

Open meeting bill advances in Sacramento

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SACRAMENTO — A bill to tighten loopholes in the state's open-meeting laws was approved Wednesday by the Assembly Judiciary Committee's Subcommittee on the Administration of Justice.

The bill, SB 200 by Senate President Pro Tem David Roberti, D-Los Angeles, would limit the circumstances under which local and state agencies can go into executive session to discuss "pending litigation."

The measure was to be heard by the full Assembly Judiciary Committee yesterday afternoon but action was postponed.

The bill was passed by the Senate 34-0 last month. It is also expected to pass in the Assembly. After Judiciary, it must go before the Assembly Ways and Means Committee on its way to the Assembly floor.

A similar bill to clarify 1984 amendments to the state's open-meeting laws was passed by the Legislature but vetoed by the governor last year. This year's bill does not affect state task forces, a provision in last year's measure which prompted Deukmejian's veto. Minor changes have also removed last year's opposition from the League of California Cities and the County Supervisors Association of California, which are neutral on the bill this session.

It is supported by the California Newspaper Publishers Association, the California Broadcasters Association, other major news organizations, the attorney general's office and the League of Women Voters. The only opposing testimony at Wednesday's hearing came from the state Energy Commission, which expressed concern about the specificity with which public officials must openly define litigation justifying a closed session.

"There is nothing in the bill to prevent an attorney from talking to [clients]," said Assemblyman Elihu Harris, D-Oakland, chairman of the Judiciary Committee. "We're talking about open meetings. If I want to ask advice, I can do that under attorney-client privilege."

Subcommittee Chairman Lloyd Connelly, D-Sacramento, said "you could make one hell of an argument that this bill is too loose," but not that it is too restrictive.

William Chamberlain, an attorney for the Energy Commission, opposes the bill "for the same reasons it was vetoed last year — we don't see any reason why public agencies can't go into private meetings with their attorneys. Private clients can and public clients should be able to as well."

Proponents of the bill say local government officials routinely use the pending litigation exception to go into executive session for discussion of virtually all matters that might be subject to future litigation, rather than to discuss actual litigation or a "significant exposure" to litigation, for which closed sessions are permitted under the bill.