

AMENDED IN SENATE JULY 3, 1995
AMENDED IN ASSEMBLY MAY 22, 1995
AMENDED IN ASSEMBLY MAY 15, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Member Granlund

February 2, 1995

An act to add Article 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, Granlund. 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 agency, as defined, may not be sworn into office as an elected or appointed member of the legislative body, as defined, of that local agency unless he or she resigns as an employee. *The bill would not apply to a volunteer firefighter who does not receive a salary.* 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 1.8 (commencing with Section
2 53227) is added to Chapter 2 of Part 1 of Division 2 of Title
3 5 of the Government Code, to read:

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Article 1.8. Eligibility for Office

7 53227. (a) An employee of a local agency may not be
8 sworn into office as an elected or appointed member of
9 the legislative body of that local agency unless he or she
10 resigns as an employee. If the employee does not resign,
11 the employment shall automatically terminate upon his
12 or her being sworn into office.

13 (b) For any individual who is an employee of a local
14 agency and an elected or appointed member of that local
15 agency's legislative body prior to January 1, 1996, this
16 section shall apply when he or she is reelected or
17 reappointed, on or after January 1, 1996, as a member of
18 the local agency's legislative body.

19 (c) *This section does not apply to any volunteer
20 firefighter who does not receive a salary.*

21 53227.1. This article shall not be construed to preempt
22 Sections 35107 and 72103 of the Education Code.

23 53227.2. For purposes of this article, the following
24 definitions apply:

25 (a) "Local agency" means a city,~~county~~, city and
26 county, district, municipal or public corporation, political
27 subdivision, or other public agency of the state.

28 (b) "Legislative body" means the board of supervisors
29 of a *city and* county, the city council of a city, or the
30 governing body of a district, municipal or public
31 corporation, political subdivision, or other public agency
32 of the state.

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