

Bagley-Keene Open Meeting Act

Filomena Yeroshek
Chief Counsel

Joint Meeting of the CFLC and CLCC
October 13, 2016

1

Three Basic Duties Under The Act

- Conduct open and transparent meetings
- Give adequate notice of meetings
- Provide an opportunity for public comment at meetings

2

To What Groups Does The Act Apply?

- Commission
- Committees
- Other:
 - Group created by the Commission or Committee and
 - Consists of 3 or more persons

3

What is a Meeting?

- Any gathering of a majority of the members of the Committee to hear, discuss, or deliberate any item that is within the scope of the Committee.
 - "Gathering" does not require a physical meeting – email, texts, and phone calls qualify.
 - Serial calls, text messages, emails, or other electronic communications are prohibited

4

Serial Calls, Texts, Emails, etc

Cannot have a series of one-to-one telephone calls, texts, or emails between Committee members to discuss a Committee topic.

Example

Member "A" emails member "B"; member "B" emails member "C"; member "C" emails member "D" and so forth.

5

Extra Requirements for Teleconference

Meeting by Teleconferencing

- Must comply with all requirements for in-person meetings (i.e. notice, public comment etc).
- Location of each Committee member must be identified in the notice and agenda and be open to the public.
- At least one Committee member must be physically present at the location specified in the notice.

6

Meeting Notice

Notice Requirements

- Must give at least 10 day notice.
- Notice must include agenda including brief description of the items of business to be transacted or discussed.
 - Enough details to inform the public of the subject matter

7

The Meeting

Items Not on The Agenda (Think of the 3 Basic Duties)

- Committee cannot take action on items that are not on the agenda.
- Committee cannot discuss items that are not on the agenda.

8

Opportunity for Public Comment

- Must provide opportunity for the public to address each agenda item before or during Committee's discussion or consideration.
- Committee can limit the total time allocated on particular issues and for each speaker.

9

Copies of Documents

- Documents given to all or a majority of the Committee members must be made available for public inspection at the meeting.
- No requirement to post documents in advance.

10