

ASSEMBLY BILL

No. 2658

Introduced by Assembly Member Maienschein

February 19, 2016

An act to amend Sections 30322, 30324, and 30325 of the Public Resources Code, relating to the California Coastal Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 2658, as introduced, Maienschein. California Coastal Commission: ex parte communications: meetings.

The California Coastal Act of 1976, for purposes of the act, defines an “ex parte communication” as any oral or written communication between a member of the California Coastal Commission and an interested person about a matter within the commission’s jurisdiction, which does not occur in a public hearing, workshop, or other official proceeding, or on the official record of the proceeding on the matter, but excludes from that definition any communication between a staff member acting in his or her official capacity and any commission member or interested person. The act prohibits a member of the commission and an interested person from conducting an ex parte communication, unless the member fully discloses and makes public the ex parte communication, as specified.

This bill would also make provisions prohibiting ex parte communications applicable to communications between a commission staff member and an interested party.

Existing law authorizes any person to testify at a hearing or other official proceeding of the commission and to submit written comments for the record on a matter before the commission.

This bill would require transcripts or audio recordings of those proceedings to be promptly posted on the commission's Internet Web site to allow for public comment, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 30322 of the Public Resources Code is
2 amended to read:

3 30322. (a) For purposes of this article, except as provided in
4 subdivision (b), an "ex parte communication" is any oral or written
5 communication between a member of the commission *or a member*
6 *of the commission staff* and an interested person, about a matter
7 within the commission's jurisdiction, which does not occur in a
8 public hearing, workshop, or other official proceeding, or on the
9 official record of the proceeding on the matter.

10 (b) The following communications are not ex parte
11 communications:

12 (1) Any communication between a staff member acting in his
13 or her official capacity and any commission ~~member or interested~~
14 ~~person~~ *member*.

15 (2) Any communication limited entirely to procedural issues,
16 including, but not limited to, the hearing schedule, location, format,
17 or filing date.

18 (3) Any communication which takes place on the record during
19 an official proceeding of a state, regional, or local agency that
20 involves a member of the commission who also serves as an official
21 of that agency.

22 (4) Any communication between a member of the commission,
23 with regard to any action of another state agency or of a regional
24 or local agency of which the member is an official, and any other
25 official or employee of that agency, including any person who is
26 acting as an attorney for the agency.

27 (5) Any communication between a nonvoting commission
28 member and a staff member of a state agency where both the
29 commission member and the staff member are acting in an official
30 capacity.

31 (6) Any communication to a nonvoting commission member
32 relating to an action pending before the commission, where the

1 nonvoting commission member does not participate in that action,
2 either through written or verbal communication, on or off the
3 record, with other members of the commission.

4 SEC. 2. Section 30324 of the Public Resources Code is
5 amended to read:

6 30324. (a) No ~~commission member~~, *member or commission*
7 *staff member*, nor any interested person, shall conduct an ex parte
8 communication unless the commission member *or commission*
9 *staff member* fully discloses and makes public the ex parte
10 communication by providing a full report of the communication
11 to the executive director within seven days after the communication
12 or, if the communication occurs within seven days of the next
13 commission hearing, to the commission on the record of the
14 proceeding at that hearing.

15 (b) (1) The commission shall adopt standard disclosure forms
16 for reporting ex parte communications which shall include, but
17 not be limited to, all of the following information:

18 (A) The date, time, and location of the communication.

19 (B) (i) The identity of the person or persons initiating and the
20 person or persons receiving the communication.

21 (ii) The identity of the person on whose behalf the
22 communication was made.

23 (iii) The identity of all persons present during the
24 communication.

25 (C) A complete, comprehensive description of the content of
26 the ex parte communication, including a complete set of all text
27 and graphic material that was part of the communication.

28 (2) The executive director shall place in the public record any
29 report of an ex parte communication.

30 (c) Communications shall cease to be ex parte communications
31 when fully disclosed and placed in the commission's official
32 record.

33 SEC. 3. Section 30325 of the Public Resources Code is
34 amended to read:

35 30325. (a) Nothing in this article prohibits any person or any
36 interested person from testifying at a commission hearing,
37 workshop, or other official proceeding, or from submitting written
38 comments for the record on a matter before the commission.

39 ~~Written~~

1 **(b)** *Transcripts or audio recordings of all hearings, workshops,*
2 *or other written proceedings shall be promptly posted on the*
3 *commission's Internet Web site to allow for public comment.*

4 **(c)** *Written comments shall be submitted by mail or delivered*
5 *to a commission office, or may be delivered to the commission at*
6 *the time and place of a scheduled hearing or within 30 days after*
7 *the hearing.*