

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 DART IC meetings
- The DART IC must meet and discussion decisions together in a public location
- Communications between members concerning issues to be considered by the DART IC should only occur at public meetings
- Communications or discussions with third parties or other committee members must generally be disclosed at the DART IC meeting



WHAT IS A “MEETING”?

- Any congregation of the majority of the members of the DART IC to hear, discuss or deliberate on an issue within the jurisdiction of the committee
- Any communication between or among a majority of the DART IC 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 DART IC members are present as long as DART IC business is not discussed by a quorum of DART IC members
- Does not include contacts by third-parties that are not initiated by the DART IC 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 DART IC 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?

