

**SUMMARY OF KEY OPEN MEETING ACT PROVISIONS
FOR THE UNIVERSITY OF CALIFORNIA
August 2010**

KEY PROVISIONS	Cal. Gov't. Code Section	Cal. Ed. Code Section
<p>POLICY STATEMENT Open Meeting Acts embody the state policy that public bodies exist to serve the public and that their deliberations and actions should be conducted openly so that the public may remain informed.</p>	11120	
<p>APPLICABILITY TO UC The Bagley-Keene Act (Cal. Gov't. Code §§11120-11132) which applies to meetings of state agencies is applicable to meetings of the UC Board of Regents except where specific Education Code provisions provide otherwise. The most significant exceptions are enumerated in Ed. Code §92032(b) listing matters the Regents may consider or discuss in closed session which include some provisions unique to the University. The Ed. Code also sets forth provisions for notice of special meetings of the Regents. Notice requirements for regular or emergency meetings of the Board are as set forth in the Bagley-Keene Act.</p>		92020 et seq.
<p>COVERAGE EXTENDS ONLY TO REGENTS Open Meeting Act requirements apply to the Board of Regents, and to standing and special committees and subcommittees of the Board. The requirements also apply to any advisory body that addresses compensation, was created by the Regents or a member, and is made up of one or more non-ex-officio regents.</p>		92020
<p>MEETINGS ARE CONSIDERED:</p>		
<p>Any congregation of a majority of the Board members or members of a committee to hear, discuss or deliberate upon an item within the Board's jurisdiction. Serial meetings are prohibited, and this includes serial deliberations via email.</p>	11122.5(a)	

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ARE NOT CONSIDERED MEETINGS:		
Individual contacts between Board members and others which do not constitute serial meetings.	11122.5(c)(1)	
Attendance at conferences and other gatherings open to the public so long as a majority of the members do not discuss among themselves business under the Board's jurisdiction.	11122.5(c)(2) (3)(4) and (6)	
Attendance at social or ceremonial events where no specific Board business is discussed among a majority of the members.	11122.5(c)(5)	
TELECONFERENCE MEETINGS Teleconference meetings may be held under carefully defined conditions. The meeting notice must identify all teleconference locations, and each location must be accessible the public. Roll call votes are required.	11123	
TAPING OR BROADCASTING Broadcast, audio-recording or video-recording must be allowed so long as it does not persistently disrupt the meeting, such as noise, illumination or obstructing views.	11124.1	
PUBLIC RIGHTS:		
Non-Discriminatory Facilities. Meetings and other functions may not be held in a facility that excludes persons on the basis of ancestry, race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, disability or any perception that one has these characteristics or association with another who does. Functions must not be conducted in a facility inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.	11131; 11135	
Copy of Recording. The public may obtain a copy, under the Public Records Act, of a recording made by the Board of its open sessions and may examine the recording at no cost on the University's equipment.	11124.1	
Public Testimony. The public may comment on agenda items before or during consideration by the Board. Under The Regents' policies, the public also is allowed to comment on other matters under the Board's jurisdiction.	11125.7	

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Public Records. Materials provided to a majority of the Board which are not exempt from disclosure under the specific exemptions of the Public Records Act must be provided, upon request, to members of the public without delay.	11125.1	
Conditions on Attendance. The public may not be asked to register or identify themselves or to pay fees in order to attend public meetings	11124	
MEETING DISRUPTION Willful disruption of a meeting by a group or groups of persons will permit clearing the public out of the room under appropriate circumstances. The Board may continue its meeting by permitting attendance only by those not responsible for the disruption. Members of the press/media must be allowed to attend except those participating in the disturbance.	11126.5	
REQUIRED NOTICES AND AGENDA:		
Regular Meetings. Notice and agenda containing a brief general description (generally no more than 20 words in length) of each matter to be considered or discussed must be provided and posted on the Internet at least 10 days in advance of a meeting.	11125	
Special Meetings. Seventy-two hour notice must be provided to the public and media outlets including specification of the time, place and agenda.		92032 (a)
Emergency Meetings. One-hour notice is generally required in case of work stoppage, other activity or crippling disaster that severely impairs public health or safety. If telephones are down, advance notice is waived but later notice is required.	11125.5	
Closed Session Agendas. All items to be considered in closed session must be described in the notice or agenda for the meeting. They must also include citation to specific statutory authority for consideration in closed session.	11125(b)	
Agenda Exception. Special procedures permit the Board to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action comes	11125.3	

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to the attention of the Board after posting of the agenda. Forty-eight hour notice to the public and to media outlets is required.		
Notice Exception. Notice is not required for meetings of search committees to interview candidates for University officer positions.		92032 (g)
CLOSED MEETING ACTIONS At an open session following a closed session, the body must report on final action taken in closed session to appoint, employ or dismiss an employee.	11125.2	
CLOSED SESSION MEETINGS:		
Personnel Exemption. The Board may conduct a closed session to interview or to consider appointment, employment, evaluation of performance, discipline or dismissal of UC officers or employees. However, the vote on matters involving compensation for certain high level executives must be held in Open Session. Consideration of complaints or charges against officers or employees may be conducted in closed session unless the employee requests to have it open.		92032(b)(7)(8) and (g)
Pending Litigation. Closed sessions are permitted to discuss litigation when open session would be detrimental to the public interest.		92032(b)(5)
Property. The Board may meet in closed session to consider acquisition or disposition of real property if open session would adversely affect terms/conditions the Board deems in the best public interest.		92032(b)(6)
Gifts/Bequests/Investments. Matters involving gifts, devises and bequests as well as the purchase and sale of investments for endowment or pension funds, may be addressed in closed session.		92032(b)(3)(4)
Honorary Degrees. The conferring of honorary degrees or other honors or commemorations may be considered in closed session.		92032(b)(2)
National Security. Matters affecting the national security may be addressed in closed session.		92032(b)(1)
Medi-Cal Contract Negotiations. Committees may hold		92032(d)

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closed sessions to address Medi-Cal contract negotiations.		
Nominating Committee. The Regents nominating committee may propose Board officers and committee members in closed sessions. Committees to select a student Regent may do so in closed sessions.		92032(e), (f)
Collective Bargaining. Consideration of UC's position respecting meeting and conferring or regarding any matter within the scope of representation may be held in closed session.	3596(d)	
Threats of Criminal or Terrorist Activity. The Regents may meet in a closed session to consider threats or potential threats of criminal or terrorist activity against personnel, property, facilities or data where disclosure would impede safety or security.	11126(c)18A	
Draft BSA Audit Report. Closed session is permitted to consider the response to a confidential draft audit report from the Bureau of State Audits	11126.2	
REMEDIES AND SANCTIONS:		
Civil Remedies. Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act.	11130; 11130.3	
Costs and attorneys' fees are available to prevailing plaintiffs.	11130.5	
Criminal Sanctions. The district attorney may seek misdemeanor penalties against a Board member who attends a meeting where action is taken in violation of the Act, and where the member intended to deprive the public of information which the member knew or had reason to know the public was entitled to receive.	11130.7	
NEW BOARD MEMBERS:		
Distribution of Open Meeting Act. New Board members must be provided a copy of the Bagley-Keene Act, as well as a copy of the UC provisions.		92033
Immediate Application of Open Meeting Act. Board members appointed who have not yet assumed the duties of office are covered by Open Meeting Act provisions.	11121.95	

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