

AMENDED IN SENATE AUGUST 18, 2010
AMENDED IN SENATE SEPTEMBER 3, 2009
AMENDED IN SENATE JULY 7, 2009
AMENDED IN SENATE JUNE 24, 2009
AMENDED IN ASSEMBLY MAY 6, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 827

**Introduced by Assembly Member ~~Yamada~~ De La Torre
(Principal coauthor: Assembly Member Feuer)
(Coauthor: Assembly Member ~~Beall~~ Yamada)**

February 26, 2009

~~An act to add Section 26158 to the Government Code, relating to records.~~ *An act to add Section 54957.05 to, and to add Chapter 10.1 (commencing with Section 3511.1) to Division 4 of Title 1 of, the Government Code, relating to local public employees.*

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as amended, ~~Yamada~~ De La Torre. ~~Records.~~ *Local public employees.*

The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees. The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. Existing law requires all contracts of employment between an employee and a local agency employer to include a provision which provides that regardless of the term of the

contract, if the contract is terminated, the maximum cash settlement that an employee may receive shall be an amount equal to the monthly salary of the employee multiplied by the number of months left on the unexpired term of the contract, with a maximum of 18 months.

This bill would, notwithstanding that provision, on and after January 1, 2011, prohibit an employment contract for a local excluded employee, as defined, from including any clause that provides for an automatic renewal, an automatic compensation increase, a severance payment greater than 12 months' salary, or an automatic raise in excess of a cost-of-living adjustment. The bill would also require a performance review of any unrepresented individual who is or will be employed by, and report directly to, the legislative body of the local agency, before a raise in excess of a cost-of-living adjustment may be implemented for that individual. The bill would also require the vote to increase that person's salary in excess of a cost-of-living adjustment to be made in open session. By expanding the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Existing law requires the county recorder to charge and collect certain fees for the filing or recording of various property-related instruments, papers, or notices.

This bill would authorize a county board of supervisors to provide for the archiving of historical county records, including, but not limited to, records pertaining to real property, local agency meetings and actions, roads and other public works, and other records of general public or historical interest. The bill would authorize the board of supervisors, in consultation with the county recorder, to adopt and impose a fee on the recording of property-related documents, the amount of which would be prohibited from exceeding the estimated reasonable cost of providing archival services with regard to these documents, not to exceed \$3 per document.

The bill would require the board of supervisors, in consultation with the county recorder, to expend the proceeds from the fee only to defray

~~the cost of providing archival services in connection with property-related documents, as specified, and would require these archival services to conform with certain professional practices.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10.1 (commencing with Section 3511.1)
2 is added to Division 4 of Title 1 of the Government Code, to read:

3
4 CHAPTER 10.1. EXCLUDED LOCAL PUBLIC EMPLOYEES
5

6 3511.1. For the purposes of this chapter, “excluded employee”
7 means any unrepresented individual who is or will be employed
8 by, and report directly to, the legislative body of the local agency.
9 “Excluded employee” includes any person contracted with the
10 local agency as well as any person who is considered an at-will
11 employee.

12 3511.2. For any contract executed or renewed on or after
13 January 1, 2011, an excluded employee’s employment contract
14 shall not include any clause that provides for any of the following:

- 15 (a) An automatic renewal.
- 16 (b) An automatic raise in excess of a cost-of-living adjustment.
- 17 (c) An automatic compensation increase, including any increase
18 that is linked to a third-party contract.
- 19 (d) Notwithstanding Section 53260, a severance payment greater
20 than 12 months’ salary.

21 SEC. 2. Section 54957.05 is added to the Government Code,
22 to read:

23 54957.05. (a) For any unrepresented individual who is or will
24 be employed by, and report directly to, the legislative body of the
25 local agency, before implementing a raise in excess of a
26 cost-of-living adjustment, the following requirements shall be met:

- 27 (1) A performance review of that individual shall be completed.
28 A completed summary of the performance review shall be discussed
29 at open session. The performance review shall be publicly available
30 upon request.
- 31 (2) The vote to implement the raise in excess of a cost-of-living
32 adjustment shall be conducted in an open session meeting.

1 (b) For the purposes of this section, the board shall use the
 2 Bureau of Labor Statistics' Consumer Price Index to determine
 3 the cost-of-living adjustment each year.

4 SEC. 3. If the Commission on State Mandates determines that
 5 this act contains costs mandated by the state, reimbursement to
 6 local agencies and school districts for those costs shall be made
 7 pursuant to Part 7 (commencing with Section 17500) of Division
 8 4 of Title 2 of the Government Code.

9 SECTION 1. Section 26158 is added to the Government Code,
 10 to read:

11 26158. (a) The board of supervisors may provide for the
 12 archiving of historical county records, including, but not limited
 13 to, records pertaining to real property, local agency meetings and
 14 actions, roads and other public works, and other records of general
 15 public or historical interest.

16 (b) For purposes of funding a portion of the cost of the activities
 17 specified in subdivision (a), the board of supervisors, in
 18 consultation with the county recorder, may adopt and impose a
 19 fee on the recording of property-related documents containing a
 20 description or identification of the property, includes references
 21 to one or more previously recorded documents, previously archived
 22 documents, or both. This fee shall be set at an amount that does
 23 not exceed the estimated reasonable costs of providing the archival
 24 services authorized by this section with respect to deeds,
 25 indentures, surveys, parcel and subdivision maps, and other
 26 property-related documents, and shall not exceed three dollars (\$3)
 27 per document.

28 (c) The board of supervisors shall direct the county recorder to
 29 deposit the fees collected pursuant to this section into a special
 30 fund. The board of supervisors, in consultation with the county
 31 recorder, shall expend the proceeds from the fund only to defray
 32 the cost of providing archival services in connection with
 33 property-related documents, including, but not limited to, all of
 34 the following:

- 35 (1) Costs associated with indexing those documents.
- 36 (2) Providing reasonable access to those documents, and
 37 assisting the public with regard to those documents.
- 38 (3) Preserving those documents in a manner that ensures their
 39 physical integrity, security, and longevity.

1 ~~(d) The archival services that are funded by the proceeds~~
2 ~~generated by the fee imposed pursuant to this section shall conform~~
3 ~~with the professional practices recommended by the Society of~~
4 ~~American Archivists for the management, care, and preservation~~
5 ~~of historical records.~~

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