

MASS MEDIA AND SOCIETY

Open Meeting Law in California

When we elect officials to represent us, we want them to conduct their business in the open. We don't want them passing Draconian laws or voting themselves big pay raises behind closed doors. So we pass open meeting laws, sometimes referred to as "sunshine laws" because we expect them to conduct business in the public light.

These laws affect the media because it is the media who are most likely to attend meetings of school boards, city councils, county boards of supervisors and legislators and report the results to us. But the laws affect all of us.

In California we have four such laws affecting different governmental bodies:

- The Grunsky-Burton Open Meeting Law -- Covers the state legislature
- The Bagley-Keene State Agency Law -- Covers various state agencies
- The University of California Regents rule -- Covers the UC Regents, the "school board" for the university system.
- The Ralph M. Brown Act -- Covers thousands of local and county boards and commissions.



The Grunsky-Burton Open Meeting Law

The Grunsky-Burton Open Meeting Law is the youngest of the four California laws and applies to the state legislature and many of its committees. It requires that meetings of these groups be open to the public.

But as is common with all of the laws, there are exceptions to the general rule of open meetings. For example, the legislature and its committees may conduct closed-door meetings to discuss the appointment or dismissal of employees or committee members. The theory for this is that in discussing the pros and cons of personnel reputations could be damaged or important discussions self-censored if they were held in public. The concept of protecting the reputations of personnel is common in all the laws.

Other exceptions include:

- **Party caucuses** -- Representatives of different parties can get together behind closed doors to discuss strategies on adopting new laws. Of course, in what is essentially a two-party system where one group represents a majority, this rule can defeat the purpose of the open meeting law. The party in majority can get together and secretly decide how and why to vote for a law rather than hold these discussions in public.

- **Safety and security** -- Groups can meet with security officials to discuss security matters. This makes sense. No security system is completely foolproof. If the bad guys knew what measures were in place it would help them thwart safety.
- **Resolve language differences** -- In California's bicameral political system the State Assembly and State Senate can each initiate laws. It is inevitable that they will pass similar, but different laws before they can be sent to the governor for approval. Committees representing both houses are put together to take these similar-but-different bills and iron out language differences. While it might be interesting to see these compromises take place, if legislators had to do it in public too much grandstanding might take place.

The Bagley-Keene State Agency Law

The Bagley-Keene State Agency Law applies to most state agencies, such as the Department of Motor Vehicles, Franchise Tax Board, Alcoholic Beverage Control Board, Public Utilities Commission, etc. Each of these agencies has an appointed or elected board that sets policies for the agency. When these boards meet, they must do so in public meetings.

There are a number of exceptions to the open meeting rule, but many of them apply to just one board. For instance, in setting policy for interpreting state income tax law, the Franchise Tax Board might have to discuss specific tax returns. For the protection of the taxpayer's privacy, portions of that discussion might have to be conducted behind closed doors.

All of the agencies are required to meet in private to discuss the hiring and firing of employees. The actual votes to hire or fire must be publicly announced, but the discussions of how and why to vote can take place privately.

The University of California Regents rule

The smallest of the laws applies to just one group: The University of California Regents, which serves as the school board for the 11-campus UC system. It does not include the California State University system.

The UC regents largely are politicians or political appointments. When decisions of policy, such as the controversial decision to drop affirmative action guidelines in selecting applicants for admission, or the setting of tuition fees, are made, they must be done in public.

Exceptions include:

- **Pending law suits** -- When the regents are sued, just as you and I may, they are allowed to meet privately with their attorneys to discuss legal strategies.
- **National security** -- The UC system has a number of research contracts with the federal government where elements of national security are involved. When the regents discuss these contracts or reports of the research results, they do so behind closed doors.
- **Personnel decisions** -- Just like the other laws, the hiring and firing of teachers and other personnel can be discussed behind closed doors.

The Ralph M. Brown Act

The most comprehensive of the laws is the Ralph M. Brown Act, which applies to elected county and local boards, commissions, and councils and their appointed committees. It includes:

- Boards of supervisors
- City councils
- School boards
- Planning commissions
- Tax district boards

The act requires these and other groups to hold meetings in regular public places at regular times. Agendas for the meetings must be posted at least 72 hours in advance in regular places accessible to the public. The agendas must contain adequate detail that makes it clear what will be discussed and what kinds of decisions may be made. And members of these groups may not add action or discussion items to the agenda at the last minute except under rare circumstances.

Meetings can be called with less than 72 hours advanced notice under special circumstances.

The groups may hold closed meetings, called executive sessions or personnel sessions, but must record their closed meetings in case they are later challenged. While hiring and firing of personnel, security and attorney meetings to discuss pending law suits are the only listed exceptions to open meetings, some bodies have other exceptions. For instance, the California labor relations law requires that negotiations with employee groups be conducted in private. The results of those negotiations must be adopted in public, however.

Some elected officials find the regulations to be limiting. One school board member I know referred to the Brown Act as the "Let's Discourage People From Running for Public Office Act." But the public demands that their business be done in the open. And weekly various groups look for creative ways to conduct business in private. For some examples, you might want to check out the web site of the California First Amendment Coalition at www.cfac.org.

Reading Assignment

You should be reading the chapter on media law in your textbook to get more information about media law and the First Amendment.

Exercise

What does the Ralph M. Brown Act require?

Note that when submitting the answer start the subject line with:

J100x - YourLastName - Meetings

Send to rcameron@cerritos.edu