

Overview of Bagley-Keene Open Meeting Act Requirements

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Purpose and General Rule

- To allow the public to participate in government and have an opportunity to participate in the decision-making process of state bodies.
- The public is allowed to monitor and participate in all meetings of state bodies, unless there is a specific reason to exclude the public. Three general requirements:
 - Public Notice
 - Opportunity to Comment
 - Public Access

What Bodies are Covered?

- Any multimember body created by statute.
- Financial Solvency Standards Board meetings are subject to the requirements of the Bagley-Keene Open Meeting Act.

What Constitutes a Meeting?

A physical meeting: “Any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.”

Serial and Spoken Meetings

- A quorum of members may not discuss any matter within the committee's subject matter jurisdiction in a series of meetings (A talks to B, then to C).
- A quorum of members may not discuss a matter within the committee's subject matter jurisdiction through representatives (A, B, and C each talk to a third, non-member party).
- What a quorum may not do as a group it may not do through a series of meetings or through representatives.

Exceptions to Meeting Rule

- Separate communications with a member of a legislative body such as the legislature or a committee, as long as no communication about another committee member's position.
- Individual contacts between committee members and members of the public.
- Conferences that are open to the public and involve discussion of issues of general interest to the public (as long as no private communication between a quorum of committee members).

Exceptions (continued)

- Social gatherings (but no discussion of matters within the committee's subject matter jurisdiction).
- Open meetings of standing committees.
- Open meetings of other state bodies or of local agencies.

Teleconference Meetings

- Meetings by teleconference are permissible.
- The primary physical meeting locations must be designated in the meeting notice, and members of the public must be permitted to attend and participate in the meeting at the primary location.
- All votes by rollcall, all other provisions apply.

Notice and Agenda

- Notice of upcoming meetings must be provided to persons who request it and on the agency website at least 10 calendar days before the meeting.
- Time and place of meeting, name and contact information for a person who can provide information.
- Include a specific agenda with a brief (20-word) description of each item.
- Agenda includes closed-session items, and statutory basis for holding closed session.
- Make available in alternative formats under ADA.

Public Access and Participation

- Committee may not impose conditions on public attendance at a meeting.
- Any sign-in sheet at meetings must be accompanied with a notice that it is voluntary.
- Members of the public may record and broadcast meetings unless doing so would constitute a persistent disruption.

Public Access and Participation (continued)

- 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.
- Meeting facilities must be accessible to disabled.

Access to Records

- Any written materials provided to a majority of the committee are disclosable public records.
- Must be made available in alternative formats to disabled individuals who request them.
- Subject to exemptions under Public Records Act (e.g., attorney-client privileged documents are not public records subject to disclosure).

Remedies for Violations

- Invalidation of action taken in violation.
- Costs and attorneys' fees may be recovered from the body.
- Misdemeanor penalties if a member attends a meeting with intent to deprive the public of information he/she knows or should know the public is entitled to.

Questions