

BAGLEY-KEENE OPEN MEETING ACT

(HIGH LEVEL SUMMARY)

August 2020

PURPOSE OF THE ACT

- Ensure that state boards and advisory bodies conduct proceedings and deliberations openly so the public can remain informed about government activities

BODIES COVERED BY THE ACT

- Multimember body created by statute or executive order or required by law to conduct official meetings
- Advisory body created by the state body (e.g. the MHSOAC) and has three or more members
 - If the advisory body has fewer than three members, it is not subject to the requirements of the Act

BASIC REQUIREMENTS

Adequate Notice

- Notice and agenda must be provided to individuals who request it and posted on the internet 10 calendar days prior to the meeting
- Agenda must have a brief description of each item with enough details to inform the public of the subject of that item

Open to The Public

- Each meeting must be open to the public unless a closed session is authorized

Opportunity for Public Comment

- The public is given an opportunity to comment before or during Committee discussion or consideration of an item

REQUIREMENTS TRIGGERED WHEN THERE IS A “MEETING”

Meeting Defined

- A meeting occurs when a majority of Committee members gather, either serially or all together in one place, to hear, discuss, or deliberate a topic within the Committee’s purview

Serial Meeting

- A serial meeting is a series of communications, each of which involves less than a majority but taken as a whole involves a majority
 - In-person, phone calls, texts, emails, etc.

Prohibition

- Committee members must refrain from calling or contacting other members on a one-to-one basis to discuss, deliberate, or act on Committee issues

MEETING VIA TELECONFERENCE OR OTHER VIRTUAL MEANS

- The same 3 basic requirements that apply to an in-person meeting apply to a meeting conducted by teleconference or other virtual means
- Due to the COVID-19 pandemic, Governor Newsom's Executive Order N 29-20 suspended several requirements, including the following:
- Location of each member must be identified in the notice and agenda and the location must be open to the public
- At least one member must be physically present at the main location listed in the notice/agenda

DURING THE MEETING

- Committee members cannot discuss or take action on items that are not on the agenda
- There must be an opportunity for public comment before or during the Committee's discussion or consideration of an agenda item
- People who use a translator are allowed at least twice the allotted time to make a public comment
- Any votes taken are by roll call

COPIES OF DOCUMENTS

- Documents given to all or a majority of the Committee members must be made available for public inspection at the meeting
- Documents are not required to be posted in advance

MORE INFORMATION

- For more information contact Filomena Yeroshek, Chief Counsel, at Filomena.Yeroshek@mhsoac.ca.gov