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 decision making 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!