

ASSEMBLY BILL

No. 137

Introduced by Assembly Member Jeffries

January 20, 2009

An act to amend Section 54952 of the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 137, as introduced, Jeffries. Open meetings: advisory committees.

The Ralph M. Brown Act requires that all meetings of a legislative body, as defined, of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. In defining a legislative body for this purpose, the act excludes advisory committees composed solely of the members of the legislative body that are less than a quorum of the legislative body.

This bill would limit this exclusion from the act to an advisory committee composed solely of the members of the legislative body that are less than a quorum of the legislative body and whose subject matter jurisdiction has cumulatively lasted for 2 years or less.

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 54952 of the Government Code is
- 2 amended to read:
- 3 54952. As used in this chapter, "legislative body" means *any*
- 4 *of the following*:

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

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

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

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

22 (B) Receives funds from a local agency and the membership of
23 whose governing body includes a member of the legislative body
24 of the local agency appointed to that governing body as a full
25 voting member by the legislative body of the local agency.

26 (2) Notwithstanding subparagraph (B) of paragraph (1), no
27 board, commission, committee, or other multimember body that
28 governs a private corporation, limited liability company, or other
29 entity that receives funds from a local agency and, as of February
30 9, 1996, has a member of the legislative body of the local agency
31 as a full voting member of the governing body of that private
32 corporation, limited liability company, or other entity shall be
33 relieved from the public meeting requirements of this chapter by
34 virtue of a change in status of the full voting member to a
35 nonvoting member.

36 (d) The lessee of any hospital the whole or part of which is first
37 leased pursuant to subdivision (p) of Section 32121 of the Health
38 and Safety Code after January 1, 1994, where the lessee exercises
39 any material authority of a legislative body of a local agency
40 delegated to it by that legislative body whether the lessee is

1 organized and operated by the local agency or by a delegated
2 authority.

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