

2011 Committee Orientation
Rules of Procedure
and
Bagley-Keene Open Meeting Act

Filomena Yeroshek
Chief Counsel

January 14, 2011

Goals

- Review the MHSOAC Rules of Procedure that are applicable to Committee members.
- Demystify the Bagley-Keene Open Meeting Act (aka Bagley-Keene Act)

MHSOAC Rules of Procedure

Rule 5.1

- Membership of each Committee is confirmed every other year by the MHSOAC.
- In the intervening time the Committee Chair has discretion to modify the Committee membership based upon the needs of the committee.

MHSOAC Rules of Procedure

Rule 5.1

Attendance

- Notify the Committee Chair and staff member if you cannot attend a Committee meeting.
- Committee Chair has the discretion to decide whether it is in the best interest of the Committee to have a Committee member replaced if the member misses:
 - More than one (1) meeting without notice or
 - Three (3) meetings in a calendar year with notice

MHSOAC Rules of Procedure

Rule 5.2

Compensation and Expenses

Committee members are reimbursed in accordance with the State of California per diem laws.

MHSOAC Policy

Decision Making By Consensus

- Consensus is ...
 - When everyone can live with the decision
- Consensus is not ...
 - A unanimous vote
 - A majority vote
 - Everyone is totally satisfied

MHSOAC Policy

Decision Making By Voting

- Committee member clearly states a motion
- Another Committee member seconds the motion
- Discussion and public comment
- Committee members vote

Bagley-Keene Open Meeting Act

Applicability

To What Groups Does The Act Apply?

- Commission
- Committees
- Other:
 - Group created by formal action of the Committee **and**
 - Consists of 3 or more persons

Public Policy Overview

Three Basic Duties

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

What is a Meeting?

Definition of Meeting

- Any gathering of a majority of the members of the Committee to hear, discuss, or deliberate any item that is within the scope of the Committee.
 - “Gathering” does not require a physical meeting – email and phone calls qualify.
 - Serial calls or emails prohibited

Meeting Notice

Notice Requirements

- Must give at least 10 day notice.
- Notice must include agenda including brief description of the items of business to be transacted or discussed.

Extra Requirements for Teleconference

Meeting by Teleconferencing

- Must comply with all requirements for in-person meetings (i.e. notice, public comment etc).
- Location of each Committee member must be identified in the notice and agenda and be open to the public.
- At least one Committee member must be physically present at the location specified in the notice.

The Meeting

Items Not on The Agenda (Think of the 3 Basic Duties)

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

Opportunity for Public Comment

- Must provide opportunity for the public to address each agenda item before or during Committee's consideration.
- Committee can limit the total time allocated on particular issues and for each speaker.

Copies of Documents

- Documents given to all or a majority of the Committee members must be made available for public inspection at the meeting.
- No requirement to post documents in advance.