



COUNTY OF SAN BERNARDINO COUNTY ADMINISTRATIVE OFFICE

BOARD OF SUPERVISORS

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April 4, 2012

The Honorable Cameron Smyth, Chair Assembly Committee on Local Government State Capitol Sacramento, CA 95814

RE: AB 1590 (Campos) – As Amended March 29, 2012- OPPOSE UNLESS AMENDED

Dear Assemblyman Smyth:

The County of San Bernardino respectfully opposes AB 1590 unless this bill is amended. This legislation would apply provisions of California’s open meeting laws, commonly referred to as ‘the Brown Act’, to county assessment appeals boards.

As you are aware, the State Constitution defines county board assessment appeals board as having a quasi-judicial function. As such, these boards have no legislative or executive functions, duties or powers. The Brown Act was not intended to govern the actions of the courts or bodies whose function is purely adjudicatory. The Brown Act was intended to ensure that the public has access to the meetings of various types of local bodies that legislate, develop public policy, and oversee the operations of local government agencies. Of specific note is the Brown Act’s requirement of mandatory 72-hour notice posting of agendas. Hearings of boards of equalizations/assessment appeals boards proceed much differently than agendas of legislative bodies. Thus, imposing posting requirements are likely to have an adverse effect.

Existing law requires that these boards provide the parties with notice of hearing 45 days in advance and that these meetings are open to the public except when items involving trade secrets are discussed, and when the board meets in closed session after the conclusion of the hearing to deliberate.

AB 1590 would impose unnecessarily administratively burdensome requirements on local governments and jeopardize taxpayers’ relief through expeditious hearings – highly valued in quasi-judicial proceedings.

For these reasons, the County of San Bernardino opposes AB 1590 unless it is amended to remove language that applies the same rules that govern local legislative bodies to quasi-judicial proceedings. If you have any questions, please do not hesitate to contact Josh Candelaria, Deputy Legislative Director, at (909) 387-4280. The County of San Bernardino thanks you for your attention in this matter.

Sincerely,

JOSIE GONZALES, Chair Board of Supervisors

Cc: Honorable Nora Campos Assembly Committee on Local Government Members Assembly Committee on Local Government Consultants

The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.