

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1787

Introduced by Assembly Member Gomez

February 4, 2016

An act to amend Section ~~54594.3~~ 54954.3 of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1787, as amended, Gomez. Open meetings: public comments: translation.

The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker.

This bill, if a local legislative body limits the time for public comment, would require the legislative body to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

By imposing new requirements on cities, counties, cities and counties, and special districts, this bill would impose a state-mandated local program.

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 54954.3 of the Government Code is
2 amended to read:
3 54954.3. (a) Every agenda for regular meetings shall provide
4 an opportunity for members of the public to directly address the
5 legislative body on any item of interest to the public, before or
6 during the legislative body’s consideration of the item, that is
7 within the subject matter jurisdiction of the legislative body,
8 provided that no action shall be taken on any item not appearing
9 on the agenda unless the action is otherwise authorized by
10 subdivision (b) of Section 54954.2. However, the agenda need not
11 provide an opportunity for members of the public to address the
12 legislative body on any item that has already been considered by
13 a committee, composed exclusively of members of the legislative
14 body, at a public meeting wherein all interested members of the
15 public were afforded the opportunity to address the committee on
16 the item, before or during the committee’s consideration of the
17 item, unless the item has been substantially changed since the
18 committee heard the item, as determined by the legislative body.
19 Every notice for a special meeting shall provide an opportunity
20 for members of the public to directly address the legislative body
21 concerning any item that has been described in the notice for the
22 meeting before or during consideration of that item.

1 (b) (1) The legislative body of a local agency may adopt
2 reasonable regulations to ensure that the intent of subdivision (a)
3 is carried out, including, but not limited to, regulations limiting
4 the total amount of time allocated for public testimony on particular
5 issues and for each individual speaker.

6 (2) Notwithstanding paragraph (1), when the legislative body
7 of a local agency limits time for public comment, the legislative
8 body of a local agency shall provide at least twice the allotted time
9 to a member of the public who utilizes a translator to ensure that
10 non-English speakers receive the same opportunity to directly
11 address the legislative body of a local agency.

12 (3) Paragraph (2) shall not apply if the legislative body of a
13 local agency utilizes simultaneous translation equipment in a
14 manner that allows the legislative body of a local agency to hear
15 the translated public testimony simultaneously.

16 (c) The legislative body of a local agency shall not prohibit
17 public criticism of the policies, procedures, programs, or services
18 of the agency, or of the acts or omissions of the legislative body.
19 Nothing in this subdivision shall confer any privilege or protection
20 for expression beyond that otherwise provided by law.

21 SEC. 2. The Legislature finds and declares that Section 1 of
22 this act, which amends Section ~~54594.3~~ 54954.3 of the Government
23 Code, furthers, within the meaning of paragraph (7) of subdivision
24 (b) of Section 3 of Article I of the California Constitution, the
25 purposes of that constitutional section as it relates to the right of
26 public access to the meetings of local public bodies or the writings
27 of local public officials and local agencies. Pursuant to paragraph
28 (7) of subdivision (b) of Section 3 of Article I of the California
29 Constitution, the Legislature makes the following findings:

30 Because this act restricts the authority of a legislative body of a
31 local agency under the Ralph M. Brown Act to limit time for public
32 comment by a speaker who uses a translator, the act furthers the
33 purpose of Section 3 of Article I of the California Constitution.

34 SEC. 3. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district under this act would result from a legislative mandate that

- 1 is within the scope of paragraph (7) of subdivision (b) of Section
- 2 3 of Article I of the California Constitution.

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