

AMENDED IN ASSEMBLY APRIL 2, 2013  
AMENDED IN ASSEMBLY MARCH 11, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 185**

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**Introduced by Assembly Member Roger Hernández**

January 28, 2013

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An act to amend Section 54953.5 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 185, as amended, Roger Hernández. Open and public meetings: televised meetings.

(1) The Ralph M. Brown Act requires that an audio or video recording of an open and public meeting made at the direction of a local agency is subject to inspection pursuant to the California Public Records Act and may be erased or destroyed 30 days after the recording. Existing law requires that any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

The Digital Infrastructure and Video Competition Act of 2006 provides that cities, counties, cities and counties, or joint powers authorities receive state franchise fees in exchange for the use of public rights-of-way for the delivery of cable and video services provided within their jurisdictions, based on gross revenues, pursuant to a specified formula, from state franchise holders that provide public, educational, and governmental access (PEG) channels.

The bill would provide that an audio or video recording of an open and public meeting made at the direction of a local agency may be erased or destroyed 2 years after the recording.

The bill would require a local agency that collects a franchise fee from the holder of a state franchise that provides PEG channels to televise the open and public meetings of its legislative body and *planning commission, and, if it is financially feasible, to televise the open and public meetings of any of its advisory committees, if financially feasible, and would. The bill would also authorize the use of the franchise fees for that purpose. The bill would additionally authorize the use of franchise fees to televise the open and public meetings of the local agency and to cover the necessary expenses, as defined, for implementing the televising of the local agency's open and public meetings. The bill would authorize, if franchise fee moneys in excess of that necessary to televise these meetings are available, the use of such fees to provide live streaming of these meetings on the Internet.*

By imposing new duties on local public officials to televise open and public meetings, the 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~(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 no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~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 no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) There have been over 50 public access channel closures in  
4 California municipalities. Seven of those municipalities are found  
5 within the boundaries of the 48th Assembly District.

6 (b) Unfortunately, many local governments are not utilizing  
7 General Fund moneys or franchise fees for support, in addition to  
8 public, educational, and governmental access (PEG) channel funds,  
9 for the operation of public access television. Not televising open  
10 meetings or providing public access television is a threat to  
11 accessing public information in a readily available medium.

12 (c) PEG channels permit schools, governments, individuals,  
13 and groups to provide and receive information about local events,  
14 emergencies, and issues. PEG channels encourage the creation of  
15 local programming not only by local municipalities but by civic  
16 groups and nonprofits to promote localism and civic engagement.

17 SEC. 2. Section 54953.5 of the Government Code is amended  
18 to read:

19 54953.5. (a) A person attending an open and public meeting  
20 of a legislative body of a local agency shall have the right to record  
21 the proceedings with an audio or video recorder or a still or motion  
22 picture camera in the absence of a reasonable finding by the  
23 legislative body of the local agency that the recording cannot  
24 continue without noise, illumination, or obstruction of view that  
25 constitutes, or would constitute, a persistent disruption of the  
26 proceedings.

27 (b) An audio or video recording of an open and public meeting  
28 made at the direction of the local agency shall be subject to  
29 inspection pursuant to the California Public Records Act (Chapter  
30 3.5 (commencing with Section 6250) of Division 7 of Title 1), but,  
31 notwithstanding Section 34090, may be erased or destroyed two  
32 years after the recording. An inspection of an audio or video  
33 recording shall be provided without charge on equipment made  
34 available by the local agency.

1 (c) (1) A local agency that collects a franchise fee adopted  
2 pursuant to paragraph (1) of subdivision (q) of Section 5840 of  
3 the Public Utilities Code from the holder of a state franchise that  
4 provides public, educational, and governmental access (PEG)  
5 channels shall televise the open and public meetings of its  
6 legislative body and *planning commission*. *If it is financially*  
7 *feasible to do so, it shall also televise the open and public meetings*  
8 *of its advisory committees that are governed by this chapter, if it*  
9 *is financially feasible.*

10 (2) A local agency may utilize any portion of franchise fees  
11 collected from the holder of a state franchise pursuant to  
12 subdivision (q) of Section 5840 of the Public Utilities Code to  
13 televise the open and public meetings of the local agency,  
14 including, but not limited to, any necessary expenses for  
15 implementing the televising of the local agency's open and public  
16 meetings.

17 (3) If there are franchise fee moneys available in excess of the  
18 amount necessary to televise open and public meetings as required  
19 under paragraph (1), the local agency may use that money to fund  
20 live streaming of its open and public meetings on the Internet.

21 (4) As used in this subdivision, "necessary expenses" includes,  
22 but is not limited to, the hiring of personnel, the purchase and  
23 maintenance of equipment, or the rental or leasing of production  
24 facilities.

25 SEC. 3. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 a local agency or school district has the authority to levy service  
28 charges, fees, or assessments to pay for the program or level of  
29 service mandated by this act, within the meaning of Section 17556  
30 of the Government Code.

31 However, if the Commission on State Mandates determines that  
32 this act contains other costs mandated by the state for which the  
33 authority to levy service charges, fees, or assessments is insufficient  
34 to pay for the program or level of service mandated by this act,  
35 reimbursement to local agencies and school districts for those costs  
36 shall be made pursuant to Part 7 (commencing with Section 17500)  
37 of Division 4 of Title 2 of the Government Code.

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2 **CORRECTIONS:**  
3 **Text—Pages 4 and 5.**  
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