



Bagley-Keene Open Meetings Act Summary

October 2022

1. What is the Bagley-Keene Open Meetings Act (Bagley-Keene)?

A California law that covers all state boards and commissions, requiring that these bodies publicly notice their meetings, prepare agendas, accept public testimony, and conduct their meetings in public unless specifically authorized by the Act.

2. Why is Bagley-Keene important?

“It is the public policy of the 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.” [\[Govt. Code section 11120\]](#)

3. General Rule of Bagley-Keene:

“All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.” [Govt. Code section 11123\(a\)](#)

4. Applicability: Is the Advisory Committee a “state body?”

Yes. “State bodies” include: “Every state board, commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.” [Govt. Code section 11121\(a\)](#). The Advisory Committee to the California Interagency Council on Homelessness is a multimember body and is created by [Welfare and Institutions Code Section 8257](#).

5. Applicability: What is a “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 to which it pertains.” [Gov. Code § 11122.5](#)

In order to call a meeting to order and conduct any votes, a majority of members must be present to meet quorum.

6. Serial Meetings

Serial Meetings are prohibited by Bagley-Keene. State law stipulates: “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 time of business that is within the subject matter of the state body.” [Gov. Code § 11122.5](#)

Serial meetings can be conducted in-person or electronically. Serial meetings can also be conducted through communications with representatives of members acting as intermediaries.

Common Types of Serial Meetings:

- *Daisy Chain* – Communicating information on a committee-related topic through a series of conversations that involve a majority of members. For example, if member A speaks to member B, who then communicates information from that conversation to member C, this would constitute a serial meeting in the case of a five-person body.
- *Spoke and Hub Communications* – When one person acts as the hub of a wheel to communicate committee-related topics to a majority of members. For example, if member A speaks to member B and then relays information from that conversation to member C, this would constitute a serial meeting in the case of a five-person body.

7. Public Notice and Agenda Requirements

- Notice of Meeting
 - Posted online at least 10 days in advance.
 - Must be provided to individuals who request notice in writing.
 - Must include date, time, and location of meeting and name, address, and telephone number of contact person for more information.
- Agenda
 - Brief description of items to be discussed at the meeting in either open or closed session.
 - Each item must be sufficiently described to allow public to determine whether to attend the meeting – a brief description is sufficient.
 - Closed session items must reference specific statutory authority for considering in closed session.
- Other Considerations
 - Notice, agenda, and supporting documents are public records and must be made available to the public.
 - Documents, when distributed to a majority of the body by any person in connection with a matter subject to consideration at a public meeting, are public records that must be made available to the public “upon request without delay.” [Govt. Code section 11125.1](#)

8. Public Participation

- Public access required online and at physical location.
- Opportunity to address the state body on all meeting agenda items and on matters not on agenda, but within the subject matter jurisdiction of the state body.

- The body can elect to consider comments from the public on any matter under the body's jurisdiction.
- No conditions may be set for attendance at or participation in a public meeting, for example:
 - Sign-in or self-identification not required
 - Cannot prohibit criticism of state body
 - May limit time per speaker, if necessary
- All meetings must comply with the Americans with Disabilities Act (ADA)
- Pandemic considerations include:
 - Sufficient to provide telephonic or virtual participation.
 - ADA accessibility must be provided through closed captioning on request.
 - Notice must provide instructions for telephonic/virtual attendance and for making public comment.

9. Voting

- Any votes must be recorded to show the vote count.
- The body may also vote by roll call vote.
- Currently, in teleconference meetings held under pandemic rules, votes MUST be by roll call.

10. What Bagley-Keene Exemptions are Currently in Place?

Shortly after the beginning of the COVID-19 emergency, the Governor issued [Executive Order N-29-20](#), which suspended the "normal" teleconference meeting requirements and allowed state and local agencies to conduct meetings completely virtually. [SB 189 \(2022\)](#), one of the Budget trailer bills signed by the Governor on June 30, 2022, extended these teleconference meeting provisions through July 1, 2023.

For more information on the Bagley-Keene Open Meetings Act, please visit the website of the Office of the Attorney General: <https://oag.ca.gov/open-meetings>.