

Date of Hearing: August 25, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

AB 1787 (Gomez) – As Amended August 2, 2016

SUBJECT: Open meetings: public comments: translation.

SUMMARY: Requires local agencies to provide at least twice the allotted time for public comment to speakers who require translation services.

The Senate amendments strike the Assembly version of this bill and instead:

- 1) Require, when the legislative body of a local agency limits time for public comment, the legislative body to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.
- 2) Provide that the above requirement shall not apply if the legislative body utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.
- 3) Find and declare that Section 1 of the bill furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies, and declare, pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Because this bill restricts the authority of a legislative body of a local agency under the Ralph M. Brown Act (Brown Act) to limit time for public comment by a speaker who uses a translator, the bill furthers the purpose of Section 3 of Article I of the California Constitution.

- 4) Provide that no reimbursement is required by this bill because the only costs that may be incurred by a local agency or school district under this bill would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

EXISTING LAW:

- 1) Requires, pursuant to the Brown Act, all meetings of a legislative body of a local agency to be open and public and all persons be permitted to attend, with specified exceptions.
- 2) Requires every agenda for regular meetings and every notice for special meetings to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, which is within the subject matter jurisdiction of the legislative body, as specified.

- 3) Allows the legislative body of a local agency to adopt reasonable regulations to ensure that the intent of 2), above, is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.
- 4) Prohibits the legislative body of a local agency from prohibiting public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the local legislative body, and provides that nothing in this provision shall confer any privilege or protection for expression beyond that otherwise provided by law.
- 5) Requires, pursuant to the Bagley-Keene Open Meeting Act (Bagley-Keene Act), state bodies to provide at least twice as much time to any individual using a translator when the body limits testimony, unless the body uses simultaneous translation technology that allows the body to hear the translation simultaneously.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Bill Summary.** This bill requires the legislative body of a local agency that limits time for public comment to provide at least twice the allotted time to a member of the public who utilizes a translator, to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency. The bill's provisions do not apply if the legislative body utilizes simultaneous translation equipment in a manner that allows the legislative body to hear the translated public testimony simultaneously.

This bill is sponsored by the author.

- 2) **Author's Statement.** According to the author, "AB 1787 requires local public agencies that limit time for public comment to provide at least twice the allotted time to a member of the public who uses a translator to ensure that non-English speakers receive an equal opportunity to directly address their representatives. Our democracy and communities can only thrive when our diverse constituencies have the equal opportunity to participate in civic discourse and shape the decisions that affect their neighborhoods and lives."
- 3) **Background.** The Brown Act and the Bagley-Keene Act generally require state and local agencies to hold open meetings, publicly notice their meetings, prepare agendas, accept public testimony, and conduct their meetings in public, with specific exceptions. State and local agencies must provide the public with the opportunity to comment on each agenda item and may adopt reasonable rules to ensure equal access.

In 2012, the Legislature amended the Bagley-Keene Act to require a state body to provide at least twice as much time to any individual using a translator when the body limits testimony, unless the body uses simultaneous translation technology that allows the body to hear the translation simultaneously. The Brown Act does not contain such a provision. This bill would amend the Brown Act to require local agencies to comply with this requirement.

This bill was prompted by public meetings held in 2009 in Kings County during the process of expanding a hazardous waste facility near Kettleman City. English speakers were allotted

a maximum of five minutes to provide public comment. However, non-English speakers were allowed only two and a half minutes to comment, with the remaining time allotted for translation.

- 4) **Proposition 42.** Proposition 42 was passed by voters on June 3, 2014, and requires all local governments to comply with the California Public Records Act and the Ralph M. Brown Act and with any subsequent changes to those Acts. Proposition 42 also eliminated reimbursement to local agencies for costs of complying with the California Public Records Act and the Ralph M. Brown Act.

This bill contains language that says that the Legislature finds and declares that Section 1 of the bill furthers the purpose of the California Constitution as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the Constitution, the bill also includes a finding that says that "Because this act restricts the authority of a legislative body of a local agency under the Ralph M. Brown Act to limit time for public comment by a speaker who uses a translator, the act furthers the purpose of Section 3 of Article I of the California Constitution."

Section 3 of the bill specifies that no reimbursement is required by this bill because "the only costs that may be incurred by a local agency or school district...would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution."

- 5) **Support Arguments.** The League of California Cities, the California State Association of Counties, and the California Special Districts Association, in support, state, "Under the Ralph M. Brown Act, local legislative bodies are required to provide an opportunity for members of the public to comment on any points mentioned in the meeting agenda. The act authorizes legislative bodies to reasonably limit the time for each individual public speaker. If not accommodated, individuals who need to utilize a translator may be disadvantaged by time restrictions.

"AB 1787 addresses this issue by requiring the legislative body to provide at least twice the allotted time to members of the public who need a translator to address legislative bodies. Providing the public with equal access to their government is a cornerstone of modern democracy. Not speaking English should not prevent some members of the public from having their voices equally heard by their legislative bodies."

- 6) **Opposition Arguments.** None on file.

REGISTERED SUPPORT / OPPOSITION:**Support**

Asamblea de Gonzales
California Communities Against Toxics
California Environmental Justice Coalition
California Safe Schools
California Special Districts Association
California State Association of Counties
Center on Race, Poverty and the Environment
Central California Environmental Justice Network
Comite Civico Del Valle
Community Food & Justice Coalition
Del Amo Action Committee
Desert Protection Society
El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City
Environmental Health Coalition
Environmental Justice Coalition for Water
Food Empowerment Project
Grayson Neighborhood Council
Greenaction for Health and Environmental Justice
Healthy 880 Communities
Huntersview Mothers and Fathers Committee for Health and Environmental Justice
Idle No More SF Bay
IVAN Network
La Cuna de Aztlan Sacred Sites Protection Circle
Label GMOs California's Grassroots
League of California Cities
Los Angeles Environmental Justice Network
Regional Asthma Management and Prevention (RAMP)
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Valley Improvement Projects
West Berkeley Alliance for Clean Air and Safe Jobs
West County Toxics Coalition
West Oakland Environmental Indicators Project

Opposition

None on file

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