

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 951

Introduced by Assembly Member Wilk

February 26, 2015

An act to amend Section 54954 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 951, as amended, Wilk. Local agencies.

Existing law, the Ralph M. Brown Act, requires the ~~legislative body of a local agency to provide the time and place for holding regular meetings of the legislative body.~~ *regular and special meetings of a legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, except that the local agency may meet at its principal office if that office is located outside the territory over which the agency exercises jurisdiction.*

~~This bill would make technical, nonsubstantive changes to this law.~~

This bill would, notwithstanding the exception described above, require the Santa Clarita Valley Sanitation District to meet in Santa Clarita. By imposing new duties on the Santa Clarita Valley Sanitation District, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute.

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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 54954 of the Government Code is
2 amended to read:

3 54954. (a) Each legislative body of a local agency, except for
4 advisory committees or standing committees, shall provide, by
5 ordinance, resolution, bylaws, or by whatever other rule is required
6 for the conduct of business by that body, the time and place for
7 holding regular meetings. Meetings of advisory committees or
8 standing committees, for which an agenda is posted at least 72
9 hours in advance of the meeting pursuant to subdivision (a) of
10 Section 54954.2, shall be considered for purposes of this chapter
11 as regular meetings of the legislative body.

12 (b) Regular and special meetings of the legislative body shall
13 be held within the boundaries of the territory over which the local
14 agency exercises jurisdiction, except to do any of the following:

15 (1) Comply with state or federal law or court order, or attend a
16 judicial or administrative proceeding to which the local agency is
17 a party.

18 (2) Inspect real or personal property that cannot be conveniently
19 brought within the boundaries of the territory over which the local
20 agency exercises jurisdiction provided that the topic of the meeting
21 is limited to items directly related to the real or personal property.

22 (3) Participate in meetings or discussions of multiagency
23 significance that are outside the boundaries of a local agency's
24 jurisdiction. However, a meeting or discussion held pursuant to
25 this subdivision shall take place within the jurisdiction of one of

1 the participating local agencies and be noticed by all participating
2 agencies as provided for in this chapter.

3 (4) Meet in the closest meeting facility if the local agency has
4 no meeting facility within the boundaries of the territory over
5 which the local agency exercises jurisdiction, or at the principal
6 office of the local agency if that office is located outside the
7 territory over which the agency exercises jurisdiction.

8 (5) Meet outside their immediate jurisdiction with elected or
9 appointed officials of the United States or the State of California
10 when a local meeting would be impractical, solely to discuss a
11 legislative or regulatory issue affecting the local agency and over
12 which the federal or state officials have jurisdiction.

13 (6) Meet outside their immediate jurisdiction if the meeting
14 takes place in or nearby a facility owned by the agency, provided
15 that the topic of the meeting is limited to items directly related to
16 the facility.

17 (7) Visit the office of the local agency's legal counsel for a
18 closed session on pending litigation held pursuant to Section
19 54956.9, when to do so would reduce legal fees or costs.

20 (c) Meetings of the governing board of a school district shall
21 be held within the district, except under the circumstances
22 enumerated in subdivision (b), or to do any of the following:

23 (1) Attend a conference on nonadversarial collective bargaining
24 techniques.

25 (2) Interview members of the public residing in another district
26 with reference to the trustees' potential employment of an applicant
27 for the position of the superintendent of the district.

28 (3) Interview a potential employee from another district.

29 (d) Meetings of a joint powers authority shall occur within the
30 territory of at least one of its member agencies, or as provided in
31 subdivision (b). However, a joint powers authority that has
32 members throughout the state may meet at any facility in the state
33 that complies with the requirements of Section 54961.

34 (e) If, by reason of fire, flood, earthquake, or other emergency,
35 it shall be unsafe to meet in the place designated, the meetings
36 shall be held for the duration of the emergency at the place
37 designated by the presiding officer of the legislative body, or his
38 or her designee, in a notice to the local media that have requested
39 notice pursuant to Section 54956, by the most rapid means of
40 communication available at the time.

1 (f) Notwithstanding paragraph (4) of subdivision (b), all regular
2 and special meetings of the Santa Clarita Valley Sanitation District
3 shall be held in Santa Clarita.

4 SEC. 2. The Legislature finds and declares that a special law
5 is necessary and that a general law cannot be made applicable
6 within the meaning of Section 16 of Article IV of the California
7 Constitution because of the need to hold meetings of the Santa
8 Clarita Valley Sanitation District in a location in Santa Clarita
9 instead of at the principal office of the district, which is over fifty
10 miles away.

11 SEC. 3. The Legislature finds and declares that Section 1 of
12 this act, which amends Section 54954 of the Government Code,
13 further, within the meaning of paragraph (7) of subdivision (b)
14 of Section 3 of Article I of the California Constitution, the purposes
15 of that constitutional section as it relates to the right of public
16 access to the meetings of local public bodies or the writings of
17 local public officials and local agencies. Pursuant to paragraph
18 (7) of subdivision (b) of Section 3 of Article I of the California
19 Constitution, the Legislature makes the following findings:

20 Because of the need to hold meetings of the Santa Clarita Valley
21 Sanitation District in a location in Santa Clarita instead of at the
22 principal office of the district, which is over fifty miles away, this
23 act would further the purpose of Section 3 of Article I of the
24 California Constitution.

25 SEC. 4. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district under this act would result from a legislative mandate that
29 is within the scope of paragraph (7) of subdivision (b) of Section
30 3 of Article I of the California Constitution.