

Date of Hearing: April 17, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2591 (Quirk-Silva) – As Amended April 9, 2024

**SUBJECT:** Local government: youth commissions

**SUMMARY:** Requires counties and cities to establish a youth commission in response to petitions from youth residing in their jurisdiction. Specifically, **this bill:**

- 1) Defines “county youth commission” to mean a youth commission, youth council, or other form of advisory body established by the county board of supervisors.
- 2) Allows for the submission of a youth petition requesting the board of a county to establish a county youth commission of the board, as follows:
  - a) The petition shall contain the signatures of whichever is less:
    - i) Not less than 500 youth 13 to 18 years of age, inclusive, who reside in the county.
    - ii) Not less than 10 percent of the number of youth 13 to 18 years of age, inclusive who reside in the county.
  - b) Each fiscal year, and within 60 days of receipt of a petition for youth representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, the board shall order the existence of a county youth commission.
  - c) A county youth commission existing before January 1, 2025, shall comply with the requirements of this bill on or before January 1, 2027.
- 3) Requires the board to prescribe policies and procedures for the selection of members of the county youth commission, subject to the requirements of this bill.
  - a) The board may provide for an application, election, nomination, or any other process as decided by the board for the selection of members of the county youth commission.
  - b) The county youth commission shall be composed of both the following:
    - i) One representative from each city youth commission within the county, unless a city youth commission chooses not to send a representative.
    - ii) At least one at-large representative tasked with representing unincorporated areas. This member shall be 13 to 18 years of age, inclusive, and reside in an unincorporated area of the county. The board may elect to include more than one at-large representative to represent unincorporated areas.
    - iii) Provides for the following term requirements:
      - (1) The term of a county youth commission member shall be one year, commencing on August 1 of each year.

- (2) A county youth commission member shall not serve more than two terms.
- iv) The term of a county youth commission member may be adjusted on in cases where a vacancy occurs.
- 4) Requires the board to prescribe the roles and responsibilities of the county youth commission, subject to the requirements of this bill, as follows:
  - a) A county youth commission member shall have all of the following rights:
    - i) Attend all meetings of the board, except closed sessions.
    - ii) Receive all open meeting materials presented to the regular members at the same time the materials are presented to the regular members, except for materials that pertain to closed session items.
    - iii) The opportunity to present to the board any of the following:
      - (1) An update on projects the county youth commission is currently working on.
      - (2) A request for action by the board.
      - (3) A proposal for future projects.
      - (4) Comments or concerns regarding the community.
  - b) The county youth commission shall have both of the following responsibilities:
    - i) Meet at least two times per month.
    - ii) Send at least one county youth commission member to attend the meetings of the board, except closed sessions.
  - c) A county youth commission member shall not be liable for any acts of the board.
- 5) Requires the board to have at least one board member to attend at least one county youth commission meeting per month.
- 6) Defines “city youth commission” to mean a youth commission, youth council, or other form of youth advisory body established by the council.
- 7) Provides for the submission of a youth petition, the policies and procedures for the selection of members of the city youth commission, term requirements, and roles and responsibilities for a city youth commission that are substantially similar as those for a county youth commission.
- 8) Requires the city council to require at least one council member to attend at least one city youth commission meeting per month.

- 9) Finds and declares that Section 2 of this bill address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this bill applies to all cities, including charter cities.
- 10) Provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to current law governing state mandated local costs.

**EXISTING LAW:**

- 1) Establishes the California Youth Empowerment Commission (“CYEC”) in state government for the purpose of providing meaningful civic engagement to improve the quality of life for California’s disconnected and disadvantaged youth. (Gov. Code Sec. 8263, 8269)
- 2) Requires the CYEC to consist of 13 voting commissioners between 14 and 25 years of age, with 11 members appointed by the Governor, one at-large member appointed by the Senate Committee on Rules, and one at-large member appointed by the Speaker of the Assembly, along with several ex officio, nonvoting members from various geographic regions of the state. (Gov. Code Sec. 8263)
- 3) Requires the CYEC conduct regular meetings, examine a long list of policy and fiscal issues affecting the interests, needs, and conditions of the youth of California and issue an annual report with recommendations to the Legislature, the SPI, and the Governor, while also authorizing the CYEC to adopt resolutions, draft model legislation, provide testimony during legislative committee meetings, conduct public hearings, and award prizes or direct grants to organizations.(Gov. Code Sec. 8270, 8272, 8273)
- 4) Requires the Governor to appoint an executive director of the CYEC. (Gov. Code Sec. 8274)
- 5) Authorizes the CYEC to accept gifts and grants in addition to state budget funds but requires that the CYEC move forward only after the Department of Finance determines that sufficient funds are available. (Gov. Code Sec. 8275)
- 6) Repeals the statute authorizing the CYEC effective January 1, 2027. (Gov. Code Sec. 8276)

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state-mandated local program.

**COMMENTS:**

- 1) **Author’s Statement.** According to the author, “As a teacher for over three decades, and as a mother of four, I understand how much youth are integral to their local communities. Not only do they shape its culture, these days, they have extensive connections through social media. Research has continuously shown that participating in communities and working together has numerous benefits for youth. It has also shown youth engagement can lead to increased academic performance and improved social-emotional well-being. Youth are our future and we should foster their desire to be involved to assist their communities.”
- 2) **Bill Summary.** AB 2591 allows for youth 13 to 18 years of age, residing in their jurisdiction, to petition cities and counties to establish youth commissions, as follows:

- a) **Petition Requirements.** In order for a governing body to respond to a youth commission petition, whichever is the lesser of two requirements must be met. The petition signatures must have no less than 500 youth 13 to 18 years of age who reside in the jurisdiction or no less than 10 percent of the number of youth 13 to 18 years of age who reside in the jurisdiction.
- b) **Selection of Youth Commission Members.** The governing board of the city or county must prescribe the policies and procedures for the selection of members of the youth commission. The governing body may provide for an application, election, nomination, or any other process as decided by the governing body. A youth selected to serve shall be 13 to 18 years of age and a resident of their jurisdiction. Their term shall be one year, commencing on August 1 for county commission members and July 1 for city commission members. Additionally, a youth commission member is limited to serving two terms and these provisions may only be adjusted in cases where a vacancy occurs.
- c) **Roles and Responsibilities.** The governing board of the city or county must prescribe the roles and responsibilities of the youth commission. A youth commission member may attend all meetings of the governing body, except closed sessions, and receive all open meeting materials presented to the regular members at the same time the materials are presented to the regular members. Additionally, the youth commission member shall have the opportunity to present the governing body with an update on projects the commission is currently working on, a request for action by the council, a proposal for future projects, and comments or concerns regarding the community.

The youth commission shall be responsible for meeting at least two times per month and sending at least one member to attend the meetings of the governing body, except closed sessions. The youth commission shall not be liable for any acts of the governing body.

The board or council shall require at least one member of the governing body to attend at least one county or city youth commission meeting per month.

This bill is sponsored by the American Youth Association.

- 3) **Youth Civic Engagement.** Data from the Center for Information & Research on Civic Learning and Engagement (CIRCLE) at Tufts University found about a 10% increase in voter participation for youth ages 18 to 29 in the 2020 United States presidential and general election compared to the 2016 presidential and general election. Casting a ballot, however, only represents one form of civic engagement. Civic engagement includes political activism, environmentalism, and community and national service. The CIRCLE data also found an increase in other forms of civic engagement including volunteering for political campaigns and trying to convince other young people to vote. Research has consistently shown that participating in communities and being a part of groups working together on an issue has numerous benefits for young people themselves. Participation in civic engagement activities can help youth become better informed about current events.
- 4) **California Youth Empowerment Act.** In 2021, the Legislature passed and the Governor signed AB 46 (Rivas), Chapter 660, Statutes of 2021, which created the California Youth Empowerment Act to address, among other issues, the growing need to engage youth directly with policymakers. In addition, this bill established the California Youth Empowerment Commission in state government for the main purpose of providing meaningful opportunities

for civic engagement to improve the quality of life for California's disconnected and disadvantaged youth. Furthermore, youths involved with the Commission will make meaningful recommendations regarding legislation and policies that impact their own lives and the lives of millions of other youths in California whose voices often go unheard.

The Commission is required to do all of the following:

- a) Examine and discuss policy and fiscal issues affecting the interests, needs, and conditions of the youth of California.
  - b) Formally advise and make recommendations to the Legislature, Superintendent of Public Instruction, and Governor on specific legislative issues affecting youth.
  - c) Consult with any existing local-level youth advisory commissions and community-based, grassroots youth-led organizations for input and potential solutions on issues related to youth.
  - d) Publish an internet website to report details relevant to the Commission for the public to view, as specified.
  - e) Publish an annual report detailing the activities, issues, demographics, budget, and outcomes of the commission, as specified.
- 5) **Brown Act.** The Brown Act was enacted in 1953 and has been amended numerous times since then. The legislative intent of the Brown Act was expressly declared in its original statute, which remains unchanged:

“The Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

The Brown Act generally requires meetings to be noticed in advance, including the posting of an agenda, and generally requires meetings to be open and accessible to the public. The Brown Act also generally requires members of the public to have an opportunity to comment on agenda items, and generally prohibits deliberation or action on items not listed on the agenda.

The Brown Act defines “local agency” to mean a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

The Brown Act defines “legislative body” to mean:

- a) The governing body of a local agency or any other local body created by state or federal statute.
- b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. Advisory committees composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies. Standing committees of a legislative body, irrespective of their composition, that have a continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies.
- c) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
  - i) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
  - ii) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

The Brown Act defines a “meeting” as “any congregation of a majority of the member of a legislative body at the same time and location, including teleconference locations, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.”

The Brown Act allows a district attorney or any interested person to seek a judicial determination that an action taken by a local agency’s legislative body violates specified provisions of the Brown Act – including the provisions governing open meeting requirements, teleconferencing, and agendas – and is therefore null and void.

- 6) **Previous Legislation.** AB 46 (Rivas), Chapter 660, Statutes of 2021, created the California Youth Empowerment Act to address, among other issues, the growing need to engage youth directly with policymakers.

SB 421 (Pan) of 2021 would have established, until January 1, 2025, the Children’s Cabinet of California to serve as an advisory body responsible for improving the collaboration among agencies that provide services to the children and youth of the state. SB 421 was held in the Senate Appropriations Committee.

AB 1858 (Rivas) of 2020 was substantially similar to AB 46. AB 1858 bill was never heard in the Assembly Accountability and Administrative Review Committee.

AB 823 (Dickinson) of 2011 would have established the California Children's Coordinating Council to serve as an advisory body responsible for improving the collaboration among agencies that provide services to California's children and youth, to the extent that sufficient federal or private funds were deposited with the state and appropriated by the Legislature. AB 823 was vetoed by the Governor.

AB 2252 (DeSaulnier) of 2008 would have established the California Youth Council to better ensure that the developmental needs of youth in California are met. AB 2252 was vetoed by the Governor.

- 7) **Arguments in Support.** According to the sponsor of the bill, the American Youth Association (AYA), "Currently local governments and youth alike face a series of challenges in establishing and maintaining youth commissions and representative bodies. AB 2591 establishes support for local communities and students across California by providing guidance to local governments who establish youth commissions following a youth petition.

"AB 2591 would also strengthen existing youth commissions, allowing them to become more effective representative bodies. This bill ensures commissions get the opportunity to create real change in their community while working in close proximity to council members. Lastly, AB 2591 increases youth representation on a county level by allowing students to petition for a county youth commission. This commission will comprise one representative from each city youth commission, along with several at-large members who live in unincorporated areas.

"AB 2591 will provide meaningful pathways for young Californians to contribute to their communities and share their voice on the issues that matter most to our cities and counties. By ensuring that youth commissions are equipped with the resources and tools that they need to make genuine policy change and creating pathways to representation at all levels, California can become a more inclusive and responsive state to the needs of our youth."

- 8) **Arguments in Opposition.** The Rural County Representatives of California, the California State Association of Counties, the Urban Counties of California, and the League of California Cities write, "Counties and cities do not take issue with the policy of establishing local youth commissions. Local governments have the authority to create boards and commissions based on local needs, available funding, and staff resources. Local governments frequently use that authority to establish boards, commissions, and advisory bodies to ensure they are informed by the diverse perspectives of their communities. While we appreciate the bill's intent to expand access to civic engagement for youth, as currently drafted, the provisions would create a new mandate that will require significant investment in staff resources without a corresponding allocation of funds.

"As Brown Act-governed bodies, commissions require financial resources to fund the staff time required to respond to the initial petition and create the body, fill vacancies, provide the venue, staff the meetings, and fulfill Brown Act requirements (e.g., agenda preparation, meeting minutes, coordination with commission members). Given the serious fiscal challenges that exist at all levels of government, it is increasingly unlikely that counties and cities would have the necessary resources to meet this new requirement. Furthermore, this bill negates the real and challenging circumstances, primarily in rural jurisdictions, where a county or city cannot seat vacant positions on existing bodies – not for lack of trying, but

merely for lack of available or willing volunteers. In addition to the real, direct costs imposed on local governments, the bill creates unnecessary opportunity costs for the time spent on a state-prescribed activity that could have been spent on issues of greater need for that community. Establishing new meeting bodies, which would presumably be funded by redirecting local General Fund dollars from existing programs, must remain a local decision based on local conditions and needs.”

9) **Double-Referral.** This bill is double-referred to the Assembly Education Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Youth Association [SPONSOR]

**Opposition**

California State Association of Counties (CSAC)

League of California Cities

Rural County Representatives of California (RCRC)

Urban Counties of California (UCC)

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