

Introduced by Committee on Governmental Organization (Senators Florez (Chair), Battin, Denham, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee)

February 22, 2007

An act to amend Section 11125.4 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

SB 519, as introduced, Committee on Governmental Organization. Public meetings: special meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body be open and public and all persons be permitted to attend. The act requires the body to provide notice and an agenda of a regular meeting at least 10 days in advance of the meeting but authorizes the calling of a special meeting for specified purposes when compliance with the 10-day notice would impose a substantial hardship on the state body or when immediate action is required to protect the public interest.

This bill would authorize the calling of a special meeting to provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

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. Section 11125.4 of the Government Code is
- 2 amended to read:
- 3 11125.4. (a) A special meeting may be called at any time by
- 4 the presiding officer of the state body or by a majority of the

1 members of the state body. A special meeting may only be called
2 for one of the following purposes—~~where~~ *when* compliance with
3 the 10-day notice provisions of Section 11125 would impose a
4 substantial hardship on the state body or—~~where~~ *when* immediate
5 action is required to protect the public interest:

6 (1) To consider “pending litigation” as that term is defined in
7 subdivision (e) of Section 11126.

8 (2) To consider proposed legislation.

9 (3) To consider issuance of a legal opinion.

10 (4) To consider disciplinary action involving a state officer or
11 employee.

12 (5) To consider the purchase, sale, exchange, or lease of real
13 property.

14 (6) To consider license examinations and applications.

15 (7) To consider an action on a loan or grant provided pursuant
16 to Division 31 (commencing with Section 50000) of the Health
17 and Safety Code.

18 (8) To consider its response to a confidential final draft audit
19 report as permitted by Section 11126.2.

20 (9) *To provide for an interim executive officer of a state body*
21 *upon the death, incapacity, or vacancy in the office of the executive*
22 *officer.*

23 (b) When a special meeting is called pursuant to one of the
24 purposes specified in subdivision (a), the state body shall provide
25 notice of the special meeting to each member of the state body and
26 to all parties that have requested notice of its meetings as soon as
27 is practicable after the decision to call a special meeting has been
28 made, but shall deliver the notice in a manner that allows it to be
29 received by the members and by newspapers of general circulation
30 and radio or television stations at least 48 hours before the time
31 of the special meeting specified in the notice. Notice shall be made
32 available to newspapers of general circulation and radio or
33 television stations by providing that notice to all national press
34 wire services. Notice shall also be made available on the Internet
35 within the time periods required by this section. The notice shall
36 specify the time and place of the special meeting and the business
37 to be transacted. The written notice shall additionally specify the
38 address of the Internet Web site where notices required by this
39 article are made available. No other business shall be considered
40 at a special meeting by the state body. The written notice may be

1 dispensed with as to any member who at or prior to the time the
2 meeting convenes files with the clerk or secretary of the state body
3 a written waiver of notice. The waiver may be given by telegram,
4 facsimile transmission, or similar means. The written notice may
5 also be dispensed with as to any member who is actually present
6 at the meeting at the time it convenes. Notice shall be required
7 pursuant to this section regardless of whether any action is taken
8 at the special meeting.

9 (c) At the commencement of any special meeting, the state body
10 must make a finding in open session that the delay necessitated
11 by providing notice 10 days prior to a meeting as required by
12 Section 11125 would cause a substantial hardship on the body or
13 that immediate action is required to protect the public interest. The
14 finding shall set forth the specific facts that constitute the hardship
15 to the body or the impending harm to the public interest. The
16 finding shall be adopted by a two-thirds vote of the body, or, if
17 less than two-thirds of the members are present, a unanimous vote
18 of those members present. The finding shall be made available on
19 the Internet. Failure to adopt the finding terminates the meeting.