
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

Bill No: AB 2134

Hearing Date: 6/10/26

Author: Addis

Fiscal: No

Version: 6/4/26

Consultant: Vargas

CITY COUNCIL MEMBERS: ABSENCES WITHOUT PERMISSION

Allows a city to establish a process for parental leave and prohibits parental leave from counting toward allowed absences for a city council member.

Background

Cities. California cities fall into one of two types: general law or charter cities. General law cities must follow all general, statewide laws. The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must also follow the general, statewide laws. Because the Constitution doesn’t define “municipal affairs,” the courts determine whether a topic is a municipal affair or an issue of statewide concern. City charters specify the governance structure of the city, including the number of officers and their compensation.

City council absences. Existing law limits the number of days a city council member may be absent without permission from regular city council meetings. If a city council member is absent for 60 days consecutively from the last regular meeting the councilmember attended, their office becomes vacant and must be filled as any other vacancy. If a city council meets monthly or less frequently than monthly, a city council member may be absent without permission for 70 consecutive days from the last regular meeting the council member attended before the office becomes vacant.

California Family Rights Act (CFRA). State law provides employees with several types of protected medial leave, depending on the size of their employer and the reason for the leave. The CFRA provides certain employees up to 12 weeks of unpaid, job protected leave for a year to bond with a child, care for a parent, spouse, or child with a serious health condition or address the employee’s own serious health condition. The CFRA also requires employers to maintain group health benefits during the leave under the same terms and conditions as if the employee had continued working. Under the CFRA and the Fair Employment and Housing Act, it is an unlawful employment practice for an employer to refuse an eligible employee’s request to take protected leave for a qualifying purpose. Because city councilmembers are elected, and are not employees of the city they represent, they are not covered under these laws for any absences from city council meetings for the purpose of parental leave.

City of Sunnyvale. The City of Sunnyvale is a charter city located in Santa Clara County with approximately 157,000 residents. As the second most populous city in the county, Sunnyvale is one of the major cities that make up California’s Silicon Valley. In 2024, the San Jose Mercury News reported that, “Sunnyvale City Councilmember Alysa Cisneros, who recently had her second child, was required to get her leave approved by her fellow councilmembers at a public

hearing. Councilmember Cisneros was forced to share personal information about her health in a public forum.” Although the City Council ultimately permitted Councilmember Cisneros to take leave and retain her seat, the circumstance highlighted potential challenges that local elected officials may face when seeking parental leave.

To avoid having a council member vacate their seat because they took time off to bond with their child, the author wants to allow city council members to take parental leave without vacating their seat.

Proposed Law

Assembly Bill 2134 requires cities to establish a process for city council members to notify the city clerk, or other designated official, in writing they are taking parental leave.

The process must not require city council members to make that declaration at a public meeting and parental leave must not count towards the existing number of allowed absences allotted to each city council member.

AB 2134 defines parental leave to mean leave for reasons related to giving birth or adopting or fostering a child. Parental leave must be 12 work weeks or the length of time allowed to city employees of the applicable council member city’s, whichever is longer.

Comments

1. Purpose of the bill. According to the author, “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. Balancing act. City council members serve as the elected representatives of their constituents and fulfil that role by attending public meetings, participating in discussions, and voting on local matters. Their presence is an important component of local governance, as council actions often require participation to establish a quorum, conduct business, and make decisions. At the same time, parental leave policies recognize the importance of allowing new parents time to care for and bond with their children during a critical period of family development. AB 2134 allows city council members a minimum of 12 weeks of parental leave following the birth, adoption or fostering of a child. While parental leave may allow elected officials to balance public service with family responsibilities, extended absences, even for legitimate reasons like parental leave, may temporarily reduce representation for the residents they were elected to represent. Such absences may also affect a council’s ability to conduct business. Does AB 2134 appropriately balance the benefits for city councilmembers and their growing family with the potential impacts that extended absences may have on effective governance?

3. Charter city. The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must follow the general, statewide laws. Because the Constitution does not define “municipal affairs,” the courts determine whether a topic is a municipal affair or an issue of statewide concern. AB 2134 says its statutory provisions apply to charter cities. To support this assertion, the bill includes a legislative finding

that councilmembers across the state of California having uniform protections when starting or growing a family is a matter of statewide concern.

4. Coming and going. The Senate Rules Committee has ordered a double referral of AB 2134: first to the Committee on Local Government to consider its impact on local agencies, and second to the Committee on Judiciary.

Assembly Actions

Assembly Local Government Committee:	10-0
Assembly Floor:	72-0

Support and Opposition (6/5/2026)

Support: California Legislative Women's Caucus
City of San Mateo
City of Sunnyvale

Opposition: None Submitted

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