

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2134 (Addis)
Version: June 4, 2026
Hearing Date: June 23, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

City council members: absences without permission

DIGEST

This bill requires a city to establish a process for a city council member to notify the city clerk or other designated official in writing that they are taking parental leave, as defined, for 12 workweeks or longer if the city council member's city provides a parental leave period longer than 12 workweeks for their employees. The bill prohibits the process from requiring a council member to make the declaration at a public hearing. The bill also excludes parental leave from counting toward the number of allowed absences allotted to each council member before an office is considered vacant.

EXECUTIVE SUMMARY

This bill is based on a real situation that occurred when Councilmember Alysa Cisneros of the Sunnyvale City Council was required to seek approval for parental leave from the Sunnyvale City Council at a public hearing in 2024. This bill seeks to ensure that individuals who choose to become public servants are provided similar parental leave protections as employees of the city they serve and are not forced to publicly make a request for parental leave. Additionally, the bill provides that parental leave taken will not count toward the number of allowed absences allotted to each council member under existing law before their office is considered vacant. The jurisdiction of this Committee is the limitation of access to public meetings that is implicated by the bill, and as such, this analysis will focus solely on those provisions.

The bill is author sponsored and supported by the California Legislative Women's Caucus, the City of San Mateo, the City of Sunnyvale, and the League of California Cities. No timely opposition was received by the Committee. The bill passed the Senate Local Government Committee on a vote of 7 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Makes it an unlawful employment practice, under the California Family Rights Act, for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid, job-protected leave during any 12-month period to, among other things, care for a child born to, adopted by, or placed for foster care with the employee. (Government Code §12945.2)
- 2) Affirms that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny. (Cal. Const., art. I, § 3(b)(1).)
 - a) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 3) Establishes the Brown Act, which secures public access to the meetings of public commissions, boards, councils, and agencies in the state. (Gov. Code, tit. 5, div. 2, pt. 1, ch. 9, §§ 54950 et seq.) The Brown Act defines the following relevant terms:
 - a) A "local agency" is 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 any other local public agency. (Gov. Code § 54951.)
 - b) A "legislative body" is the governing board of a local agency or any other local body created by state or federal statute; a commission, committee, board, or other body of a local agency, as specified; a board, commission, or other multimember body that governs a private corporation, limited liability company, or other entity that is either created by an elected legislative body to exercise delegated authority or receives funds from a local agency and includes a member of the legislative body of the local agency; or the lessee of any hospital leased pursuant to Health and Safety Code section 21131, where the lessee exercises any material authority delegated by the legislative body. (Gov. Code § 54952.)
- 4) Requires all meetings of the legislative body of a local agency to be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in the Brown Act. (Gov. Code § 54953.)
- 5) Provides that if a city council member is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting they attended, their office becomes vacant and shall be filled as any other vacancy.

- a) If a city council meets monthly or less frequently than monthly and a city council member is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting they attended, their office becomes vacant and shall be filled as any other vacancy. (Gov. Code § 36513.)

This bill:

- 1) Requires a city to establish a process for a city council member to notify the city clerk or other designated official in writing that they are taking parental leave for 12 workweeks or longer if the city council member's city provides a parental leave period longer than 12 workweeks for their employees.
- 2) Prohibits the process from requiring a council member to make the declaration at a public hearing.
- 3) Excludes parental leave from counting toward the number of allowed absences allotted to each council member before an office is considered vacant.
- 4) Defines "parental leave" for these purposes to mean leave for reasons of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. Parental leave shall be limited to 12 workweeks or the length of time allowed pursuant to the parental leave provided to employees of the applicable council member's city, whichever is longer.
- 5) Provides that the Legislature finds and declares that this act is a matter of statewide concern and is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the bill applies to all cities, including charter cities.
- 6) Provides that the Legislature finds and declares that the limitation on the access to public meetings is needed in order to protect the privacy of city council members.

COMMENTS

1. Author statement

The author writes:

Local elected office can launch careers in public service, serving as a pathway to higher office. With that in mind, local elected office must be accessible to all Californians, including those who want to start or grow their families. AB 2134 will establish standard minimum protections for parental leave for city councilmembers

across California, ensuring that councilmembers can take absences for parental leave without losing their council seat.

2. The bill limits access to public meetings

a. *California Family Rights Act*

California employees may be entitled to several medical leaves depending on the size of their employer and the reason for the leave. SB 1383 (Jackson, Chapter 86, Statutes of 2020) made historic changes to the CFRA after almost a decade of attempts to reform the act. Prior to 2021, CFRA (and its federal counterpart, the Family and Medical Leave Act) provided for up to 12 weeks per year of unpaid job protected leave for an employee who takes time for bonding or care, however, these protections were only available to employees of businesses with 50 or more workers. Effective January 1, 2021, among other things, SB 1383 extended CFRA's medical and family leave protections to an employer with at least five employees.

b. *The Brown Act and right to access public meetings*

In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),¹ which amended the California Constitution to specifically protect the right of the public to access the meetings of public bodies: "The people have the right of access to information concerning the conduct of the people's business, and therefore the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) The California Constitution requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access, and requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

The Brown Act provides guidelines and requirements for how local bodies must guarantee open and public access to their meetings. The Brown Act generally requires that meetings of the legislative body of a local agency be open and accessible to the public, and requires local agencies to provide notice of the meeting, its agenda, and its location in advance of a meeting to ensure that the people have adequate notice and opportunity to attend.

This bill seeks to ensure that city council members are able to take parental leave in a similar manner as employees of the cities they serve. Under the bill, a city is prohibited from requiring a city council member from declaring they are taking parental leave in a

¹ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

public hearing and requires a city to establish a process for a council member to inform the city they will be taking parental leave. This provision by implication limits access to public meetings. The bill provides that this limitation is necessary in order to protect the privacy of city council members.

3. Amendment²

The definition for parental leave in the bill refers to an employee, when the reference should be to city council member. To correct this the author has agreed to amend the definition of parental leave as follows:

(e) For purposes of this section, “parental leave” means leave for reasons of the birth of a child of the ~~employee~~, *city council member*, or the placement of a child with ~~an employee~~ *a city council member* in connection with the adoption or foster care of the child by the ~~employee~~. *city council member*. Parental leave shall be limited to 12 workweeks or the length of time allowed pursuant to the parental leave provided to employees of the applicable council member’s city, whichever is longer.

4. Statements in support

The California Legislative Women's Caucus writes in support stating:

The Legislative Women’s Caucus has voted to designate AB 2134 (Addis) as a top priority bill for the Caucus. This bill will establish baseline protections for parental leave for city councilmembers across California. It ensures that councilmembers can take parental leave without risk of losing their seat and clarifies that such leave will not count toward absence limits.

The absence of these protections should not deter Californians from pursuing local office or force elected officials to choose between public service and starting or growing their families. Nor should councilmembers be required to disclose sensitive personal or medical information to colleagues or the public to take parental leave. While accountability is essential, public officials deserve the same basic privacy afforded to other workers.

This bill ends the invasive practice of requiring councilmembers to seek approval for parental leave in a public hearing, promoting a more equitable and respectful standard for those who serve.

SUPPORT

California Legislative Women's Caucus

² The amendments may include nonsubstantive changes as identified by Legislative Counsel.

City of San Mateo
City of Sunnyvale
League of California Cities

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

PRIOR VOTES

Senate Local Government Committee (Ayes 7, Noes 0)
Assembly Floor (Ayes 72, Noes 0)
Assembly Local Government Committee (Ayes 10, Noes 0)
