

**BAGLEY-KEENE OPEN MEETING ACT
12 RULES FOR STATE BOARD MEETINGS
(October 2006)**

[NOTE: GC § = Government Code Section; AG = Opinions of the California Attorney General.]

- 1. All meetings are public. (GC §11123.)**
- 2. Meetings require 10 calendar days advance notice—must also be posted on the Internet. (GC §11125(a).)**
- 3. Agenda required—must include a general description of items to be discussed (specific items of business—GC §§ 11125 & 11125.1).**
 - a. No item may be added to the agenda unless it meets emergency criteria. (GC §11125(b).)**
- 4. Meeting is any meeting of a committee of 3 or more persons or any “gathering” of a quorum of the board where board business will be discussed. Includes telephone & e-mail communications. (GC § 11122.5; Stockton Newspapers Inc. v. Members of the Redevelopment Agency of the City of Stockton (1985) 171 Cal.App.3d 95.)**
- 5. Law applies to committees, subcommittees, and task forces that consist of 3 or more persons. (GC §11121)**
- 6. Public comment must be allowed on agenda items before or during discussion of the items and before a vote, unless: (GC §11125.7.)**
 - a. The public was provided an opportunity to comment at a previous committee meeting of the board. If the item has been substantially changed, another opportunity for comment must be provided.**
 - b. The subject matter is appropriate for closed session.**
- 7. Closed sessions (GC §11126.) At least one staff member must be present (GC § 11126.1).**

Closed session allowed to:

- a. Discuss and vote on disciplinary matters under the Administrative Procedure Act (APA). (subd. (c)(3).)**
- b. Prepare, approve or grade examinations. (subd. (c)(1).)**
- c. Discuss pending litigation. (subd. (e)(1).)**

- d. Discuss appointment, employment, or dismissal of Executive Officer (EO) unless EO requests such action to be held in public. (subd. (a), (b).)

No closed session allowed for:

- a. Election of board officers. (68 AG 65.)
- b. Discussion of controversial regulations or issues.

- 8. Emergency Items and Meetings (GC §11125.5.)
 - a. Work stoppage (subd. (b)(1).)
 - b. Crippling disaster (subd. (b)(2).)
- 9. Special Meetings (GC § 11125.4.)
 - a. At least 48 hours notice. (subd.(b).)
 - b. "Pending litigation" (subd.(a)(1).)
 - c. Proposed legislation (subd.(a)(2).)
 - d. Issuance of a legal opinion (subd.(a)(3).)
 - e. Disciplinary action involving state officer or employee (subd.(a)(4).)
 - f. License examinations & applications (subd.(a)(6).)
- 10. No secret ballots or votes except mail votes on APA enforcement matters. (68 AG 65; GC §11526.)
- 11. No proxy votes. (68 AG 65.)
- 12. Meetings by teleconferencing (GC §11123.)
 - a. Suitable audio or video must be audible to those present at designated location(s). (subd. (b)(1)(B).)
 - b. Notice and agenda required. (subd. (b)(1)(A).)
 - c. Every location open to the public and at least one member of board physically present at the specified location. All members must attend at a public location. (subds. (b)(1) (C), and (F).)
 - e. Rollcall vote required. (subd. (b)(1)(D).)
 - f. Emergency meeting closed sessions not allowed. (subd. (b)(1)(E).)

Reference: January 2006 "Public Meetings" Memorandum & Attached Guide to the Bagley-Keene Open Meeting Act
http://www.dca.ca.gov/r_r/bagleykeene_meetingact.pdf