

BOARD OF PODIATRIC MEDICINE OPEN MEETING ACT IN PRACTICE

**DIANNE DOBBS, ATTORNEY III
SEPTEMBER 18, 2015**

TOP TEN RULES

Basic Rule: Openness

All actions of state agencies must be taken openly and deliberations must be conducted openly, unless specifically exempted by law.

GC section 11120

RULE NO. 1

All Meetings Are Public:

How public is public?

Members of the public must be free to attend and participate in all meeting, except closed sessions.

No requirement to sign in or identify themselves.

Must be able to hear all discussions and must be given an opportunity to comment on each agenda item prior to vote.

GC section 11123

RULE NO. 2

Meetings must be noticed 10 calendar days in advance—including posting on the Internet.

GC sections 11125

RULE NO. 2, CONT'D

Exercise -Is notice proper?

1. Consideration of Board Per Diem Policy is listed on then agenda. During the discussion, a member makes a motion to direct staff to modify the website. Yes__ No__
2. The agenda for the 9/18 meeting is posted on 9/8. On 9/15 a member has an emergency and wishes to attend the meeting by teleconference. The EO amends the agenda and adds the teleconference site and reposts the agenda on 9/15. Yes__ No__
3. After the agenda is posted, a bill of great importance to the board is introduced. May the members discuss the bill? Yes__ No__
4. Agenda item is listed as, 'Approval of CE Provider'. At the meeting the board also votes on broad areas that will be accepted as CE. Proper notice? Yes____ No____

GC section 11125

RULE NO. 3

Meeting Agenda required and must include a description of specific items to be discussed.

-No item may be later added unless it meets criteria for an emergency.

**GC sections 11125,
& 11125.1**

RULE NO. 4

A meeting is a gathering of a majority of the board or a majority of a committee of 3 or more persons where board business will be discussed. This includes telephone, text and e-mail communications.

GC sections 11125

RULE NO. 4, CONT'D

All Meetings Are Public:

You have a meeting if there is discussion of board business and you have either a gathering of:

- a majority of the board;
- a majority of a committee of 3 or more;

NOTE: an email or telephone conversation that meets this criteria is a meeting

GC section 11122.5

RULE NO. 4, CONT'D

Exercise -Is this a meeting?

1. Two members of the board's 2 member legislative committee meet at the office of Senator Z to discuss the board's sunset bill. Yes__ No__
2. Member 'A' e-mails member 'B' to ask a question on the latest disciplinary mail ballot case. Yes__ No__
3. Member 'B' then calls member 'C' about Member 'A's conversation and they agree on how to vote. Member B then calls D and shares A and C's conversations. Yes__ No__
4. At a conference 4 members of a 7 member board engage in discussion of criteria for the board's CE regulations. Yes__ No__
5. The Enforcement Committee is made up of 3 members. Member X , not a member of this committee, obtains the materials for the next committee meeting and contacts the members with her thoughts. Yes__ No__

GC section 11122.5

RULE NO. 5

The definition of a meeting applies to a committee, subcommittee, and task forces that consist of 3 or more persons (including all persons whether or not they are board members).

GC sections 11121

RULE NO. 6

Public comment **MUST** be allowed on open session agenda items before or during discussion of **EACH** item and **BEFORE** a vote, unless:

- The public was provided an opportunity to comment at a previous committee meeting of the board, where the committee consisted exclusively of board members. If the item has been substantially changed, another opportunity for comment must be provided.

GC sections 11125.7

RULE NO. 7

Closed session allowed for reasons enumerated in GC section 11126 only. They including but are not limited to:

- Discuss and vote on disciplinary or enforcement matters under the APA;
- Prepare, approve or grade examinations;
- To consider matters posing a threat or potential threat of criminal or terrorist activities against state employees, property or interest controlled by the board;
- to confer with or receive legal advice from its legal counsel regarding pending litigation; or
- Appointment, employment, or dismissal of executive officer unless the EO requests such action be held in public.

GC sections 11126

RULE NO. 8

No secret ballots or votes except mail votes on APA enforcement matters.

GC section 11526

Body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

GC sections 11123

RULE NO. 9

There shall be no proxy votes.

GC sections 11123

68 AG Opn 65

RULE NO. 10

Teleconference meeting allowed if:

- Suitable audio or video used such that meeting is audible to those present at designated location(s);**
- Rules of notice and agenda observed;**
- Each location must be listed and must be open to the public and at least one board member must be physically present at every noticed location.**
- All members must attend at a public location;**
- Emergency meeting closed session not allowed.**

GC sections 11123

QUESTIONS