

Bagley-Keene Basics


California Health and Human Services Agency





THE PURPOSE OF THE BAGLEY- KEENE OPEN MEETING ACT

“It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.”



What bodies are covered?

Definition of a “state body”

- Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings
- A multimember body that exercises any authority of a state body delegated to it by that state body
- A multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons

What meetings are covered?

Definition of a “meeting”

A meeting includes any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate on any item that is within the subject matter jurisdiction of the state body.

A meeting also includes . . .

SERIAL COMMUNICATIONS

for example:


- “chain” communication: A texts B, then B texts C, etc.
- “hub and spoke” communication: A texts B, then A texts C, then A texts D, etc.

OF ANY KIND

including in-person, by phone, text, or email

DIRECTLY OR THROUGH INTERMEDIARIES

for example, through staff or lobbyists



Meeting Exception

- A member may have individual contact or conversations with any other person (unless it's part of a serial meeting).
- A majority of the body may be present at social events, meeting of other public bodies, and public conferences, but may not discuss board business outside of a properly notice board meeting.

What notice is required?

- The state body must provide 10 days advance written notice of a meeting
- Notice must be posted on the agency's website and provided to anyone who requests it
- The meeting notice must include an agenda with a brief description of the items to be acted on or discussed

Public Access and Participation

- Meetings must be open and public (with some limited exceptions)
- No person may be required to register their name, complete a questionnaire, or provide other information as a condition of attending
- Meetings must be accessible as required under the ADA
- Public records distributed by staff or members to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, must be made available to the public at the meeting
- Members of the public must be provided the opportunity to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item

What is the penalty for violations?

A member of a state body is guilty of a misdemeanor when the member:

- attends a meeting which violates Bagley-Keene
- where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled



Questions?