



## **California High-Speed Rail** **BRIEFING: MARCH 6, 2025 Agenda Item #2**

**TO:** Board Chair Richards and Board Members  
**FROM:** Kendall Bonebrake, Assistant Chief Counsel  
**DATE:** March 6, 2025  
**RE:** Bagley-Keene Open Meeting Act Training

---

### **Summary**

Staff will present a training session on the Bagley-Keene Open Meeting Act for the Board.

### **Background**

This training will endeavor to provide the Board with a refresher of the various policy reasons for the Bagley-Keene Act and the rules that govern the Authority's Board meetings under the Act. The overarching policy reason for the Act is to ensure that state agencies conduct the people's business openly.

Section 11120 of the Government Code sets forth the purpose of the law:

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. In enacting this article 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. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

Each board has essentially three duties under the Open Meeting Act. First, to give adequate notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized.

### **Prior Related Board Action**

All actions taken by the Board are under the Bagley-Keene Open Meeting Act. The Board receives a Bagley-Keene Open Meeting Act Guide each year to ensure the Board is aware of any recent changes to the Act and to ensure each Board member has a copy of the Act.

## **Discussion**

The Bagley-Keene Act, set forth in Government Code sections 11120-11132, covers all state boards and commissions. Generally, it requires boards to publicly notice their meetings, prepare agendas, permit public testimony and conduct all meetings in public unless specifically authorized by the Act to meet in closed session. The requirements of the Act can, at times, be frustrating for board members and can feel inefficient, but the Legislature has deemed efficiency less important than consensus and transparency. Consensus is gained by bringing together a group of individuals with a variety of experiences, backgrounds and viewpoints to develop policy. This consensus is developed through public debate, deliberation and give and take. And under the Act, consensus is built by giving the public a voice in the conversation. These two important ideas – group consensus and public dialogue – explain many of the particular requirements in the Act.

The training being presented to the Board will address the rules the Authority must follow to ensure we are meeting the Legislature's requirements, as well as highlight other laws that promote the same values of transparency and fairness. There will also be time for questions and discussion.

## **Legal Approval**

The Legal Office is presenting this training and approves of the materials presented.

## **Budget and Fiscal Impact**

This is an informational item on the Bagley-Keene Act, and by itself, does not have a budget or fiscal impact.

<b>REVIEWER INFORMATION</b>	<b>SIGNATURE</b>
Reviewer Name and Title: Jamey Matalka Chief Financial Officer	Signature verifying budget analysis: <b>Original signed on 2/21/25</b>
Reviewer Name and Title: Tom Fellenz Acting Chief Counsel	Signature verifying legal analysis: <b>Original signed on 2/21/25</b>

## **Recommendations**

This is an informational item.

## **Attachments**

Training materials