

# Bagley-Keene Open Meeting Act

Filomena Yeroshek  
Chief Counsel

2015-2016 Committee Orientation  
January 28, 2015

# Goals

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

# Role of Committee Members

- Committee members provide knowledge and expertise to guide the Committee in making recommendations to the MHISOAC
- Committee members do not represent the MHISOAC or the Committee outside of the Committee unless officially requested to do so
  - Can state you are a member of the committee

# 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
- Public comment
- Discussion by Committee member
- Committee members vote – Roll call

# 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**

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

# 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

# Serial Calls or Emails

- Cannot have a series of one-to-one telephone calls or emails between Committee members to discuss, deliberate, or take action.

# 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.

# 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.
  - Enough details to inform the public of the subject matter

# 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 discussion or 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.