

# INTERAGENCY EQUITY ADVISORY COMMITTEE

## Business Meeting Tab 5 – Bagley-Keene Open Meeting Act

March 11, 2025



# Introduction to the Bagley-Keene Open Meeting Act

The public's right to open meetings is guaranteed by the Bagley-Keene Open Meeting Act and enshrined in the California Constitution



- The Bagley-Keene Open Meeting Act directs that **state body meetings are open and public**, and **all persons** are **permitted to attend** any state body meeting except as otherwise provided.
  - This includes advisory committees of state bodies.
- **Purpose:** to **allow** the **public to attend and participate** as fully as possible in a state body's decision-making.



# Bagley-Keene Open Meeting Act

“IT IS THE PUBLIC POLICY OF THIS STATE THAT **PUBLIC AGENCIES EXIST TO AID IN THE CONDUCT OF THE PEOPLE’S BUSINESS** AND THE **PROCEEDINGS OF PUBLIC AGENCIES BE CONDUCTED OPENLY** SO THAT THE **PUBLIC MAY REMAIN INFORMED.**

... THE LEGISLATURE FINDS AND DECLARES THAT IT IS THE INTENT OF THE LAW THAT **ACTIONS OF STATE AGENCIES BE TAKEN OPENLY** AND THAT THEIR **DELIBERATION BE CONDUCTED OPENLY.**

(Gov. Code, § 11120.)



# What is a “Meeting”?

Any **congregation of a majority of the members** 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**.



# Serial Meetings

- A majority of the members of a state body **cannot** use a **series of communications of any kind**, directly or through intermediaries, to discuss, deliberate, or take action on *any* item of business.
- This is known as a **serial meeting**



# Agendas & Meeting Materials

- Agendas must be posted on the Internet at least **10 days** in advance of the meeting.
- Agendas must describe **each item** of business that will be considered at the meeting.
- Descriptions should give the average person enough information to decide whether to attend or participate in the meeting and briefly describe the whole scope of the item



# Agendas & Meeting Materials

**The Committee cannot discuss a substantive item that is not on the agenda.**

Without being on the agenda:

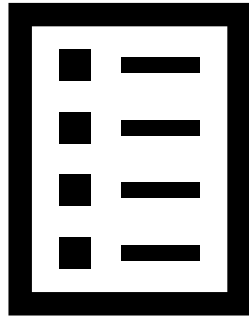
- Members may report on personal activities
- Members may ask procedural questions of staff
- Members may ask to add a business matter to a future agenda





# Agendas & Meeting Materials

How do items end up on the agenda?



- **Staff prepare an agenda** in consultation with the Chair and/or Vice Chair
- When the **Committee asks** to have an item placed on the agenda
- When the **Chair and/or Vice-Chair requests** that an item be added
- When there are **housekeeping items** (e.g., minutes approval)

# Agendas & Meeting Materials

If a document is given to a majority of members related to an item under consideration, then it **must be made available to the public.**

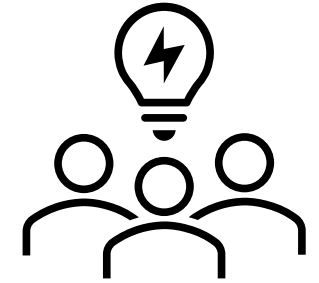


If distributed before or at the meeting, then a copy must be made available at the meeting



If distributed at the meeting by a person other than a member or staff, then the document **must be made available** to the public **after the meeting.**

# Meeting Procedures



The public must be given an opportunity to comment on each agenda item before voting on the item

Votes during a teleconferenced meeting must be done by rollcall

Chair or other person running the meeting announces any action taken by the Committee after a vote



# Incompatible Activities



# Incompatible Activities

“A STATE OFFICER OR EMPLOYEE SHALL NOT ENGAGE IN ANY EMPLOYMENT, ACTIVITY, OR ENTERPRISE WHICH IS CLEARLY INCONSISTENT, INCOMPATIBLE, IN CONFLICT WITH, OR INIMICAL TO HIS OR HER DUTIES AS A STATE OFFICER OR EMPLOYEE.”

(Gov. Code, § 19990.)



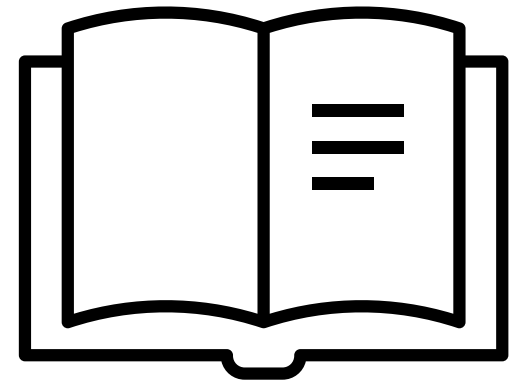
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# Incompatible Activities

State law requires each agency, department, board, etc. to develop an incompatible activities policy with certain minimum requirements to promote adherence to this mandate.

California Transportation Commission:

- Committee and Commission members **cannot use the prestige or influence of the office for private gain.**



# Incompatible Activities

Committee uses the policy of the California Transportation Commission.

- Cannot use the prestige or influence of the office for private gain.

**Example:** Belinda is an EAC member interested in attending the “Advancing Equity” conference. The tickets are \$500 but Belinda contacts the organizers and tells them she is an EAC member and wants to attend for free. Other state employees/officers are not offered free admission.



# Incompatible Activities

Receiving or accepting money or any other consideration from anyone other than the state for the performance of his or her duties as a state officer or employee.

**Example:** Wanda is a member of the EAC and an hourly employee for ABC Corporation, which is a company that consults on equity issues.

EAC meetings fall on days when Wanda is scheduled to work. Her employer pays her for the time she is at EAC meetings reasoning that it is an extension of her work.





# Incompatible Activities

Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the Commission or whose activities are regulated or controlled by the Commission under circumstances from which it reasonably could be substantiated that the gift was intended to influence the employee in his or her official duties or was intended as a reward for any official actions performed by the employee.



# Incompatible Activities

## **Example:**

Robert is a member of the EAC and has a prior professional relationship with a senior manager at the local transit agency, Dana.

The EAC is contemplating making a recommendation on transit funding. Dana treats Robert to lunch and shares with Robert the transit agency's thoughts on transit funding.



# Questions?

