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To: Board Members

Date: January 27, 2017

From: Kurt Heppler
Legal Counsel

Telephone: (916) 575-7170

Subject: **Agenda Item 11 – Bagley Keene-Open Meetings Act, Ethics and Conflict of Interest Training Summary**

Please see the attachment from the Board's Legal Counsel, Kurt Heppler, who will provide a presentation during the meeting.

Welcome to the World of Mnemonics

Those little tools we use to help us remember things—
Like how the Open Meeting Act works

The Planets of Solar System?

- **My Very Educated Mother Just Served Us Nachos**
 - Mercury
 - Venus
 - Earth
 - Mars
 - Jupiter
 - Saturn
 - Uranus
 - Neptune

The Seven Continents?

- Always Eat an Apple, Says a Nurse!
 - Asia
 - Europe
 - Australia
 - Africa
 - South America
 - Antarctica
 - North America

A Mnemonic for Complying With the Open Meeting Act ?

- Right Now, Let's Take A Trip to

PIANO CAMP!

Public

- The Public Has These Rights:
 - Right to attend and record (without being disruptive)
 - Right to comment on Board actions
 - Right to copy and inspect records

Internet

- Meetings Are Webcast with Increasing Frequency
- Plenty of people are watching
- Historical Record of the Proceeding(s) That Never Goes Away
- Does Perception Equal Reality?

Agenda

- Brief but specific description of the matters to be considered
 - The Reasonable Test
- No “Old or New Business”
- A sword and a shield
 - General Rule – If an item isn’t on the agenda, the board can’t talk about it or take action on it

Notice

- Posted at least 10 days in advance of the meeting
- Set forth the time and location of the meeting, as well a contact person in the event more information is needed.
- For a teleconference meeting, locations must be specified and these locations must be accessible to the public and ADA-compliant

Open Session

- Business conducted in open session unless closed session authorized by law
- Reasons for closed session
 - Matters under the Administrative Procedure Act
 - Examinations—prepare, grade, approve, or administer
 - Executive Officer Personnel Matters
 - But Not Because an Item is Controversial or Embarrassing

Communications

- Board Decisions Are Made at Board Meetings
 - Can't use serial or 'hub-and-spoke' communication methodologies to discuss, deliberate or take action on Board business
 - The OMA permits contacts or communications between a member of a state body and one other person
 - A Cautionary Tale of Making New Friends

Ask Your Counsel

- Have a Question?
- You Can Always Ask Us
- In Fact, We WANT You to Ask Us!

Meetings

- It is Complicated
- Definition of a Meeting: “Includes 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.”
- But Note: Committees and Subcommittees need to be noticed and open to the public.
- Exception – Advisory Committee with less than three persons without any delegated authority

Penalties

- Decision or Action Invalidated
- Misdemeanor

Some Additional Thoughts

- Recordation Of Votes – A Change
- Technology – The Same but Different
 - Opening Meeting Statement
- Teleconference Meetings
 - Accessibility
 - Signage
 - Authorization

The End

- Questions?
- Comments?