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# OPEN MEETING ACT, COMMISSION RULES

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# PUBLIC POLICY

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“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.” (Gov. Code, § 11120.)

# PUBLIC POLICY

Among Others, the Public Has the Right to:

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- A **notice** of meeting and **agenda**
- **Attend** and record (without being disruptive)
- **Comment** on each agenda item before/during commission's consideration
- **Inspect** public records distributed to member prior/during a meeting, that pertain to any item considered during meeting

# WHAT IS A STATE BODY?

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“Every state board, or commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings...” (Gov. Code, § 11121)

# COMMITTEES ARE STATE BODIES

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- Committee/multimember body exercises authority of state body delegated to it.
  - **Exception:** Advisory Committee with less than three persons without any delegated final authority.
- Committees/subcommittees require notice and open to the public.

# MEETINGS SUBJECT TO THE OMA

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**Meeting:** “[A]ny 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.” (Govt. Code § 11122.5)



# IF THERE IS A MEETING, THERE MUST BE NOTICE

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## Meeting Notice:

- Post/sent at least 10 (calendar) days\* in advance of meeting
- Provide time and location\*
- Include agenda
- Notify, if meeting is webcast
- Provide location of teleconference

# IF THERE IS A NOTICE, THERE MUST BE AN AGENDA.

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- If an item is not on the agenda, the board or commission will not hear, discuss, or deliberate on it.
- The board or commission should briefly describe items of business to be addressed.



# RULES FOR OPEN SESSION

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- Business items are conducted in **open session**, unless a closed session is authorized by law.
- A state body must allow for public comment on each item and:
  - Allot reasonable time for comment
  - Allow non-English speakers 2x long for translator
- Must vote openly on action items.

# RULES FOR CLOSED SESSION

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- Must be authorized by law.
- Chair must announce reason for convening closed session – mirror reasons on agenda.

# RULES FOR CLOSED SESSION

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Notice must include citation to authority:

- Personnel Matters
- Pending litigation
- Agency Security Matters

# CLOSED SESSION AUTHORITY

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- Personnel- Includes appointment, employment, performance, evaluation, discipline, or dismissal of employee.
- Pending Litigation- Includes exposure to litigation or initiating litigation.
- Agency Security Matters- Includes threat of activity to its electronic data affecting safety or security.

# Penalties

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- Decision or Action Invalidated
- Misdemeanor