

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 582

Introduced by Assembly Member Pan

February 16, 2011

An act to amend Section 54957.6 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 582, as amended, Pan. Open meetings: local agencies.

(1) The Ralph M. Brown Act authorizes a legislative body of a local agency to hold closed sessions with the agency's designated representatives regarding the salary and compensation of represented and unrepresented employees.

This bill would require that proposed compensation increases *of more than 5% for unrepresented specified* employees be publicly noticed, as prescribed. By adding to the duties of local officials, this bill would impose a state-mandated local program.

(2) 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.

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

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

SECTION 1. ~~Section 54957.6 of the Government Code is amended to read:~~

~~54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.~~

~~However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.~~

~~Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.~~

~~Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.~~

~~Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.~~

~~Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.~~

~~(b) Consistent with subdivision (a) of Section 54952, proposed compensation increases for unrepresented employees shall be publicly noticed twice for the following purposes and in the following manner:~~

~~(1) First, for general notice and nonvoting and discussion purposes.~~

~~(2) Second, in the event of a vote on the matter, no less than 12 days after the first notice, if the compensation increase is deemed necessary by the legislative body of the local agency.~~

1 ~~(c) For the purposes enumerated in this section, a legislative~~
2 ~~body of a local agency may also meet with a state conciliator who~~
3 ~~has intervened in the proceedings.~~

4 ~~(d) For the purposes of this section, the term “employee” shall~~
5 ~~include an officer or an independent contractor who functions as~~
6 ~~an officer or an employee, but shall not include any elected official,~~
7 ~~member of a legislative body, or other independent contractors.~~

8 *SECTION 1. Section 54957.6 of the Government Code is*
9 *amended to read:*

10 54957.6. (a) Notwithstanding any other ~~provision of~~ law, a
11 legislative body of a local agency may hold closed sessions with
12 the local agency’s designated representatives regarding the salaries,
13 salary schedules, or compensation paid in the form of fringe
14 benefits of its represented and unrepresented employees, and, for
15 represented employees, any other matter within the statutorily
16 provided scope of representation.

17 However, prior to the closed session, the legislative body of the
18 local agency shall hold an open and public session in which it
19 identifies its designated representatives.

20 Closed sessions of a legislative body of a local agency, as
21 permitted in this section, shall be for the purpose of reviewing its
22 position and instructing the local agency’s designated
23 representatives.

24 Closed sessions, as permitted in this section, may take place
25 prior to and during consultations and discussions with
26 representatives of employee organizations and unrepresented
27 employees.

28 Closed sessions with the local agency’s designated representative
29 regarding the salaries, salary schedules, or compensation paid in
30 the form of fringe benefits may include discussion of an agency’s
31 available funds and funding priorities, but only insofar as these
32 discussions relate to providing instructions to the local agency’s
33 designated representative.

34 Closed sessions held pursuant to this section shall not include
35 final action on the proposed compensation of one or more
36 unrepresented employees.

37 *(b) Consistent with subdivision (a) of Section 54954.2, a*
38 *proposed compensation increase of more than 5 percent for a city*
39 *manager, deputy city manager, county chief administrative officer,*
40 *deputy chief administrative officer, or similar employee shall be*

1 *publicly noticed twice for the following purposes and in the*
2 *following manner:*

3 *(1) First, for general notice and nonvoting and discussion*
4 *purposes.*

5 *(2) Second, in the event of a vote on the matter, no less than 12*
6 *days after the first notice, if the compensation increase is deemed*
7 *necessary by the legislative body of the local agency.*

8 ~~For~~

9 *(c) For the purposes enumerated in this section, a legislative*
10 *body of a local agency may also meet with a state conciliator who*
11 *has intervened in the proceedings.*

12 ~~(b)~~

13 *(d) For the purposes of this section, the term “employee” shall*
14 *include an officer or an independent contractor who functions as*
15 *an officer or an employee, but shall not include any elected official,*
16 *member of a legislative body, or other independent contractors.*

17 SEC. 2. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.