



## **California High-Speed Rail** **BRIEFING: SEPTEMBER 21, 2021 Agenda Item #3**

**TO:** Board Chair Richards and Board Members

**FROM:** Alicia Fowler, Chief Counsel

**DATE:** October 21, 2021

**RE:** Bagley-Keene Open Meeting Act Training

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### **Summary**

Staff will present a training session on the Bagley-Keene Open Meeting Act for the Board.

### **Background**

This training will endeavor to provide the Board with a reminder of the various policy reasons for the Bagley-Keene Act and the rules that govern the Authority's Board meetings under the Act. The overarching policy reason for the Act is to ensure that state agencies conduct the people's business openly.

Section 11120 sets forth the purpose of the law:

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. In enacting this article 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. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

Each board has essentially three duties under the Open Meeting Act. First, to give adequate notice of meetings to be held, along with the items of business to be discussed at such meetings. Second, to provide an opportunity for public comment on each item of business. Third, to conduct such meetings in open session, except where a closed session is specifically authorized.

### **Prior Related Board Action**

All actions taken by the Board are under the Bagley-Keene Open Meeting Act. The Board receives a Bagley-Keene Open Meeting Act Guide each year to ensure the Board is aware of any recent changes to the Act and to ensure each Board member has a copy of the Act.

**Discussion**

The Bagley-Keene Open Meeting Act, set forth in Government Code sections 11120-11132, covers all state boards and commissions. Generally, it requires boards to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session. The requirements of the Act can, at times, be frustrating for board members and can feel inefficient, but the Legislature has deemed efficiency less important than consensus. Consensus is gained by bringing together a group of individuals with a variety of experiences, backgrounds and viewpoints to develop policy. This consensus is developed through public debate, deliberation and give and take. And under the Act, consensus is built by giving the public a voice in the conversation. These two important ideas – group consensus and public dialogue -- explain many of the particular rules that exist in the Act.

The training being presented to the Board will address the rules the Authority needs to follow to ensure we are meeting the Legislature’s requirements, and provide time for questions and discussions about those rules.

**Legal Approval**

The Legal Office is presenting this training and approves of the materials presented.

**Budget and Fiscal Impact**

This is an informational item on the Bagley-Keene Act, and by itself, does not have a budget or fiscal impact.

| <b>REVIEWER INFORMATION</b>  | <b>SIGNATURE</b>                     |
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| Reviewer Name and Title:<br>Brian Annis<br>Chief Financial Officer | Signature verifying budget analysis: |
| Reviewer Name and Title:<br>Alicia Fowler<br>Chief Counsel         | Signature verifying legal analysis:  |

**Recommendations**

This is an informational item.

**Attachments**

Training materials