

Bagley-Keene Open Meeting Act

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CONDUCT OF MEETINGS

- **Bagley-Keene Open Meeting Act**
- **California law governing state agencies (“bodies”) is officially called the Bagley-Keene Open Meeting Act (beginning with section 11120 of the Government Code)(“Bagley-Keene”).**
- **Bagley-Keene closely parallels the Ralph M. Brown Act, which governs meetings of local government bodies.**

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

A. Introduction

**California's public policy is that "proceedings of public agencies be conducted openly so that the public may remain informed."
(Section 11120)**

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B. Three Duties of a State Body:

- 1. Give adequate notice of meetings to be held.**
- 2. Provide an opportunity for public comment.**
- 3. Conduct meetings in open session, except where a closed session is specifically authorized.**

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C. Notice Requirements

A body is required to give at least 10 calendar days written notice of each meeting to be held. The notice must:

1. Contain the website address where the notice can be accessed.
2. Be posted on the website at least 10 calendar days before the meeting.
3. Be made available in appropriate alternate formats upon request by any person with a disability.

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D. Agendas

The notice of each meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be discussed at the meeting.

Items not included on the agenda may not be discussed, even if no action is to be taken by the body.

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D. Agendas (continued)

However, for members of the public and the body to raise issues that are not on the agenda, an agenda item will be titled: "Agenda Items for Future Meetings." This allows an opportunity to propose specific items for the agenda of a future meeting. These proposed items should only be discussed to decide whether they should be included on the agenda of a future meeting.

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E. Voting

Members may not vote by secret ballot in a public meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

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F. Making a Recording of a Public Meeting

A tape or film record made by the body must be available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording.

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G. Public Attendance

A member of the public is not required to register or sign-in to attend a public meeting of a body. A person who wishes to make public comment may be asked to identify himself or herself for the body's record or minutes.

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H. Access for the Disabled

All meetings must be accessible to the disabled.

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I. Opportunity for Public Comment

Members of the public have an opportunity to directly address the state body on each agenda item before or during the body's discussion or consideration of the item.

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I. Public Comment (continued)

A body may establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, by adopting an administrative regulation such as by-laws.

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J. Taking Agenda Items Out of Order

Items listed on the agenda may be discussed out of order. It is a good practice to note on the agenda that all times indicated and the orders of business are approximate and subject to change.

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K. Disclosure of Documents

1. Documents Distributed Prior to the Meeting

When writings which are public record are distributed to a majority of the members of a body for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the same time as they are distributed to members.

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K. Disclosure of Documents

2. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting.

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K. Disclosure of Documents

2. Documents Distributed During the Meeting (Continued)

When records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting.

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L. Charging a Fee for Public Documents

A body may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting.

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L. Charging a Fee (continued)

Documents distributed prior to or during a meeting that are public records must be made available, upon request, by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

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Thank you for your attention!

Note: This Guide has been adapted from a similar guide developed by the Division of Legal Affairs of the California Department of Consumer Affairs.