

**Bagley-Keene Open Meeting Act  
Ad Hoc Safety and Loss Prevention  
Committee – Open Agenda Item 4  
January 18, 2017**

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# Bagley-Keene Open Meeting Act

## Declared policy of the state:

“It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares ... that actions of state agencies be taken openly and that their deliberation be conducted openly.  
...”

Govt. Code § 11120.

# Overview

- All Board meetings must be open and public
- The Board must provide a notice and agenda to the public for all meetings, and usually 10 days in advance
- The Board must conduct its meetings and make its decisions in public
- The Board must allow all persons to attend and participate in its meetings

# Who is covered by the Bagley-Keene Act?

- The Board
- Advisory Bodies, if:
  - Created by the Legislature, or
  - Created by the Board or any member of the Board, and has three or more members
- Delegated Body
  - Exercises power that has been delegated by the Board
  - Common example is an Executive Committee
- New Members

# What Constitutes a Meeting?

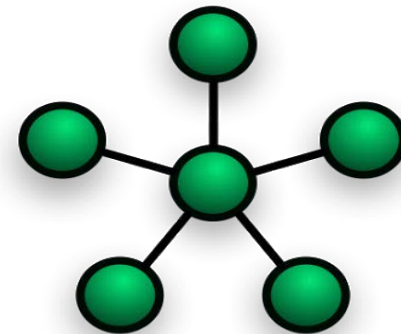
- Any communication among a quorum
- On a topic within jurisdiction of the Board (or committee)
- Discuss, debate or deliberate, or
- Receive, process and discuss information

# Serial Meetings

Serial meetings constitute a meeting where communications “taken as a whole” involve the majority of members.

Linear communications  $1 \rightarrow 2 \rightarrow 3 \rightarrow 4$

Spoke & Hub  
communications



# Meetings by Teleconference/Videoconference

- Allowed if
  - each site is accessible to the public,
  - ADA compliant, and
  - public can hear
- Agenda must be provided and public allowed to speak from each location
- Votes by roll call

# Notice

- 10 day Notice
  - Sent to everyone who has requested a copy
  - Sent to members
  - Posted on internet
- Notice includes:
  - name, phone number and address of person who can answer questions about meeting and agenda
- Comply with ADA rules and regulations
- Must include web site address



# Agenda

- Brief general description (less than 20 words) of each item to be discussed or transacted
  - Includes both open session and closed session items
- Board may not discuss or act on matters not included in the agenda
- New issues (raised by board, staff or public during the meeting) may be included in next agenda

# Public Access and Participation

- All meetings are open to the public
- All votes are open; no secret ballots
- ADA compliant
- Board may not impose conditions on public attendance at a meeting
- Public must have the opportunity to speak either before or during consideration of each agenda item
- No discrimination of attendance based on race, national origin, etc.; no entrance fee

# Public Comment

- The Board must take public comments on agenda items
  - Before or during board discussion
    - Must allow critical comments
  - Time allowed
    - Reasonable regulations may be adopted
    - Per speaker
    - Overall time allowed
- Can (but not required to) also accept general public comments on issues under Board's jurisdiction
  - Usually at beginning or end of meeting
  - Delay of meeting vs. board members leaving

# Closed Sessions

- Must list as “closed session”
- Must meet statutory exception
- Issues are publicly announced
- Confidential minutes kept

# Remedies

- Decisions overturned
- Restart process
- Potential for lawsuit
- Misdemeanor if proven intent to deceive public