



**Presentation:**  
**Bagley-Keene**  
**Open Meeting Act**

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**WELLNESS • RECOVERY • RESILIENCE**

## Outline

- Public policy
- Applicability of the Act
- Definition of a “meeting”
- Notice requirements & agenda
- Teleconference
- Deliberation and voting
- Disclosure of documents
- Penalties for violations
- Questions

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# Public Policy Overview

## Three Basic Duties

- Give adequate notice of meetings
- Conduct meetings in open session
- Provide an opportunity for public comment at meetings



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# Applicability

- State body created by law
  - e.g. MHSOAC
- Advisory committee if
  - Created by formal action of the state body or a member of the state body and
  - Consists of 3 or more persons
  - e.g. Committees and Workgroups



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## Definition of Meeting

- Any “gathering” of a majority to hear, discuss, or deliberate
- “Gathering” includes:
  - Serial/series of communication
  - Phone, email, etc
- Series of emails/phone calls among majority of the members is prohibited

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## Not Considered a Meeting

- Conference open to the public
- Open and noticed meeting of another state or local agency/body
- Purely social or ceremonial occasion

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## Notice Requirements & Agenda

- At least 10 calendar days written notice posted on the internet
- Agenda has to have brief description of the items with enough details to inform the public of the subject

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## Items Not On the Agenda

- Committee cannot take action on items that are not on the agenda
- Committee cannot discuss items that are not on the agenda

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## Meeting by Teleconference

- Must comply with all requirements as for in-person meetings
- Location of each member must be identified in the notice and must be open to the public
- Votes must be roll call



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## Deliberation & Voting

- No calls or emails to discuss, deliberate, or take action
- No use of electronic devices during meeting to communicate with each other
- No voting by proxy



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## Deliberation & Voting (cont)

### Opportunity for Public Comment

- Public comment before or during discussion or consideration
- Time limits allowed
  - Person using a translator must be given twice the allotted time unless using simultaneous translation



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## Deliberation & Voting Example

- Committee member clearly states a motion
- Another Committee member seconds the motion
- Public comment
- Committee members discuss the issue
- Committee members vote



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## Disclosure of Documents

- Documents given to all or a majority of the members must be made available for public inspection at the meeting
  - If documents are distributed by others then the documents must be available after the meeting
- No requirement to post documents in advance
- May charge fee to copy documents

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## Penalties

- Intentional violation is a misdemeanor
- Action taken may be held void if court finds it was done in violation of the Act

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Questions?

