

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1590

Introduced by Assembly Member Campos

February 6, 2012

An act to amend Section 54952 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 1590, as amended, Campos. Local government meetings: legislative body: definition.

Existing law, the Ralph M. Brown Act, requires each legislative body of a local agency to provide the time and place for holding regular meetings and requires that all meetings of a legislative body be open and public and all persons be permitted to attend unless a closed session is authorized. Existing law defines for these purposes the term “legislative body” and includes within that definition a board of a local agency.

This bill would modify the definition of the term “legislative body” to include as a board, an assessment appeals board which may meet in closed session, as specified by another provision of existing law. By extending open meeting requirements to proceedings of assessment appeals boards, the bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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 54952 of the Government Code is
2 amended to read:

3 54952. As used in this chapter, “legislative body” means:

4 (a) The governing body of a local agency or any other local
5 body created by state or federal statute.

6 (b) (1) A commission, committee, board, or other body of a
7 local agency, whether permanent or temporary, decisionmaking
8 or advisory, created by charter, ordinance, resolution, or formal
9 action of a legislative body. However, advisory committees,
10 composed solely of the members of the legislative body that are
11 less than a quorum of the legislative body are not legislative bodies,
12 except that standing committees of a legislative body, irrespective
13 of their composition, which have a continuing subject matter
14 jurisdiction, or a meeting schedule fixed by charter, ordinance,
15 resolution, or formal action of a legislative body are legislative
16 bodies for purposes of this chapter.

17 (2) (A) For purposes of this subdivision, “board” includes an
18 assessment appeals board, *including a board of supervisors when*
19 *sitting as the assessment appeals board*, which may meet in closed
20 session, as provided by Section 1605.4 of the Revenue and
21 Taxation Code.

22 (B) *The Legislature finds and declares that assessment appeals*
23 *boards constitute quasi-judicial boards. As such, Sections 54954.3*
24 *and 54957.5 shall not apply to these boards.*

25 (c) (1) A board, commission, committee, or other multimember
26 body that governs a private corporation, limited liability company,
27 or other entity that either:

28 (A) Is created by the elected legislative body in order to exercise
29 authority that may lawfully be delegated by the elected governing
30 body to a private corporation, limited liability company, or other
31 entity.

32 (B) Receives funds from a local agency and the membership of
33 whose governing body includes a member of the legislative body

1 of the local agency appointed to that governing body as a full
2 voting member by the legislative body of the local agency.

3 (2) Notwithstanding subparagraph (B) of paragraph (1), no
4 board, commission, committee, or other multimember body that
5 governs a private corporation, limited liability company, or other
6 entity that receives funds from a local agency and, as of February
7 9, 1996, has a member of the legislative body of the local agency
8 as a full voting member of the governing body of that private
9 corporation, limited liability company, or other entity shall be
10 relieved from the public meeting requirements of this chapter by
11 virtue of a change in status of the full voting member to a
12 nonvoting member.

13 (d) The lessee of any hospital the whole or part of which is first
14 leased pursuant to subdivision (p) of Section 32121 of the Health
15 and Safety Code after January 1, 1994, where the lessee exercises
16 any material authority of a legislative body of a local agency
17 delegated to it by that legislative body whether the lessee is
18 organized and operated by the local agency or by a delegated
19 authority.

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.