

CONSENT

Bill No: AB 2134
Author: Addis (D), et al.
Amended: 6/25/26 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 6/10/26

AYES: Durazo, Choi, Arreguín, Ashby, Cervantes, Laird, Seyarto

SENATE JUDICIARY COMMITTEE: 13-0, 6/23/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

ASSEMBLY FLOOR: 72-0, 5/11/26 - See last page for vote

SUBJECT: City council members: absences without permission

SOURCE: Author

DIGEST: This bill allows a city to establish a process for parental leave and prohibits parental leave from counting toward allowed absences for a city council member.

ANALYSIS:

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.
- 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.

- 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.
- 3) Establishes the Brown Act, which secures public access to the meetings of public commissions, boards, councils, and agencies in the state. 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.
 - 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.
- 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.
- 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.

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 city council member, or the placement of a child with an city council member in connection with the adoption or foster care of the child by the 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.
- 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, this 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.

Background

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.

Comments

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."

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?

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/30/26)

Lieutenant Governor Eleni Kounalakis
California Legislative Women's Caucus
City of Foster City
City of Glendale
City of San Mateo
City of Sunnyvale
League of California Cities

OPPOSITION: (Verified 6/30/26)

None received

ASSEMBLY FLOOR: 72-0, 5/11/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Gallagher, Lowenthal, Quirk-Silva, Celeste Rodriguez, Michelle Rodriguez, Solache, Soria

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6/30/26 10:37:03

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