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News Clerks Should Know:

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[AB 23 \(Smyth\)](#)

This bill was signed by the Governor on July 25, 2011 and will go into effect January 1, 2012. This bill requires that, prior to holding a serial or simultaneous meeting, the clerk or a member of the legislative body announce the compensation that members of the legislative body will receive for attending the serial or simultaneous meeting. An example is when a legislative body meets as the city council, and then recesses or adjourns and reconvenes as the RDA board or the housing authority. The compensation for the serial or simultaneous meeting must only be announced if it is above what is already allowed by state statute, and if it is received just for attending the additional meeting.

AB 23 is intended to curb the practice that happened in the City of Bell when city council members met simultaneously as several different bodies in one meeting, and then received significant compensation for the various meetings. The author hopes to discourage or prevent gaveling in and gaveling out of meetings just to receive additional compensation.

Important Points to Remember About AB 23:

- Applies to serial or simultaneous meetings only (not the City Council meeting itself)
- Oral announcement is required by the clerk or a member of the legislative body (compensation need not be listed on the agenda and cannot be listed on the agenda as an alternative to the announcement)
- Only applies to compensation for each simultaneous meeting (if no compensation, then no announcement is needed)
- No announcement is required if the compensation for the serial or simultaneous meeting is the same that is allowed under a state statute

- Check with your city attorney if you do not know if the compensation paid is different or more than allowed under a state statute

AB 1344 (Feuer)

Status: Pending action in the Senate Appropriations Committee

League Position: Seeking amendments. The League is seeking amendments to the Brown Act portion of the bill related to adopting contracts and the abuse of office provisions.

AB 1344 (Feuer) would amend the Brown Act, election statute, and create new sections of code related to executive level management contracts. This bill is still a work in progress as the League and the City County Management Foundation (CCMF) along with the advocacy firm Gonsalves and Sons continue to seek amendments to the Brown Act portion of the bill related to adopting contracts and the abuse of office provisions. While this bill is expansive, it is intended to solve several of the problems arising out of the Bell scandal including the abusive pay practices.

- Require that proposed charters or charter amendments be presented to the voters at a statewide or general municipal election.
- Require that a proposed charter have an extended noticing period of 10 or 21 days. This provision has not yet been amended into the bill but it is our understanding that it will be. The League is advocating for a 10 day over a 21 day noticing period.
- Require that agendas be placed online.
- Define compensation as salary, stipend, or bonuses for the purpose of the bill.
- Define cost-of-living adjustment.
- Define local agency executive to mean a person who is not subject to collective bargaining and who is a chief executive or a department head.
- Prohibit contracts executed on or after Jan. 1, 2011 from including automatic renewals of the contract if the contract also provides for an automatic increase in the level of compensation that exceeds a cost-of-living adjustment.
- Prohibit contracts from including cash settlements that exceed the limits already provided in current law.
- Require that contracts be adopted at a regular public meeting. The League is seeking technical amendments to this section to clarify the language.
- Require that any contract executed or renewed between a local agency and an officer or employee of a local agency that provides paid leave salary offered by

the local agency to the officer or employee pending an investigation shall require that any salary provided for that purpose be fully reimbursed if the officer or employee is convicted of a crime involving an abuse of his or her office or position. The League is seeking amendments to clarify this language.

- Define "abuse of office or position" to mean (1) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority; and, (2) A crime against public justice, including, but not limited to, a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code. The League is seeking amendments to narrow the scope of this section.

Explanation for the amendments:

1. The amendment related to adopting a charter or charter amendment is a response to when Bell adopted their charter. Bell put the charter before the voters at an election following a statewide general election. They did this knowing that the voter turnout would be very low. Less than 400 people voted to make the city a charter city. The author wants to prohibit this practice or the practice of putting proposed charters or charter amendments before the voters at a special election.
2. The author also believes that a longer noticing period is more appropriate for proposed charters or charter amendments as well. In talking with attorneys this longer noticing period will not be terribly burdensome. However, the League suggested that if they do amend the noticing period that it be 10 days and 21 days.
3. The requirement that agendas be placed online is a state mandate. However, the agencies the League surveyed are already doing this.
4. Requires that city manager and department head contracts be adopted at a regular public meeting. In the League's discussions with the author and CCMF it was their understanding that this is standard practice already.

Should you have any questions regarding these two bills, you may contact me at dabrahamson@ci.vallejo.ca.us or consult with your city attorney.

AB 80 (Fong) Presidential Primary: Election Date

This bill was signed by the Governor on July 29, 2011 and will go into effect January 1, 2012. This bill changes the date of the presidential primary election to the first Tuesday after the first Monday in June of presidential election years and will consolidate the presidential primary election with the statewide direct primary election.