

Vehicle Code Section 2429.7 Task Force Bagley-Keene Open Meeting Act Overview

1. All meetings are public. Govt. Code section 11123.

A “meeting” occurs when a majority of the task force or a majority of a committee of three or more persons gathers at the same time in the same place or is joined telephonically or corresponds by email to hear, discuss or deliberate task force business or where the members are receiving information regarding task force business. Govt. Code section 11122.5.

All meetings must be accessible to the disabled.

A teleconference includes any meeting in which members of the task force are at different locations and connected by electronic means, through either audio or both audio and video. Govt. Code section 11123 (b)(2). The public must have access to each teleconference location.

Teleconference meetings also require:

- That all portions be audible to the public,
- That an agenda is posted at each teleconference location,
- Specification of each telephone conference location in the notice and agenda,
- The physical presence of at least one member of the task force at each teleconference location,
- An opportunity for members of the public to address the state body directly on each agenda item at each teleconference location, and
- Roll call votes.

The public meeting requirements apply to meetings of committees and subcommittees comprised of three or more persons.

Direct communication or communication of task force members through intermediaries or by use of technological devices to develop a collective concurrence as to an action to be taken by the task force are prohibited outside of an open, publically-noticed meeting. Govt. Code section 11122.5(b)

2. All Meetings Require Notice

Notice must be given to the public at least 10 days before the meeting. Govt. Code section 11125. Notice must be made available on the Internet at least 10 days before the meeting and must include:

- The time, date, and place of the meeting.
- A specific agenda for the meeting. No items may be added to the agenda subsequent to notice of the meeting.
- The name, address, and telephone number of a person who can provide further information prior to the meeting.
- For teleconference meetings, a list of every teleconference meeting location.
- The address of the Internet site where notices required by the Act are made available.

- Information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation including auxiliary aides or services. For example:

“This meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting [name] at [telephone number] or sending a written request to that person at [address]. Providing your request at least five (5) business days before the meeting will help insure the availability of the request accommodation.”

A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the task force. Govt. Code section 11125(a).

3. All Meetings Require an Agenda

The agenda must contain a brief but informative description of all items of business to be transacted or discussed in open or closed session and provide members of the public with enough information to allow them to decide whether to attend the meeting or to participate in that particular agenda item. Govt. Code section 11125(b).

No item may be added to the agenda unless it meets the criterion for an emergency. Govt. Code section 11125.

No non-agenda item raised by a member of the public may be discussed by the task force except to the extent necessary to determine whether the topic should be made an agenda item at a future meeting. Govt. Code section 11125.7

4. The Public Have Right to Speak At the Meeting

Public comment must be allowed on agenda items before or during discussion of the item and before a vote is taken unless,

- The public was provided an opportunity to comment on an item at the previous committee or board meeting and the item has not substantially changed.
- The subject matter is appropriate for closed session.

The task force may adopt regulations to limit the total time allocated for public comment on particular issues and/or to each speaker; however the limit must be doubled for a member of the public who requires a translator. Govt. Code section 11125.7(b)

The task force cannot prohibit public comment that is critical of the task force. Govt. Code section 11125(d).

The task force can order the meeting room cleared and continue in session in the event any meeting is willfully interrupted so as to render orderly conduct of the meeting unfeasible and

such that order cannot be restored. A procedure can be established for readmitting individuals not responsible for willfully disturbing orderly conduct of the meeting. Members of the media not participating in the willful disturbance shall be allowed to attend. Govt. Code section 11126.5.

5. Written Materials Must Be Made Available to the Public

Written materials, except confidential writings, that are distributed to the task force must be made available to the public. Govt. Code section 11125.7

- Materials provided or distributed either before or during a meeting and related to any item on the agenda must be made available to the public at the meeting, unless the written materials are confidential.
- Materials distributed prior to the meeting must be made available for public inspection at the time of distribution.
- Materials must be made available in alternative formats as required by the ADA upon request from a person with a disability.
- A direct duplication cost may be charged for the materials.

6. Recording the Meeting

The task force may record its meetings. Recordings must be retained for 30 days and, upon request, be made available for public review on equipment furnished by the task force. Govt. Code section 11124.1(a).

The public may record and the media may broadcast a meeting of the task force so long as the recording and/or broadcast is not disruptive of the meeting. Govt. Code section 11124.1(b) and (c).