

Bagley-Keene Open Meeting Act Training

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Bagley-Keene Fundamentals

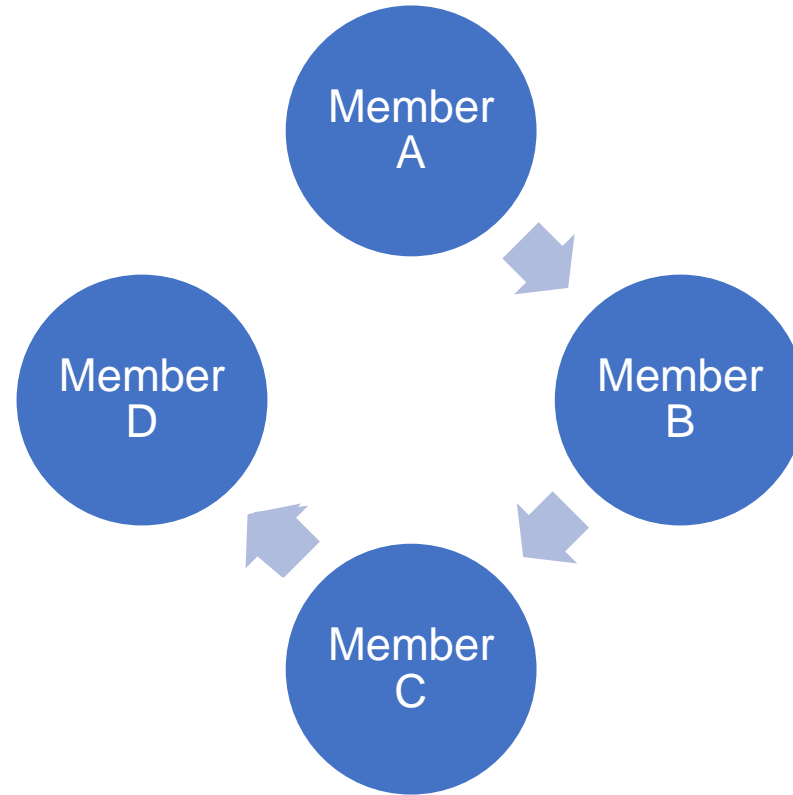
- Applies to meetings of state bodies
 - Meeting: “any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body...”
- Notice and agenda provided to public 10 days before meeting
- Meetings open to the public unless closed session authorized
- Public comment

Serial Meetings Overview

- What is a Serial Meeting?
 - A series of communications among members of a state body that collectively involve a majority of the members
 - Discuss, deliberate, or take action
- Legal basis for prohibition
 - “A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.” (Gov. Code § 11122.5(b)(1))
- Key Points
 - Applies to all forms of communication (in person, email, text, phone calls, social media).
 - Designed to prevent circumvention of open-meeting requirements.

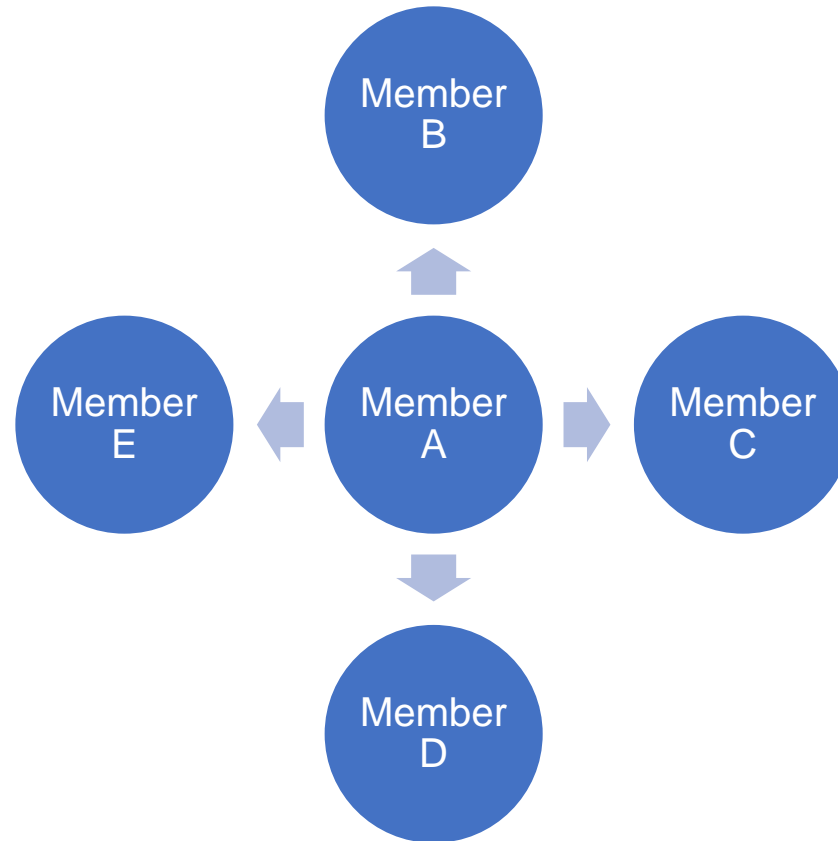
Types of Serial Meetings – Daisy Chain

For a seven-person body, a “daisy chain” serial meeting would occur if:



Types of Serial Meetings – Hub and Spoke

For a nine-person body, a “hub and spoke” serial meeting would occur if:



Serial Meetings – Exceptions

- Contacts that involve a majority or all members of the state body that are *not* serial meetings
 - Individual contacts – communications/conversations between a member of a state body and any other person that do not violate the serial meeting rule
 - Staff briefings – communications/conversations between a member of a state body and staff to answer questions or provide information

Consequences of Serial Meetings

- Violations may result in invalidation of decisions made during or as a result of serial meetings
- Criminal penalties for intentional violations (misdemeanor)
- Civil remedies, including injunctions and declaratory relief.

Serial Meetings – Example #1

Regents of the University of California v. Superior Court

- 26-member body (in 1995)
- UC properly noticed two items for discussion and action
 - SP 1 passed 14-10 (1 abstention)
 - SP 2 passed 15-10
- Lawsuit followed, alleging that prior to the meeting Governor Wilson engaged in series of one-to-one communications with at least a quorum of his fellow trustees to discuss the two items

Serial Meetings – Example #2

Settlement Discussions...

- Community College District board holds closed session to discuss settlement with former Executive Director re her potential legal claims against agency
- During the closed session, trustees individually left the meeting and separately met with mediator in the dispute
- Board reaches settlement agreement

Best Practices to Avoid Serial Meetings

- Avoid discussing CalPERS matters with more than one other Board member outside of Board/Committee meetings
- Don't use staff/third parties to relay information with fellow Board members
- Avoid “reply all” in email chains when multiple Board members are copied
- Take care when using social media

Questions?