

AMENDED IN SENATE MARCH 27, 2007

**SENATE BILL**

**No. 343**

---

---

**Introduced by Senator Negrete McLeod**

February 20, 2007

---

---

An act to amend Section 54954.2 of the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as amended, Negrete McLeod. Local agencies: open meetings: ~~housing~~ documents.

The Ralph M. Brown Act requires that any meeting of a legislative body of a local agency be open and public and all persons be permitted to attend. The act requires the body to post an agenda at least 72 hours before a regular meeting, requires that agendas and all writings distributed to a body be made available to the public, and prohibits action or discussion on any item not appearing on the posted agenda, with specified exceptions.

~~The Housing Accountability Act requires that a local agency not disapprove a housing development project for very low, low-, or moderate-income households or condition its approval in a manner that renders the project infeasible for development for those households unless it makes written findings, based upon substantial evidence in the record, as to one of a number of specified conditions.~~

This bill would provide, notwithstanding any other provision of law, that no action or discussion shall be undertaken on any ~~housing~~ development project for which findings are required by the ~~Housing Accountability Act~~, unless any analysis related to those findings that is prepared by a local agency or its employees or agents be made available to the public no later than the date the agency posts the agenda

~~that includes that housing project as an item of business. agenda item unless all writings that relate to that item that are included in the agenda packet prepared by the local agency or its employees or agents are made available to the public no later than the date the agency posts the agenda that includes that item.~~

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 54954.2 of the Government Code is  
2 amended to read:

3 54954.2. (a) (1) At least 72 hours before a regular meeting,  
4 the legislative body of the local agency, or its designee, shall post  
5 an agenda containing a brief general description of each item of  
6 business to be transacted or discussed at the meeting, including  
7 items to be discussed in closed session. A brief general description  
8 of an item generally need not exceed 20 words. The agenda shall  
9 specify the time and location of the regular meeting and shall be  
10 posted in a location that is freely accessible to members of the  
11 public. If requested, the agenda shall be made available in  
12 appropriate alternative formats to persons with a disability, as  
13 required by Section 202 of the Americans with Disabilities Act of  
14 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
15 adopted in implementation thereof. The agenda shall include  
16 information regarding how, to whom, and when a request for  
17 disability related modification or accommodation, including  
18 auxiliary aids or services may be made by a person with a disability  
19 who requires a modification or accommodation in order to  
20 participate in the public meeting.

21 (2) No action or discussion shall be undertaken on any item not  
22 appearing on the posted agenda, except that members of a  
23 legislative body or its staff may briefly respond to statements made  
24 or questions posed by persons exercising their public testimony  
25 rights under Section 54954.3. In addition, on their own initiative  
26 or in response to questions posed by the public, a member of a  
27 legislative body or its staff may ask a question for clarification,  
28 make a brief announcement, or make a brief report on his or her  
29 own activities. Furthermore, a member of a legislative body, or  
30 the body itself, subject to rules or procedures of the legislative

1 body, may provide a reference to staff or other resources for factual  
2 information, request staff to report back to the body at a subsequent  
3 meeting concerning any matter, or take action to direct staff to  
4 place a matter of business on a future agenda.

5 (b) Notwithstanding subdivision (a), the legislative body may  
6 take action on items of business not appearing on the posted agenda  
7 under any of the conditions stated below. Prior to discussing any  
8 item pursuant to this subdivision, the legislative body shall publicly  
9 identify the item.

10 (1) Upon a determination by a majority vote of the legislative  
11 body that an emergency situation exists, as defined in Section  
12 54956.5.

13 (2) Upon a determination by a two-thirds vote of the members  
14 of the legislative body present at the meeting, or, if less than  
15 two-thirds of the members are present, a unanimous vote of those  
16 members present, that there is a need to take immediate action and  
17 that the need for action came to the attention of the local agency  
18 subsequent to the agenda being posted as specified in subdivision  
19 (a).

20 (3) The item was posted pursuant to subdivision (a) for a prior  
21 meeting of the legislative body occurring not more than five  
22 calendar days prior to the date action is taken on the item, and at  
23 the prior meeting the item was continued to the meeting at which  
24 action is being taken.

25 (c) Notwithstanding any other provision of law, no action or  
26 discussion shall be undertaken on any ~~housing development project~~  
27 ~~for which findings are required by Section 65589.5, unless any~~  
28 ~~analysis related to those findings that is prepared by a local agency~~  
29 ~~or its employees or agents is made available to the public no later~~  
30 ~~than the date the agency posts the agenda that includes that housing~~  
31 ~~project as an item of business.~~ *agenda item unless all writings, as*  
32 *defined in subdivision (g) of Section 6252, that relate to that item*  
33 *and are included in the agenda packet prepared by the local agency*  
34 *or its employees or agents are made available to the public no*  
35 *later than the date the agency posts the agenda that includes that*  
36 *item.*

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

O