

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 951**

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**Introduced by Assembly Member Wilk**

February 26, 2015

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An act to amend Section 54954 of the Government Code, add Article 10 (commencing with Section 4859) to Chapter 3 of Part 3 of Division 5 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 951, as amended, Wilk. ~~Local agencies.~~ *Santa Clarita Valley Sanitation District.*

*The County Sanitation District Act provides for the formation of county sanitation districts.* Existing law, the Ralph M. Brown Act, requires the 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 *in the closest meeting facility if it has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or* at its principal office if that office is located outside the territory over which the *local* agency exercises jurisdiction.

This bill ~~would, notwithstanding the~~ *would prohibit the* exception described ~~above, require above from applying to~~ the Santa Clarita Valley Sanitation ~~District to meet in Santa Clarita.~~ *District.* 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: yes. State-mandated local program: yes.

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

1 SECTION 1. Article 10 (commencing with Section 4859) is  
2 added to Chapter 3 of Part 3 of Division 5 of the Health and Safety  
3 Code, to read:

4  
5 Article 10. Santa Clarita Valley Sanitation District  
6

7 4859. (a) Paragraph (4) of subdivision (b) of Section 54954  
8 of the Government Code does not apply to the regular and special  
9 meetings of the Santa Clarita Valley Sanitation District.

10 (b) For purposes of this section, "meetings" has the same  
11 definition as that term is defined in Section 54952.2 of the  
12 Government Code.

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

15 54954. (a) Each legislative body of a local agency, except for  
16 advisory committees or standing committees, shall provide, by  
17 ordinance, resolution, bylaws, or by whatever other rule is required  
18 for the conduct of business by that body, the time and place for  
19 holding regular meetings. Meetings of advisory committees or  
20 standing committees, for which an agenda is posted at least 72  
21 hours in advance of the meeting pursuant to subdivision (a) of

1 Section 54954.2, shall be considered for purposes of this chapter  
2 as regular meetings of the legislative body.

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

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

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

13 (3) Participate in meetings or discussions of multiagency  
14 significance that are outside the boundaries of a local agency's  
15 jurisdiction. However, a meeting or discussion held pursuant to  
16 this subdivision shall take place within the jurisdiction of one of  
17 the participating local agencies and be noticed by all participating  
18 agencies as provided for in this chapter.

19 (4) Meet in the closest meeting facility if the local agency has  
20 no meeting facility within the boundaries of the territory over  
21 which the local agency exercises jurisdiction, or at the principal  
22 office of the local agency if that office is located outside the  
23 territory over which the agency exercises jurisdiction.

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

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

33 (7) Visit the office of the local agency's legal counsel for a  
34 closed session on pending litigation held pursuant to Section  
35 54956.9, when to do so would reduce legal fees or costs.

36 (e) Meetings of the governing board of a school district shall  
37 be held within the district, except under the circumstances  
38 enumerated in subdivision (b), or to do any of the following:

39 (1) Attend a conference on nonadversarial collective bargaining  
40 techniques.

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

4     ~~(3) Interview a potential employee from another district.~~

5     ~~(d) Meetings of a joint powers authority shall occur within the~~  
6     ~~territory of at least one of its member agencies, or as provided in~~  
7     ~~subdivision (b). However, a joint powers authority that has~~  
8     ~~members throughout the state may meet at any facility in the state~~  
9     ~~that complies with the requirements of Section 54961.~~

10    ~~(e) If, by reason of fire, flood, earthquake, or other emergency,~~  
11    ~~it shall be unsafe to meet in the place designated, the meetings~~  
12    ~~shall be held for the duration of the emergency at the place~~  
13    ~~designated by the presiding officer of the legislative body, or his~~  
14    ~~or her designee, in a notice to the local media that have requested~~  
15    ~~notice pursuant to Section 54956, by the most rapid means of~~  
16    ~~communication available at the time.~~

17    ~~(f) Notwithstanding paragraph (4) of subdivision (b), all regular~~  
18    ~~and special meetings of the Santa Clarita Valley Sanitation District~~  
19    ~~shall be held in Santa Clarita.~~

20    SEC. 2. The Legislature finds and declares that a special law  
21    is necessary and that a general law cannot be made applicable  
22    within the meaning of Section 16 of Article IV of the California  
23    Constitution because of the need to hold meetings of the Santa  
24    Clarita Valley Sanitation District in a location ~~in Santa Clarita~~  
25    *within the boundaries of the territory over which the district*  
26    *exercises jurisdiction* instead of at the principal office of the  
27    district, which is over fifty miles away.

28    SEC. 3. The Legislature finds and declares that Section 1 of  
29    this act, which amends Section 54954 of the Government Code,  
30    further, within the meaning of paragraph (7) of subdivision (b)  
31    of Section 3 of Article I of the California Constitution, the purposes  
32    of that constitutional section as it relates to the right of public  
33    access to the meetings of local public bodies or the writings of  
34    local public officials and local agencies. Pursuant to paragraph (7)  
35    of subdivision (b) of Section 3 of Article I of the California  
36    Constitution, the Legislature makes the following findings:

37    Because of the need to hold meetings of the Santa Clarita Valley  
38    Sanitation District in a location ~~in Santa Clarita~~ *within the*  
39    *boundaries of the territory over which the district exercises*  
40    *jurisdiction* instead of at the principal office of the district, which

1 is over fifty miles away, this act would further the purpose of  
2 Section 3 of Article I of the California Constitution.  
3 SEC. 4. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district under this act would result from a legislative mandate that  
7 is within the scope of paragraph (7) of subdivision (b) of Section  
8 3 of Article I of the California Constitution.

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