

AMENDED IN SENATE JULY 1, 2014
AMENDED IN SENATE JUNE 17, 2014
AMENDED IN ASSEMBLY JANUARY 27, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 194

Introduced by Assembly Member Campos

January 28, 2013

An act to amend Section 54954.3 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 194, as amended, Campos. Open meetings: public criticism and comment.

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act requires ~~every~~ *an* agenda for a regular meeting ~~or notice for a special meeting~~ to provide an opportunity for members of the public to *directly* address the legislative body ~~on items being considered by the legislative body, as specified, and on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. The act excepts from this requirement an agenda item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the~~

opportunity to address the committee on the item, before or during the committee’s consideration of the item, unless the item has been substantially changed, as specified. The act requires a notice for a special meeting to provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice before or during consideration of that item. The act authorizes the legislative body, body to adopt reasonable regulations to ensure that the intent of this provision is these provisions are carried out. Existing law forbids the legislative body from prohibiting public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.

This bill would instead require the agenda for a regular meeting to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public before and during the legislative body’s consideration of the item, as specified. This bill would expand the above existing prohibition on the legislative body, to forbid the legislative body, and its presiding officer or staff, from prohibiting, limiting, or otherwise preventing public criticism, as described above, as well as certain against a legislative body limiting public criticism to include criticism of the officers and employees of the legislative body, and specify other designated prohibited activities related to limiting public comment. This bill would, if a legislative body limits the time allocated for public testimony on a particular issue or for each individual speaker, prohibit a reduction in that allocated time by reason of the questioning or interruption of the speaker by the legislative body or its officers or employees, and the speaker’s response to questioning.

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 54954.3 of the Government Code is
- 2 amended to read:
- 3 54954.3. (a) Every agenda for regular meetings shall provide
- 4 an opportunity for members of the public to directly address the
- 5 legislative body on any item of interest to the public, before ~~or~~ and
- 6 during the legislative body’s consideration of the item, that is
- 7 within the subject matter jurisdiction of the legislative body,
- 8 provided that no action shall be taken on any item not appearing

1 on the agenda unless the action is otherwise authorized by
2 subdivision (b) of Section 54954.2. However, the agenda need not
3 provide an opportunity for members of the public to address the
4 legislative body on any item that has already been considered by
5 a committee, composed exclusively of members of the legislative
6 body, at a public meeting wherein all interested members of the
7 public were afforded the opportunity to address the committee on
8 the item, before or during the committee's consideration of the
9 item, unless the item has been substantially changed since the
10 committee heard the item, as determined by the legislative body.
11 Every notice for a special meeting shall provide an opportunity
12 for members of the public to directly address the legislative body
13 concerning any item that has been described in the notice for the
14 meeting before or during consideration of that item.

15 (b) The legislative body of a local agency may adopt reasonable
16 regulations to ensure that the intent of subdivision (a) is carried
17 out, including, but not limited to, regulations limiting the total
18 amount of time allocated for public testimony on particular issues
19 and for each individual ~~speaker~~. *speaker, and the procedure for*
20 *public comment on agenda items.*

21 (c) (1) Subject to *reasonable regulations promulgated pursuant*
22 *to* subdivision (b), the legislative body of a local agency, or its
23 presiding officer or staff, *acting in their official capacity on behalf*
24 *of the legislative body*, shall not prohibit, limit, or otherwise prevent
25 any of the following:

26 (A) Public criticism of the policies, procedures, programs, or
27 services of the agency, or of the acts or omissions of the legislative
28 ~~body~~. *body or its officers or employees acting in their official*
29 *capacity.*

30 ~~(B) Comment by a member of the public on an item after the~~
31 ~~introductory presentation has been made and before the body takes~~
32 ~~action.~~

33 ~~(C)~~

34 (B) Comment by a member of the public during presentation of
35 ~~the an agenda item who has failed to provide~~ *not provided* notice
36 of his or her desire to comment ~~at the beginning of the meeting.~~
37 *prior to consideration of the agenda item by the legislative body.*

38 ~~(D)~~

1 (C) Comment by a member of the public based on his or her
2 ~~viewpoint~~: *viewpoint where the comment is within the subject*
3 *matter jurisdiction of the legislative body.*

4 ~~(E) A member of the public from using his or her allotted time~~
5 ~~for comment by interrupting, questioning, or otherwise disrupting~~
6 ~~the individual.~~

7 (2) *If a legislative body limits the total amount of time allocated*
8 *for public testimony on a particular issue or for each individual*
9 *speaker, the questioning or interrupting of the speaker by the*
10 *legislative body, its officers or employees, and the speaker's*
11 *response to questioning shall not reduce the total time allocated*
12 *for public testimony on the particular issue or allocated for an*
13 *individual speaker.*

14 (2)

15 (3) This subdivision shall not be construed to confer any
16 privilege or protection for expression beyond that otherwise
17 provided by law.