THE BAGLEY-KEENE OPEN MEETING ACT
PURPOSE

➢ To allow the public to be informed about the proceedings of public agencies
➢ To ensure that state actions and deliberations be open to the public
➢ To ensure that the public has input into decision-making
ESSENTIAL REQUIREMENTS

- The public must be provided with reasonable notice about the location, timing and content of CIC meetings
- The CIC must meet and discussion decisions together in a public location
- Communications between members concerning issues to be considered by the CIC should only occur at public meetings
- Communications or discussions with third parties or other committee members must generally be disclosed at the CIC meeting
WHAT IS A “MEETING”?

- Any congregation of the majority of the members of the CIC to hear, discuss or deliberate on an issue within the jurisdiction of the committee.
- Any communication between or among a majority of the CIC members on an issue that is within their jurisdiction.
  - Includes e-mail exchanges, telephone calls.
  - Includes communications through a third-party.
- Does not include conferences open to the public where CIC members are present as long as CIC business is not discussed by a quorum of CIC members.
- Does not include contacts by third-parties that are not initiated by the CIC members.
REMEDY FOR VIOLATION:

- Prior action has no legal effect
- Action has to be taken (again) at a noticed meeting that is open to the public
PUBLIC RECORDS ACT AND LITIGATION HOLDS

• Virtually all hard-copy and electronic records related to the CIC are open to the public upon request
  • Includes e-mail and other electronic messaging

• Litigation Hold
  • Established by attorney
  • Covers all items
  • Does not expire
  • Can include items saved on home computers and hand-held devices
CONFLICTS OF INTEREST

- Potential financial conflicts of interest are reported under the Fair Political Practices Act on the Form 700
- Members should disclose any other potential conflicts at the meeting prior to participating in a related action
  - Alternative is for the member to recuse from discussion and voting on a particular issue
Questions?