

AMENDED IN SENATE MAY 2, 2013
AMENDED IN SENATE APRIL 11, 2013

SENATE BILL

No. 751

Introduced by Senator Yee

February 22, 2013

An act to ~~add Section 29540 to~~ amend Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 751, as amended, Yee. ~~Local planning: metropolitan planning organizations.~~ Meetings: publication of action taken.

The Ralph M. Brown Act requires all meetings of the legislative body of a local agency, as defined, to be open and public and prohibits the legislative body from taking action by secret ballot, whether preliminary or final.

This bill would additionally require the legislative body of a local agency to publicly report any action taken and the vote or abstention on that action of every member present.

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.

~~Existing law provides for the designation of transportation planning agencies throughout the state with various powers and duties relative to transportation planning and programming. Existing law provides for the allocation of certain transportation funds, including revenues derived from sales tax in the amount of $\frac{1}{4}$ % of the sales in each county, which~~

are deposited in the local transportation fund. Certain transportation planning agencies in urbanized areas are also designated under federal law as metropolitan planning organizations.

~~This bill would require a transportation planning agency that is also designated as a metropolitan planning organization to publicly report any action taken, as defined, and the vote or abstention on that action of every member present. By requiring a transportation agency to perform new duties, 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, 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.~~

~~This bill would authorize the district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a transportation planning agency in violation of the bill is null and void, as specified.~~

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. Section 54953 of the Government Code is
2 amended to read:

3 54953. (a) All meetings of the legislative body of a local
4 agency shall be open and public, and all persons shall be permitted
5 to attend any meeting of the legislative body of a local agency,
6 except as otherwise provided in this chapter.

7 (b) (1) Notwithstanding any other provision of law, the
8 legislative body of a local agency may use teleconferencing for
9 the benefit of the public and the legislative body of a local agency
10 in connection with any meeting or proceeding authorized by law.
11 The teleconferenced meeting or proceeding shall comply with all
12 requirements of this chapter and all otherwise applicable provisions
13 of law relating to a specific type of meeting or proceeding.

14 (2) Teleconferencing, as authorized by this section, may be used
15 for all purposes in connection with any meeting within the subject

1 matter jurisdiction of the legislative body. All votes taken during
2 a teleconferenced meeting shall be by rollcall.

3 (3) If the legislative body of a local agency elects to use
4 teleconferencing, it shall post agendas at all teleconference
5 locations and conduct teleconference meetings in a manner that
6 protects the statutory and constitutional rights of the parties or the
7 public appearing before the legislative body of a local agency.
8 Each teleconference location shall be identified in the notice and
9 agenda of the meeting or proceeding, and each teleconference
10 location shall be accessible to the public. During the teleconference,
11 at least a quorum of the members of the legislative body shall
12 participate from locations within the boundaries of the territory
13 over which the local agency exercises jurisdiction, except as
14 provided in subdivision (d). The agenda shall provide an
15 opportunity for members of the public to address the legislative
16 body directly pursuant to Section 54954.3 at each teleconference
17 location.

18 (4) For the purposes of this section, “teleconference” means a
19 meeting of a legislative body, the members of which are in different
20 locations, connected by electronic means, through either audio or
21 video, or both. Nothing in this section shall prohibit a local agency
22 from providing the public with additional teleconference locations.

23 (c) (1) No legislative body shall take action by secret ballot,
24 whether preliminary or final.

25 (2) *The legislative body of a local agency shall publicly report*
26 *any action taken and the vote or abstention on that action of every*
27 *member present.*

28 (d) (1) Notwithstanding the provisions relating to a quorum in
29 paragraph (3) of subdivision (b), when a health authority conducts
30 a teleconference meeting, members who are outside the jurisdiction
31 of the authority may be counted toward the establishment of a
32 quorum when participating in the teleconference if at least 50
33 percent of the number of members that would establish a quorum
34 are present within the boundaries of the territory over which the
35 authority exercises jurisdiction, and the health authority provides
36 a teleconference number, and associated access codes, if any, that
37 allows any person to call in to participate in the meeting and that
38 number and access codes are identified in the notice and agenda
39 of the meeting.

1 (2) Nothing in this subdivision shall be construed as
2 discouraging health authority members from regularly meeting at
3 a common physical site within the jurisdiction of the authority or
4 from using teleconference locations within or near the jurisdiction
5 of the authority. A teleconference meeting for which a quorum is
6 established pursuant to this subdivision shall be subject to all other
7 requirements of this section.

8 (3) For purposes of this subdivision, a health authority means
9 any entity created pursuant to Sections 14018.7, 14087.31,
10 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
11 and Institutions Code, any joint powers authority created pursuant
12 to Article 1 (commencing with Section 6500) of Chapter 5 of
13 Division 7 for the purpose of contracting pursuant to Section
14 14087.3 of the Welfare and Institutions Code, and any advisory
15 committee to a county sponsored health plan licensed pursuant to
16 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
17 Health and Safety Code if the advisory committee has 12 or more
18 members.

19 (4) This subdivision shall remain in effect only until January 1,
20 2018.

21 *SEC. 2. No reimbursement is required by this act under Section*
22 *6 of Article XIII B of the California Constitution because the only*
23 *costs that may be incurred by a local agency or school district*
24 *under this act are the costs of complying with Chapter 9*
25 *(commencing with Section 54950) of Part 1 of Division 3 of Title*
26 *5 of the Government Code. Subdivision (c) of Section 36 of Article*
27 *XIII of the California Constitution provides that costs of this type*
28 *are not reimbursable.*

29 ~~SECTION 1. Section 29540 is added to the Government Code,~~
30 ~~to read:~~

31 ~~29540. (a) A transportation planning agency designated~~
32 ~~pursuant to Section 29532 or 29532.1 that is also designated as~~
33 ~~the metropolitan planning organization for a region pursuant to~~
34 ~~Section 134 of Title 23 of the United States Code shall publicly~~
35 ~~report any action taken, as defined in Section 54952.6, and the~~
36 ~~vote or abstention on that action of every member present.~~

37 ~~(b) The district attorney or any interested person may commence~~
38 ~~an action pursuant to Section 54960.1 for the purpose of obtaining~~
39 ~~a judicial determination that an action taken by a transportation~~
40 ~~planning agency in violation of subdivision (a) is null and void.~~

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

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