

Bagley-Keene Open Meeting Act

Abbreviated Training for State
Boards and Commissions

Purpose of Open Meeting Act

- Promotes an open consensus building model of decision making.
- Ensures the public a seat at the table.



The Act applies to state bodies. What is a “state body?”

- Five types
- A body created by statute
- AB 953



What is a “state body?”

- Advisory body created by state body.
 - *Subcommittees, task forces, advisory committees, working groups, etc.*
 - *Three (3) or more members.*
 - *Created by official action of state body or state body member.*
 - *Impromptu Advisory Bodies: Rule of Two.*

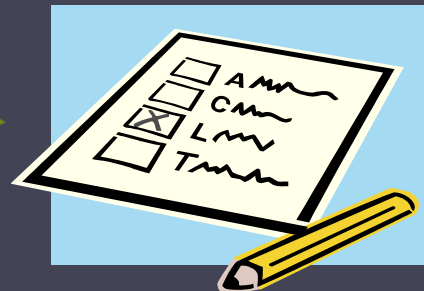
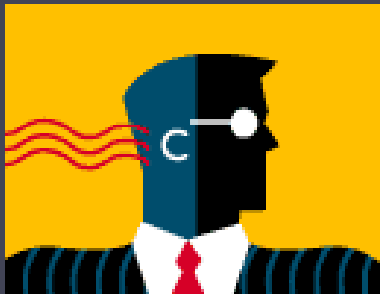
What is a “state body”?

- New members of state bodies.
- Act applies upon appointment.



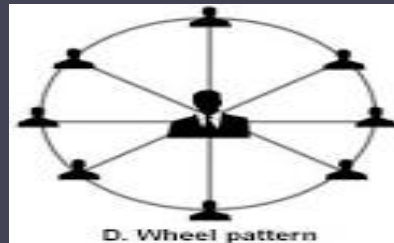
What is a meeting?

- Gathering of a majority of members of a state body.
- Includes all phases of decisionmaking from information gathering to final vote.



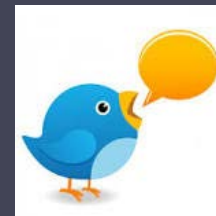
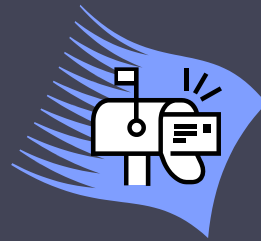
Serial Communications: Prohibition

- Members of a state body must avoid serial communications outside of a public meeting among a quorum of members or through an intermediary.
- Applies to subcommittees. Rule of Two.



Serial Communications: Prohibition

- Prohibition applies to ALL forms of communication.



Staff Briefing Exception

- Staff may brief or respond to questions from individual board members.
- Staff may not share communications from a board member with any other board member.



What is “not” a meeting?

- Communication with one other person (as long as not used to circumvent serial meeting requirement).
- Rule of Two.

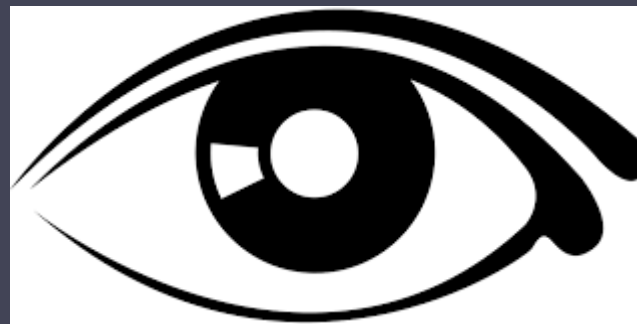
What is “not” a meeting?

- Conferences open to the public.
- Open meetings of other public bodies.
- Social events.



What is “not” a meeting?

- An open subcommittee meeting of a state body is not a meeting of the entire state body.
- Parent state body members who are not subcommittee members may only attend as observers.



Rights of the Public

- Right to Participate at Public Meetings
 - *No identification required.*
 - *Reasonable time limits.*



Rights of the Public



- Right to Access Public Meeting Records
 - *Best practice is to post agency's public meeting records on website before meeting.*
 - *Some records may be exempt from disclosure.*

Takeaways

- ✓ OK to individually contact staff to ask questions/gather information
 - ✓ *Do not tell other Board members what you learned, unless it is at a public Board or subcommittee meeting*
 - ✓ *Do not “reply all” on e-mails from staff!*
- ✓ OK to speak with members of the public re Board
 - ✓ *Do not speak on behalf of Board*

Takeaways

- OK to speak about Board business with one Board member at a time - and no more!
 - *Do not e-mail or speak with other Board members about that conversation*
- OK to socialize at other meetings or social events with Board members – **just don't talk about Board business!**