30 54956.9: (Specify number of potential cases)

31

32 (d) With respect to every item of business to be discussed in
33 closed session pursuant to Section 54956.95:

34

35 LIABILITY CLAIMS

36 Claimant: (Specify name unless unspecified pursuant to Section
37 54961)

38 Agency claimed against: (Specify name)

39



1 (e) With respect to every item of business to be discussed in
2 closed session pursuant to Section 54957:

- 3
- 4 THREAT TO PUBLIC SERVICES OR FACILITIES
- 5 Consultation with: (Specify name of law enforcement agency
- 6 and title of officer, or name of applicable agency representative
- 7 and title)
- 8 PUBLIC EMPLOYEE APPOINTMENT
- 9 Title: (Specify description of position to be filled)
- 10 PUBLIC EMPLOYMENT
- 11 Title: (Specify description of position to be filled)
- 12 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
- 13 Title: (Specify position title of employee being reviewed)
- 14 PUBLIC EMPLOYEE
- 15 DISCIPLINE/DISMISSAL/RELEASE
- 16 (No additional information is required in connection with a
- 17 closed session to consider discipline, dismissal, or release of a
- 18 public employee. Discipline includes potential reduction of
- 19 compensation.)

20

21 (f) With respect to every item of business to be discussed in
22 closed session pursuant to Section 54957.6:

- 23
- 24 CONFERENCE WITH LABOR NEGOTIATORS
- 25 Agency designated representatives: (Specify names of
- 26 designated representatives attending the closed session) (If
- 27 circumstances necessitate the absence of a specified designated
- 28 representative, an agent or designee may participate in place of the
- 29 absent representative so long as the name of the agent or designee
- 30 is announced at an open session held prior to the closed session.)
- 31 Employee organization: (Specify name of organization
- 32 representing employee or employees in question)
- 33 or
- 34 Unrepresented employee: (Specify position title of
- 35 unrepresented employee who is the subject of the negotiations)

36

37 (g) With respect to closed sessions called pursuant to Section
38 54957.8:

- 39
- 40 CASE REVIEW/PLANNING



1 (No additional information is required in connection with a
2 closed session to consider case review or planning.)

3
4 (h) With respect to every item of business to be discussed in
5 closed session pursuant to Sections 1461, 32106, and 32155 of the
6 Health and Safety Code or Sections 37606 and 37624.3 of the
7 Government Code:

8
9 **REPORT INVOLVING TRADE SECRET**

10 Discussion will concern: (Specify whether discussion will
11 concern proposed new service, program, or facility)

12 Estimated date of public disclosure: (Specify month and year)

13 **HEARINGS**

14 Subject matter: (Specify whether testimony/deliberation will
15 concern staff privileges, report of medical audit committee, or
16 report of quality assurance committee)

17
18 (i) With respect to every item of business to be discussed in
19 closed session pursuant to Section 54956.86:

20
21 **CHARGE OR COMPLAINT INVOLVING INFORMATION**
22 **PROTECTED BY FEDERAL LAW**

23 (No additional information is required in connection with a
24 closed session to discuss a charge or complaint pursuant to Section
25 54956.86.)

26
27 *(j) With respect to every item of business to be discussed in*
28 *closed session pursuant to Section 54956.75:*

29
30 **AUDIT BY STATE BUREAU OF AUDITS**

31 **SEC. 3.** Section 54956.75 is added to the Government Code,
32 to read:

33 54956.75. (a) Nothing contained in this chapter shall be
34 construed to prevent the legislative body of a local agency from
35 holding closed sessions to discuss issues relating to audit work
36 currently being conducted by the Bureau of State Audits or a
37 confidential draft audit report by the Bureau of State Audits.

38 (b) After the public release of an audit report by the Bureau of
39 State Audits, if a legislative body of a local agency meets to discuss



- 1 the audit report, it shall do so in an open session unless exempted
- 2 from that requirement by some other provision of law.

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