



Bagley-Keene Open Meeting Act

Agenda

Purpose

Meetings Subject to Act

Open Meeting Procedures

Closed Sessions

Consequences for Violations



Purpose



- Transparency
- Opportunity for Public Participation



Meetings Subject to Act

- Meetings of state bodies must be open to the public.

Meetings

A meeting occurs when the majority of a **state body** gathers to hear, discuss, or deliberate on an item under its subject-matter jurisdiction. (Gov. Code, §11122.5. subd. (a).)

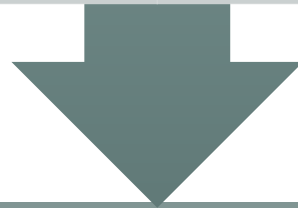


State Bodies

(1) A multi-member body

State board

State commission



(2) Formed in one of five ways:

a) Statute

b) Executive
Order

c) Delegated
Body

d) Advisory
Body

e) Supported
by a State Body

Open to the Public

The public must be given a chance to attend, participate, and voice their opinion.



OPEN

Gatherings that are Not Meetings



A meeting of two



Private communications with the public



Information obtained from staff



Written advice from legal counsel



Public conferences



A social gathering

Serial Meetings are Prohibited

- A **serial meeting** involves several substantive communications that when combined involve a majority of a **state body**. (Gov. Code, §11122.5. subd. (b)(1).)
 - this applies to all forms of communication (i.e. in-person, email, phone, text message); and
 - Regardless of whether the communications are direct or indirect (i.e. hub / wheel, use of go-betweens).

Open Meeting Procedures



- Notice Requirements
 - Location
 - Date/Time
 - Contact Info
 - Agenda Items

Rights of the Public



- Individuals are not required to identify themselves
- Public must be given an opportunity to comment on each agenda item before voting
- Votes must be publicly reported

Teleconference Meetings

	Traditional	Alternative
Locations	Teleconference locations must be disclosed / accessible	Remote locations need not be disclosed nor accessible
Agenda	Must post	Must post and provide remote access instructions
Participation	Majority must be physically present at same location	Member at remote location <i>may</i> count toward quorum

Guidelines for Appearing Remotely



- Camera must be turned on during the public portions of a meeting
- Disclosure of any individual in room over the age of 18 and nature of relationship

Closed Sessions



- Personnel matters
- Pending litigation
- Licensing examinations
- Administrative adjudications
- Real estate negotiations
- Agency security
- Audit reports

Closed Session Procedures



Closed session item must be listed on agenda



General nature of closed session must be disclosed



Statutory authority for closed session must be cited

The background of the slide features a photograph of a grand, classical building. On the left, a series of tall, fluted columns are visible, partially obscured by a dark grey semi-transparent rectangular overlay. To the right of the columns, a wide set of light-colored stone steps leads up towards the building. The overall scene conveys a sense of formality and legal authority.

Consequences for Violations

Criminal Penalties

Civil Remedies

Attorneys' Fees

Criminal Penalties



- Any state body member who deprives the public of information they know or have reason to know is information the public is entitled to under the Act is guilty of a misdemeanor. (Gov. Code, § 11130.7.)

Civil Remedies



- Mandamus, injunctive, or declaratory relief may be sought by any interested party seeking judicial determination regarding a violation of the Act. (Gov. Code, § 11130.3.)

Attorney's Fees



- A state body could be held responsible for the reasonable attorney's fees and costs of a successful plaintiff. (Gov. Code, § 11130.5.)



Questions?

Thank You!

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