



## MEMORANDUM

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**DATE** April 9, 2013

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**TO** Veterinary Medical Board

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**FROM** Sue Geranen Executive Officer  
DCA/Veterinary Medical Board

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**SUBJECT** **Bagley-Keene Open Meeting Requirements**

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**Background:**

The Bagley-Keene Open Meeting Act Top Ten Rules and an excerpt from the *Guide to the Bagley-Keene Open Meeting Act* has been provided for information and discussion on provisions of the Act.

The full *Guide to the Bagley-Keene Open Meeting Act* can be found at the following link:

[http://www.dca.ca.gov/publications/bagleykeene\\_meetingact.pdf](http://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf)

**Action Requested:**

Update report - no action requested.

**BAGLEY-KEENE OPEN MEETING ACT  
TOP TEN RULES  
(September 2009)**

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

1. All meetings are public. (GC §11123.)
2. Meetings must be noticed 10 calendar days in advance—including posting on the Internet. (GC §11125(a).)
3. Agenda required—must include a description of specific items to be discussed (GC §§ 11125 & 11125.1).
  - a. No item may be added to the agenda unless it meets criteria for an emergency. (GC §11125(b).)
4. Meeting is “gathering” of a majority of the board or a majority of a committee of 3 or more persons 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 (includes all persons whether or not they are board members). (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 to record topics discussed and decisions made. (GC § 11126.1).

**Closed session allowed:**

- 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. Pending litigation. (subd. (e)(1).)
- d. 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. No secret ballots or votes except mail votes on APA enforcement matters. (68 AG 65; GC §11526.)
- 9. No proxy votes. (68 AG 65.)
- 10. 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 2009 "Public Meetings" Memorandum & Attached Guide to the Bagley-Keene Open Meeting Act  
[http://www.dca.ca.gov/publications/bagleykeene\\_meetingact.pdf](http://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf)



## MEMORANDUM

**DATE:** January 14, 2013

**TO:** Executive Officers  
Executive Directors  
Registrar  
Bureau Chiefs  
Interested Parties

**FROM:**   
DONALD CHANG  
Assistant Chief Counsel  
Legal Affairs Division

**Subject:** Public Meetings (Bagley-Keene Open Meeting Act)

Attached is the 2013 Guide to the Bagley-Keene Open Meeting Act. Please note that we are just reissuing the 2012 Guide since there are no changes to the laws for 2013.

We hope you find this document helpful in answering questions you may have about the requirements of the Open Meeting Act. If you have any suggestions for ways to improve the guide in the future, please let us know.



**GUIDE TO THE**  
**BAGLEY-KEENE OPEN MEETING ACT**  
**(Includes Amendments through January 1, 2012)**

**Prepared by:**

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# BAGLEY-KEENE OPEN MEETING ACT

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