

**ASSEMBLY BILL**

**No. 2492**

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**Introduced by Assembly Member Jones-Sawyer**

February 21, 2014

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An act to amend Section 54956.8 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2492, as introduced, Jones-Sawyer. Local agencies: meetings: real property transactions.

Existing law, the Ralph M. Brown Act, requires all meetings of the legislative body of a local agency to be open and public, with specified exceptions. Existing law authorizes a legislative body of a local agency, after holding an open and public session as specified, to hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

This bill would instead authorize the legislative body to hold a closed session to grant authority to the negotiator regarding the price and terms of the purchase, sale, exchange, or lease.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 54956.8 of the Government Code is  
2 amended to read:

3 54956.8. Notwithstanding any other provision of this chapter,  
4 a legislative body of a local agency may hold a closed session with  
5 its negotiator prior to the purchase, sale, exchange, or lease of real  
6 property by or for the local agency to grant authority to its  
7 negotiator regarding the price and terms ~~of payment~~ for the  
8 purchase, sale, exchange, or lease.

9 However, prior to the closed session, the legislative body of the  
10 local agency shall hold an open and public session in which it  
11 identifies its negotiators, the real property or real properties which  
12 the negotiations may concern, and the person or persons with whom  
13 its negotiators may negotiate.

14 For purposes of this section, negotiators may be members of the  
15 legislative body of the local agency.

16 For purposes of this section, “lease” includes renewal or  
17 renegotiation of a lease.

18 Nothing in this section shall preclude a local agency from holding  
19 a closed session for discussions regarding eminent domain  
20 proceedings pursuant to Section 54956.9.

21 SEC. 2. The Legislature finds and declares that Section 1 of  
22 this act, which amends Section 54956.8 of the Government Code,  
23 imposes a limitation on the public’s right of access to the meetings  
24 of public bodies or the writings of public officials and agencies  
25 within the meaning of Section 3 of Article I of the California  
26 Constitution. Pursuant to that constitutional provision, the  
27 Legislature makes the following findings to demonstrate the interest  
28 protected by this limitation and the need for protecting that interest:

29 Local agencies increasingly are entering into more sophisticated  
30 and complex real estate transactions requiring the negotiation of  
31 nonmonetary terms outside the scope of the “price and terms of  
32 payment” that constitute valuable consideration. A local agency  
33 must be authorized to consider all of the terms of a real estate  
34 transaction in closed session in order to preserve its negotiating  
35 position so as to strike the best bargain in the public interest.

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