

AMENDED IN ASSEMBLY APRIL 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 36

Introduced by Assembly Member Campos

December 1, 2014

An act to amend Section 54141 of, and to add Section 54145 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 36, as amended, Campos. Local government: federal surplus property.

Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, delivery of purchases before payment, or prevents the local agency from bidding on federal surplus property. Existing law, the Ralph M. Brown Act, requires that all meetings of a legislative body, as defined, of a local agency be open and public and all persons permitted to attend unless a closed session is authorized. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would prohibit a local agency from receiving surplus military equipment pursuant to the above-described federal law unless the legislative body of the local agency votes to approve the acquisition at a *regular* public meeting. The bill would also declare that this is a matter of statewide concern.

By adding to the duties of local government officials, this 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.~~

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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. Section 54141 of the Government Code is
- 2 amended to read:
- 3 54141. As used in this article:
- 4 (a) "Local agency" means county, city, whether general law or
- 5 chartered, city and county, town, school district, municipal
- 6 corporation, district, political subdivision, or any board,
- 7 commission, or agency thereof, or other local public agency.
- 8 (b) "United States" includes any department, board, or agency
- 9 thereof.
- 10 (c) "State" includes any department or agency thereof.
- 11 (d) "Legislative body" means a legislative body as defined in
- 12 Section 54952.

SEC. 2. Section 54145 is added to the Government Code, to read:

54145. (a) A local agency shall not receive surplus military equipment pursuant to Section 2576a of Title 10 of the United States Code unless the legislative body of the local agency approves the acquisition at a *regular* meeting held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)).

(b) The Legislature finds and declares that this section constitutes a matter of statewide concern, and shall apply to charter cities and charter counties. The provisions of this section shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

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

SEC. 3. *The Legislature finds and declares that Section 2 of this act, which adds Section 54145 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:*

Requiring local agencies to hold public meetings prior to the acquisition of federal surplus military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

SEC. 4. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.*