

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Government Code sections 54954.2 and
54954.3; Statutes 1986, Chapters 641

Filed on April 1, 1987

By the County of Los Angeles, Claimant.

No. CSM 4257

Open Meetings Act

ORDER TO SET ASIDE
STATEMENT OF DECISION
(Statutes 2005, Chapter 72, Section 17
(Assem. Bill No. 138))

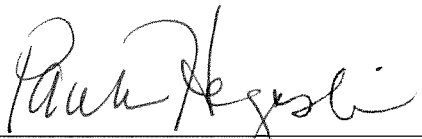
Adopted on September 27, 2005

ORDER TO SET ASIDE STATEMENT OF DECISION

On July 19, 2005, Statutes 2005, chapter 72 (Assem. Bill No. 138 (“AB 138”)) became effective and directed the Commission on State Mandates (Commission) to set aside its decision in the *Open Meetings Act* (CSM 4257) test claim. Section 17 of this bill states the following:

Notwithstanding any other provision of law, the Commission on State Mandates shall set-aside all decisions, reconsiderations, and parameters and guidelines on the *Open Meetings Act* (CSM 4257) and Brown Act Reform (CSM 4469) test claims. The operative date of these actions shall be the effective date of this act. In addition, the Commission on State Mandates shall amend the appropriate parameters and guidelines, and the Controller shall revise the appropriate reimbursement claiming instructions, as necessary to be consistent with any other provisions of this act.

In accordance with AB 138, the Commission hereby sets aside its Statement of Decision, adopted on October 22, 1987, in the *Open Meetings Act* (CSM 4257) test claim. This order to set aside the Statement of Decision shall be operative on July 19, 2005.



PAULA HIGASHI, Executive Director

Attachment: Statement of Decision

10-7-05

Date

BEFORE THE
COMMISSION ON STATE MANDATES

Claim of:

City of Los Angeles
Claimant

No., CSM-4257
Government Code Sections 54954.2
and 54954.3
Chapter 641, Statutes of 1986
Open Meetings Act

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on October 22, 1987, in Sacramento, California, during a regularly scheduled meeting. Louis Chappuis appeared on behalf of the City of Los Angeles. James Apps- appeared on behalf of the Department of Finance. There were no other appearances,

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific appropriation by the Legislature for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS AND CONCLUSIONS

1. The test claim of the City of Los Angeles was filed with the Commission on State Mandates on April 1, 1987.
2. The subject of the claim is Chapter 641, Statutes of 1986, Government Code Sections 54954.2 and 64954.3.
3. Chapter 641, Statutes of 1986 added Sections 54954.2 and 54954.3 to the Government Code to require the legislative body of a local agency to post an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, and would prohibit any action to be taken, as defined, on any item not appearing on the posted agenda. Additionally, this statute would require that every agenda for regular meetings provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body.
4. A higher level of service is now required of the legislative body of a local agency by Chapter 641, Statutes of 1986, Government Code Sections 54954.2 and 54954.3.
5. Government Code Section 17514 defines the term "costs mandated by the state" as "any increased costs which a local agency . . . is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, which mandates . . . a higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."
6. The City of Los Angeles has demonstrated that it has incurred increased costs which are costs mandated by the state.
7. None of the requisites for denying a claim, specified in Government Code Section 17556, subdivision (a), were established.

III.

DETERMINATION OF ISSUES

1. The Commission has the authority to decide this claim under the provisions of Government Code Section 17551.
2. Chapter 641, Statutes of 1986 imposed a reimbursable state mandate on the legislative body of a local agency. The City of Los Angeles has established that this statute imposed a higher level of service of an existing program by requiring the legislative body of a local agency to post an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, and would prohibit any action to be taken, as defined, on any item not appearing on the posted agenda. Additionally, this statute would require that every agenda for regular meetings provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the legislative body.