



February 23, 2015
Sacramento, CA

CONDUCT OF MEETING

- **Robert's Rules of Order**
- **Bagley-Keene Open Meeting Act**

ROBERT'S RULES OF ORDER

General Overview

- Board makes decisions through motions
- After the last speaker on a topic finishes, members may make motions when recognized by the Chair
- Another member must second the motion for it to be considered
- Chair will present motion to the board, at which point the person who made the motion cannot change it without majority consent
- Members may discuss a motion after it is presented
 - Member who introduced motion always speaks first
 - Comments and debate directed to Chair
- After discussion, members vote; under Bagley-Keene, vote must be public

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

A. Introduction

California public meetings law governing state agencies (“bodies”) is officially called the Bagley-Keene Open Meeting Act.

(commencing with section 11120 of the Government Code)(“Open Meeting Act”).

The Open Meeting Act 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

Section 11120 declares the State's public policy that "proceedings of public agencies be conducted openly so that the public may remain informed."

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

A. Introduction

Each body has essentially three duties under the Open Meeting Act:

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

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

B. “Meeting Defined”

**A “Meeting” is defined to include “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.”
(Government Code section 11122.5(a))**

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

C. Notice Requirements for a Regularly Scheduled Meeting; Agendas

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.**

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

C. Notice Requirements for a Regularly Scheduled Meeting; 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 transacted or 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

C. Notice Requirements for a Regularly Scheduled Meeting; Agendas

However, a common way for members of the public and of the body to raise issues that are not on the agenda is to include an agenda item for "Agenda Items for Future Meetings." This allows members of the public and of the body an opportunity to request specific agenda items for a future meeting. These proposed items should not be discussed substantively, but only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

D. Voting

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

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

E. 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

F. 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

F. Public Attendance

Access for the Disabled

All meetings must be accessible to the disabled.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

G. Opportunity for Public Comment at Meetings

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. But this opportunity for comment need not be made available if the agenda item is one that may properly be considered in closed session, which includes pending litigation or exemptions provided in other statutes. Some examples of other exemptions will follow the next slide.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

G. Opportunity for Public Comment at Meetings

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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

H. Exemptions from the Open Meeting Act for the IHSS Statewide Authority

The IHSS Statewide Authority Bylaws, to be discussed later in the meeting, incorporate the Open Meeting Act. But the Legislature passed a statute, signed by the Governor, which exempts specific proceedings from the requirements of the Open Meeting Act. The statute can be found at Government Code section 110034.5.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

H. Exemptions from the Open Meeting Act for the IHSS Statewide Authority

The following proceedings are exempt from the Open Meeting Act:

- 1. Any meeting, negotiation or discussion between the IHSS Statewide Authority or its designated representative and a recognized or certified employee organization.**
- 2. Any meeting of a mediator with either party or both parties to the meeting and negotiation process described in Paragraph 1. above.**

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

H. Exemptions from the Open Meeting Act for the IHSS Statewide Authority

**The following proceedings are exempt from the
Open Meeting Act (Continued):**

- 3. Any hearing, meeting, or investigation
conducted by a factfinder or arbitrator in
connection with the activities described in
Paragraph 1. above.**

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

H. Exemptions from the Open Meeting Act for the IHSS Statewide Authority

**The following proceedings are exempt from the
Open Meeting Act (Continued):**

- 4. Any executive session of the IHSS Statewide Authority or between the IHSS Statewide Authority and its designated representative, including, but not limited to, the Department of Human Resources, for the purpose of discussing its position regarding any matter within the scope of representation and its designated representatives.**

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

I. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

J. 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

J. 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

J. 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

J. Disclosure of Documents

3. Records Exempt from Disclosure

Records exempt from disclosure under the Public Records Act (such as attorney-client privileged records) need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

K. 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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

K. Charging a Fee for Public Documents

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.

A BRIEF GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

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.

CDSS TRANSITION REPORT

- **State Infrastructure**
- **Objection Notifications**
- **Anticipated Transition Timeline**

OPERATIONAL INFRASTRUCTURE

1. California Department of Social Services (CDSS)

□ Administrative and operations support to the IHSS Statewide Authority and Stakeholder Advisory Committee

–Staff: Administrative Officer

OPERATIONAL INFRASTRUCTURE

2. California Department of Human Resources (CalHR)

IHSS Labor Relations and Negotiations Division

- Upon delegation, serves as the representative of the IHSS Statewide Authority for purposes of collective bargaining

OBJECTION NOTIFICATIONS

- **IHSS Statewide Authority's opportunity to object to “newly negotiated or amended noneconomic terms” in local Memoranda of Understanding (MOUs)**
- **Process triggered when Coordinated Care Initiative (CCI) enrollment commences in a county**

OBJECTION NOTIFICATIONS

- **Until the IHSS Statewide Authority is operational, CDSS is responsible for objecting to non-economic terms**
- **CDSS delegated bargaining obligations for objections to CalHR**

OBJECTION NOTIFICATION STATUS

- **CDSS issued timely objection notices to the appropriate unions representing providers in the following counties:**
 - **San Mateo**
 - **Riverside**
 - **San Bernardino**
 - **San Diego**
 - **Los Angeles**

FORMAL MOU TRANSITION= “COUNTY IMPLEMENTATION”

- **IHSS Statewide Authority assumes collective bargaining responsibility when the Director of the Department of Health Care Services sends notification that CCI enrollment in a CCI county is complete**

ANTICIPATED

MOU TRANSITION TIMELINE

- **February 2015: San Mateo**
- **July 2015: Los Angeles, Riverside, San Bernardino and San Diego**
- **January 2016: Santa Clara**
- **August 2016: Orange**

Timeline is Subject to Change