

BAGLEY-KEENE OPEN MEETING ACT

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Agenda

- What is the Bagley-Keene Act
- Who is covered
- Serial meetings
- Notice and agenda requirements
- Rights of the public
- Teleconference meetings

What is the Bagley-Keene Act?

- Bagley-Keene Open Meeting Act requires multimember agencies to conduct open and public meetings
- Purpose of the Bagley-Keene is two-fold:
 - To promote an open consensus building model of decision-making
 - Ensure the public has a seat at the table
- Public needs to be a participant of the consensus-building process
 - notice – allows public to be there
 - agenda – allows the public to know what is being discussed
 - right to comment – allows the public to be heard

Who Is Covered by Bagley-Keene?

-To be subject to Bagley-Keene, a “state body” must conduct a “meeting.” (Gov. Code § 11123, subd. (a).)

-What is a “state body”

- a state body exists under the Act if it is a multimember body
- created by one of five specified methods, the most common being by statute
- specific multimember bodies can be statutorily exempt

-What is a “meeting”

- majority of a state body
- gathers to hear, discuss, or deliberate on
- an item under its subject matter jurisdiction
- EXCEPTION – staff briefings

Serial Meetings

- A serial meeting comprises several communications, each among less than a majority of a state body, which, taken together, involve a majority
- With this, the Act prohibits attempts to circumvent its open meeting requirements through serial meetings
- This restriction extends to all communication technologies
- Serial meetings may occur within a state body either through:
 - Sequential contacts among the body's members
 - One member's selective communications with multiple members
- Serial meetings may also occur indirectly through go-betweens or delegates who are not state body members

Meeting Notice & Agenda

- A state body subject to the Act must give advance public notice of its meeting, including a specific agenda of the items it will consider at each meeting
- The meeting notice and agenda must be sent to any person who requests it 10 calendar days before a regular meeting
- The meeting notice and agenda must also be posted on its website
- The notice must include the meeting time and place, contact information for the person who can answer questions, the state body's website address, and how persons can ask for accommodations
- The notice must include substantive information about the meeting, so the average person has enough information to decide whether to attend or participate in the meeting

Rights of the public at a meeting

- Public attendance at meetings
- Public participation at meetings
- Public monitoring of votes taken at meetings
- Public access to meeting records

Teleconference meetings

- The Act includes special rules for teleconference meetings, with two types available
- Traditional (each location is a teleconference location)
 - The meeting notice and agenda must identify all teleconference locations and post agendas at all teleconference locations
 - Each teleconference location must be accessible to all members of the public
 - The meeting must be audible to the public at all teleconference locations
 - The public must have an opportunity to speak at all teleconference locations
 - All votes must be by roll call

Teleconference meetings (cont.)

- Alternative (teleconference and remote locations) (until January 1, 2030)
 - The state body must provide remote access to the public equal to that provided to state body members
 - The meeting notice and agenda must identify all teleconference locations and post agendas at all teleconference locations
 - Each teleconference location must be accessible to all members of the public
 - The meeting must be *visible and* audible to the public at all teleconference locations
 - The public must have an opportunity to speak at all teleconference locations
 - All votes must be by roll call
 - *A majority of state body members must be physically present at the same teleconference location. Other state body members may participate remotely at an undisclosed location that is not open to the public*



Questions?