



Bagley-Keene Open Meeting Act

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



State Bodies: **Statutory or Executive Bodies**

- A body created by statute or executive order



State Bodies: **Advisory Bodies**

- Advisory body created by state body
 - Subcommittees, task forces, advisory committees, etc.
 - Three (3) or more members
 - Advisory not decision-making
 - Created by official action of state body or state body member, includes impromptu state bodies



New Members

- Persons appointed to board or commission are treated as “members” upon appointment even before being sworn in



What is a **meeting**?

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

Prohibition: **Serial Communications**

Members of a state body must avoid serial communications outside of a public meeting among a quorum of members or through an intermediary

Prohibition applies to ALL forms of communication



Exception: Staff Briefing

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 (but not a serial meeting)
- Exceptions for some events at which a quorum is present (e.g., public conferences, public meetings, social events, standing committee meetings)



Meeting Notice Rules

- 1 Agenda must be posted on website ten (10) calendar days before meeting
- 2 Must provide notice in writing to anyone who requests it
- 3 Brief description of particular matters to be discussed
- 4 Must give the average person enough information to decide whether to attend or participate in the meeting
- 5 Notice must be provided in alternative formats upon request by any person with a disability
- 6 May not add items to agenda during 10-day notice period
- 7 **Exceptions:** Emergency (majority vote) or need to take immediate action (2/3 vote)

Rights of the Public

- Right to Participate at Public Meetings
 - No identification required
 - Limits on public comment should be fair, impartial, and in furtherance of public participation

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

Rights of the Public

- Right to Monitor Votes of Each Member
 - Vote or abstention of each member on each item must be publicly reported
 - Best practice is to vote by roll call and report votes in meeting minutes



More Information

- Additional resources are available on the Department's website at oag.ca.gov/open-meetings



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