

EAC ORIENTATION


Presented by:

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TOPICS

- » BAGLEY-KEENE OPEN MEETING ACT &
- » INCOMPATIBLE ACTIVITIES POLICY

Please hold questions to the end of the presentation. For questions regarding individual circumstances, please have staff connect you with Ms. Salisbury after the meeting to arrange for a separate discussion.



BAGLEY-KEENE OPEN MEETING ACT



“ 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.

... 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.

(Gov. Code, § 11120.)

For any decision regarding a meeting or information sharing that is not directly addressed by the Act, the decision should support open and public access.


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WHAT IS A “MEETING”?

Any congregation of a majority of the members 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.

Note: A majority of the members of a state body cannot use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business. Staff can provide information to members and gather information from members but cannot share with members what other members have said.

AGENDAS & MEETING MATERIALS

- Agendas must be posted on the Internet at least 10 days in advance of the meeting.
 - Agendas must describe each item of business that will be considered at the meeting.
 - Descriptions should give the average person enough information to decide whether to attend or participate in the meeting and describe the whole scope of the item but not be too wordy.
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AGENDAS & MEETING MATERIALS


The Committee cannot discuss a substantive item that is not on the agenda.

Without being on the agenda

- Members may report on personal activities
- Members may ask procedural questions of staff
- Members may ask to add a business matter to a future agenda

AGENDAS & MEETING MATERIALS

How do items end up on the agenda? This is not defined by Bagley-Keene but can occur


- When the Committee asks to have an item placed on the agenda
 - When the Chair and/or Vice-Chair requests that an item be added
 - When Staff recommend to the Chair and/or Vice-Chair that an item be added
 - When there are housekeeping items (e.g., minutes approval)
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AGENDAS & MEETING MATERIALS

If a document is given to a majority of members related to an item under consideration, then it must be made available to the public.

- If distributed before or at the meeting, then a copy must be made available at the meeting
- If distributed at the meeting by a person other than a member or staff, then the document must be made available to the public after the meeting.

MEETING PROCEDURES

- The public must be given an opportunity to comment on each agenda item before voting on the item
 - Votes must be done by rollcall
 - The Chair or other person running the meeting should announce any action taken by the Committee after a vote
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INCOMPATIBLE ACTIVITIES POLICY



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A STATE OFFICER OR EMPLOYEE SHALL NOT ENGAGE IN ANY EMPLOYMENT, ACTIVITY, OR ENTERPRISE WHICH IS CLEARLY INCONSISTENT, INCOMPATIBLE, IN CONFLICT WITH, OR INIMICAL TO HIS OR HER DUTIES AS A STATE OFFICER OR EMPLOYEE.

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(Gov. Code, § 19990.)

State law requires each agency, department, board, etc. to develop an incompatible activities policy with certain minimum requirements to promote adherence to this mandate.

INCOMPATIBLE ACTIVITIES

Committee uses the policy of the California Transportation Commission.

- Cannot use the prestige or influence of the office for private gain.

Example: Belinda is an EAC member interested in attending the “Advancing Equity” conference. The tickets are \$500 but Belinda contacts the organizers and tells them she is an EAC member and wants to attend for free. Other state employees/officers are not offered free admission.

INCOMPATIBLE ACTIVITIES

- Receiving or accepting money or any other consideration from anyone other than the state for the performance of his or her duties as a state officer or employee.

Example: Wanda is a member of the EAC and an hourly employee for ABC Corporation, which is a company that consults on equity issues. EAC meetings fall on days when Wanda is scheduled to work. Her employer pays her for the time she is at EAC meetings reasoning that it is an extension of her work.

INCOMPATIBLE ACTIVITIES

- Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the Commission or whose activities are regulated or controlled by the Commission under circumstances from which it reasonably could be substantiated that the gift was intended to influence the employee in his or her official duties or was intended as a reward for any official actions performed by the employee.

Example: Robert is a member of the EAC and has a prior professional relationship with a senior manager at the local transit agency, Dana. The EAC is contemplating making a recommendation on transit funding. Dana treats Robert to lunch and shares with Robert the transit agency's thoughts on transit funding.

QUESTIONS?

