

ASSEMBLY BILL

No. 2257

Introduced by Assembly Member Maienschein

February 18, 2016

An act to amend Section 54954.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2257, as introduced, Maienschein. Local agency meetings: agenda: online posting.

The Ralph M. Brown Act enables the legislative body of a local agency to call both regular and special meetings. The act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. The act requires that the agenda or notice be freely accessible to members of the public and be posted on the local agency's Internet Web site, if the local agency has one.

This bill would require an online posting of an agenda by a local agency to have a prominent direct link to the current agenda itself. The bill would require the link to be on the local agency's Internet Web site homepage, not in a contextual menu on the homepage, and would require the agenda to be posted in compliance with a specified section of law.

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 54954.2 of the Government Code is
2 amended to read:
3 54954.2. (a) (1) At least 72 hours before a regular meeting,
4 the legislative body of the local agency, or its designee, shall post
5 an agenda containing a brief general description of each item of
6 business to be transacted or discussed at the meeting, including
7 items to be discussed in closed session. A brief general description
8 of an item generally need not exceed 20 words. The agenda shall
9 specify the time and location of the regular meeting and shall be
10 posted in a location that is freely accessible to members of the
11 public and on the local agency’s Internet Web site, if the local
12 agency has one. *An online posting of an agenda shall have a*
13 *prominent, direct link to the current agenda itself from the local*
14 *agency’s homepage. The link shall be included on the local*
15 *agency’s homepage, not in a contextual menu on the homepage,*
16 *and the agenda shall be posted in accordance with the*
17 *requirements of subdivisions (a), (b), and (c) of Section 6253.10,*
18 *if applicable.* If requested, the agenda shall be made available in
19 appropriate alternative formats to persons with a disability, as
20 required by Section 202 of the Americans with Disabilities Act of
21 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations
22 adopted in implementation thereof. The agenda shall include
23 information regarding how, to whom, and when a request for
24 disability-related modification or accommodation, including
25 auxiliary aids or services, may be made by a person with a

1 disability who requires a modification or accommodation in order
2 to participate in the public meeting.

3 (2) No action or discussion shall be undertaken on any item not
4 appearing on the posted agenda, except that members of a
5 legislative body or its staff may briefly respond to statements made
6 or questions posed by persons exercising their public testimony
7 rights under Section 54954.3. In addition, on their own initiative
8 or in response to questions posed by the public, a member of a
9 legislative body or its staff may ask a question for clarification,
10 make a brief announcement, or make a brief report on his or her
11 own activities. Furthermore, a member of a legislative body, or
12 the body itself, subject to rules or procedures of the legislative
13 body, may provide a reference to staff or other resources for factual
14 information, request staff to report back to the body at a subsequent
15 meeting concerning any matter, or take action to direct staff to
16 place a matter of business on a future agenda.

17 (b) Notwithstanding subdivision (a), the legislative body may
18 take action on items of business not appearing on the posted agenda
19 under any of the conditions stated below. Prior to discussing any
20 item pursuant to this subdivision, the legislative body shall publicly
21 identify the item.

22 (1) Upon a determination by a majority vote of the legislative
23 body that an emergency situation exists, as defined in Section
24 54956.5.

25 (2) Upon a determination by a two-thirds vote of the members
26 of the legislative body present at the meeting, or, if less than
27 two-thirds of the members are present, a unanimous vote of those
28 members present, that there is a need to take immediate action and
29 that the need for action came to the attention of the local agency
30 subsequent to the agenda being posted as specified in subdivision
31 (a).

32 (3) The item was posted pursuant to subdivision (a) for a prior
33 meeting of the legislative body occurring not more than five
34 calendar days prior to the date action is taken on the item, and at
35 the prior meeting the item was continued to the meeting at which
36 action is being taken.

37 (c) This section is necessary to implement and reasonably within
38 the scope of paragraph (1) of subdivision (b) of Section 3 of Article
39 I of the California Constitution.

1 (d) For purposes of subdivision (a), the requirement that the
2 agenda be posted on the local agency’s Internet Web site, if the
3 local agency has one, shall only apply to a legislative body that
4 meets either of the following standards:

5 (1) A legislative body as that term is defined by subdivision (a)
6 of Section 54952.

7 (2) A legislative body as that term is defined by subdivision (b)
8 of Section 54952, if the members of the legislative body are
9 compensated for their appearance, and if one or more of the
10 members of the legislative body are also members of a legislative
11 body as that term is defined by subdivision (a) of Section 54952.

12 SEC. 2. The Legislature finds and declares that Section 1 of
13 this act, which amends Section 54954.2 of the Government Code,
14 furthers, within the meaning of paragraph (7) of subdivision (b)
15 of Section 3 of Article I of the California Constitution, the purposes
16 of that constitutional section as it relates to the right of public
17 access to the meetings of local public bodies or the writings of
18 local public officials and local agencies. Pursuant to paragraph (7)
19 of subdivision (b) of Section 3 of Article I of the California
20 Constitution, the Legislature makes the following findings:

21 It is in the public interest to ensure that members of the public
22 can easily and quickly find and access meeting agendas on the
23 Internet homepage of local agencies.

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