

AMENDED IN ASSEMBLY MAY 15, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Member Horcher

February 2, 1995

An act to add Article ~~2.7 (commencing with Section 53045)~~ to Chapter ~~1.8 (commencing with Section 53227)~~ to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, relating to public officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as amended, Horcher. Public officials.

Existing statutory law in specified circumstances prohibits an employee of a local public entity from being elected or appointed to the governing board of that public entity.

This bill would provide that an employee of a local ~~public entity~~ *agency*, as defined, may not be sworn into office as an elected or appointed member of the ~~governing board~~ *legislative body, as defined*, of that local ~~public entity~~ *agency* unless he or she resigns as an employee. The bill would provide that if the employee does not resign, the employment shall automatically terminate upon his or her being sworn into office.

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

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

1 SECTION 1. Article 2.7 (~~commencing with Section~~
2 ~~53045~~) is ~~added to Chapter 1~~ 1.8 (*commencing with*
3 *Section 53227*) is added to Chapter 2 of Part 1 of Division
4 2 of Title 5 of the Government Code, to read:

5
6 Article 2.7. ~~Local Public Entity Employees~~

7
8 ~~53045. An employee of a local public entity, as defined~~
9 ~~in Section 53040,~~

10
11 Article 1.8. *Eligibility for Office*

12
13 53227. (a) *An employee of a local agency* may not be
14 sworn into office as an elected or appointed member of
15 the ~~governing board~~ *legislative body* of that local ~~public~~
16 ~~entity~~ *agency* unless he or she resigns as an employee. If
17 the employee does not resign, the employment shall
18 automatically terminate upon his or her being sworn into
19 office.

20 For
21 (b) *For any individual who is an employee of a local*
22 ~~public entity~~ *agency* and an elected or appointed
23 member of that local ~~public entity's governing board~~
24 *agency's legislative body* prior to January 1, 1996, this
25 section shall apply when he or she is reelected or
26 reappointed, on or after January 1, 1996, as a member of
27 the local ~~public entity's governing board.~~

28 ~~This article shall not be construed to preempt Section~~
29 ~~35107 of the Education Code.~~ *agency's legislative body.*

30 53227.1. *This article shall not be construed to preempt*
31 *Sections 35107 and 72103 of the Education Code.*

32 53227.2. *For purposes of this article, the following*
33 *definitions apply:*

34 (a) *"Local agency" means a city, county, city and*
35 *county, district, municipal or public corporation, political*
36 *subdivision, or other public agency of the state.*

37 (b) *"Legislative body" means the board of supervisors*
38 *of a county, the city council of a city, or the governing*



- 1 *body of a district, municipal or public corporation,*
- 2 *political subdivision, or other public agency of the state.*

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