Introduction to the Bagley-Keene Open Meetings Act

Office of Administrative Hearings Advisory Committee

May 15, 2023

Policy

General Rule:

"All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

-Government Code section 11123(a)

OAH Advisory Committee is a "State Body"

- OAH Advisory Committee is a "State Body" under Government Code section 11121 (a)
- This means the Advisory Committee meetings must be public
- "Meeting" includes a majority of the Advisory Committee discussing, hearing, or deliberating about something the Advisory Committee is supposed to consider

"Meeting" Can Include:

- One person or group of people on the Advisory Committee contacting another person or group of people on the Advisory Committee to develop agreement on action to be taken by Advisory Committee
- Emails
- Videoconferences or calls
- Small group meetings reporting centrally
- Communicating through other people

What is NOT a Meeting of the Advisory Committee?

- Individual contacts
  - But beware of serial contacts)
- Social or ceremonial occasions
  - If the business of the Advisory Committee is not discussed
- Conferences and retreats
  - If they are public and involve subject matter of general interest to the public; Committee members should not discuss Advisory Committee agenda items
- Meetings of another state or legislative body
  - The meeting must be open to the public and properly noticed

Public Notice and Agenda

- Notice of Meeting
  - Posted at least 10 days in advance
  - Provide to individuals who request notice in writing
  - Includes date, time and location of meeting and name, address, and contact information for more information
- Agenda
  - Brief description of items to be discussed at the meeting
  - Each item must be sufficiently described to allow public to determine whether to attend
  - There will be no discussion of particular issues not on the Agenda; suggestions can be made for future agenda items