

# Bagley-Keene Open Meeting Act

Training for State Bodies

# Purpose of Open Meeting Act

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



# What is a “state body?”

- A body created by statute or executive order.
- Delegated body created by state body.
  - A body that exercises delegated authority.
  - Two or more members.

# What is a “state body?”

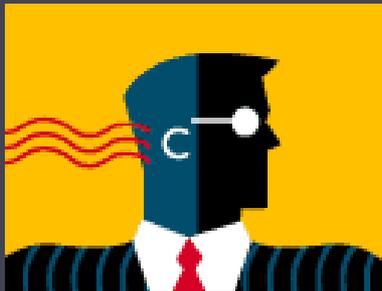
- Advisory body created by state body.
  - Subcommittees, task forces, advisory committees, etc.
  - Three or more members.
  - Created by official action of state body or state body member.

# What is a “state body”?

- Public or private body funded by state body with a state body member representative.
- New members.

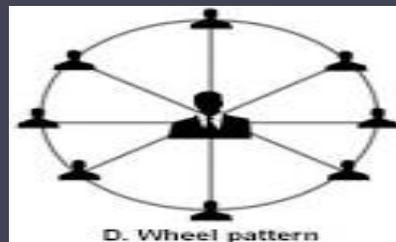
# What is a meeting?

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



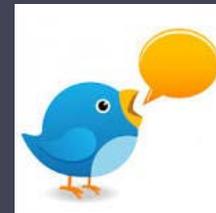
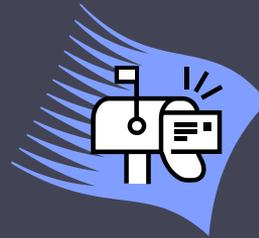
# Serial Communications: Prohibition

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



# Serial Communications: Prohibition

- Prohibition applies to ALL forms of communication.



# Serial Communications: Exception

- Staff may brief one board member one at a time.
- Must not share communications from other board members during briefing.

# 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 Notices

- Agenda must be posted on Internet 10 calendar days before meeting
- Must provide notice in writing to anyone who requests it.

# Meeting Notices

- Brief description of particular matters to be discussed.
- Must give the average person enough information to decide whether to attend or participate in the meeting.
- Notice must be provided in alternative formats upon request by any person with a disability.

# Meeting Notices

- May not add items to agenda during 10 day notice period.
- Exceptions: Emergency (majority vote) or need to take immediate action (2/3 vote).

# Teleconference Meetings

- Subject to special notice requirements.
- Teleconference location must be accessible to public and ADA compliant.



# 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.

# Closed Sessions

- List of limited exceptions. Some exceptions are specific to one agency.
- Personnel decisions.
- Pending litigation.

# Closed Sessions: Procedures

- Specific notice requirements on agenda.
- Specific pre-convening and post-convening requirements.
- Special attendance requirements and restrictions.

# Closed Sessions: Procedures

- Board members may not stray into other topics, even if related.
- Board members must keep closed session discussion confidential.

# Penalties and Enforcement

- Violations may result in criminal and civil penalties and attorney fee awards.
- Governmental decision may be invalidated.

