

California Agricultural Land Equity Task Force

Presentation Slides

October 30, 2023, 2:00 – 5:00 PM

Sacramento State, Downtown Campus & Online

Participation Guidelines

Share,
Listen, Learn

Respect Different
Perspectives

Stay on Point

Public Comment Process

IN PERSON

- Submit the public comment card on the front table
- Separate form for each item
- Listen for your name and line up by the podium
- Staff will call your name to the podium
- Please adhere to time limit determined by the Chair (2 minutes)

VIRTUAL

- Complete form at sgc.ca.gov/meetings
- Separate form for each item
- Listen for your name and “raise your hand” on Zoom
- Staff will unmute your microphone
- Please adhere to time limit determined by the Chair (2 minutes)

Zoom Tips

- All participants are **muted** upon entry.
 - You will be unmuted when it is your time to speak.
 - Please remember to mute yourself after speaking.
- Cameras are optional.
- Use “Raise Hand” feature during public comment periods.

Agenda Review

- Task Force Member Introductions
- Support Staff Introductions and Roles
- Bagley-Keene Open Meeting Act Requirements
- Task Force Governance Documents:
 - Charter
 - Bylaws
- Work Plan, Scheduling, Briefing Materials
- General Public Comment

Task Force Member Introductions

- Lawrence Harlan
- Cheyenne Stone
- Emily Burgueno
- Irene de Barraicua
- Nathaniel Brown
- Dorian Payan
- Liya Schwartzman
- Nelson Hawkins
- Ruth Dahlquist-Willard
- Thea Rittenhouse
- Doria Robinson
- James Nakahara

The Role of the Task Force

Develop recommendations on **how to equitably increase access to agricultural land for food production and traditional tribal agricultural uses** (Ting, Chapter 249, 2022).

On or before **January 1, 2026**, the Task Force **shall submit a report** to the Legislature and Governor that includes a set of policy recommendations on how to address the agricultural land equity crisis.

Support Staff Introductions & Roles

- Sean Kennedy, SGC Special Projects Analysts
- Matt Read, SGC Legal Counsel
- Camille Frazier, CSUS Research Analyst
- Meagan Wylie, CSUS Facilitator
- Sam Magill, CSUS Facilitator + Tribal Advisor

Bagley-Keene Open Meeting Act Requirements

Basics of the Bagley-Keene Act

October 2023



CALIFORNIA
STRATEGIC
GROWTH
COUNCIL

What is the Bagley-Keene Act?

Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120-11132)

guarantees public participation at all meetings of a state body

- Public agencies are here to serve California's citizens.
- Agency actions must be open and accessible.
- Public must be informed and involved in agency decision-making.

State
Bodies
subject to
the Act

A state board, commission, or similar multimember body created by statute or executive order (§ 11121(a))

An advisory board, commission, committee, subcommittee, or similar multimember advisory unit if created by formal action of the body or a member of the body.

What does the act govern?

- The administration and conduct of the meetings of a state body
- Question: Does the act govern the conduct of members of a body?

What is a meeting?

A majority of the body meets to hear, discuss, or deliberate on any item with the state body's subject matter.

Elements

- Majority of the body
- Meeting
- Discuss or deliberate
- Within the state body's subject matter

The Act prohibits congregations of a majority of the state body's members to hear, discuss, or deliberate on any item unless it is at a publicly noticed meeting.

What is a meeting? Serial Meetings

The Act expressly prohibits “serial meetings” to discuss an item within the body’s subject matter

- A serial meeting is a series of communications, each of which involves less than a majority of the state body, but which taken as a whole involve a majority of the state body’s members
- Member representatives of the state body are also prohibited from using a series of communications with other members to discuss an item within the state body’s subject matter

Example 1

The Grant Awards Board has 7 members and an agenda item awarding grant funds to ten out of twenty projects that submitted timely grant applications.

» Member A calls Member B to talk about how great one of the grant applications was that didn't get recommended for funding, and that it should be considered more carefully.

» Member B calls Member C on the same topic.

» Member C calls member D on the same topic.

Example 2

Staff communicates individually with each agency board member in advance of a regularly noticed/agendized meeting.

Permissible?

Example 3

The chair of the 5 member Grant Awards board directs two members to attend a site visit and report back to the full Board at its next meeting.

What is not a meeting? Gatherings

- Social gatherings
- Conferences that are open to the public and involve matters of general concern
- Open and publicized meetings organized by an individual or organization to discuss topics of State concern
- Open and noticed meetings of another State body or local agency
- Open and noticed meetings of a standing committee, provided that non-committee board members attend only as observers (“church mouse” rule)

BASIC REQUIREMENTS – PROCEDURES

MUST:

- Provide notice of meeting – including agenda - upon public request
- Provide notice of meeting – including agenda - on Internet at least 10 days prior to meeting
- Agenda briefly describes business to be transacted or discussed in open or closed session.
- Make agendas and “other writings” distributed to a majority of Board Members available to the public upon request “without delay.”
- Provide public an opportunity to address the body “on each agenda item before or during the state body’s discussion or consideration of the item.” (Gov. Code § 11125.7)
- Special meetings: opportunity to address Board on action items prior to action taken

BASIC REQUIREMENTS OF A MEETING

- Location must be ADA compliant.
- Public must not be required to fulfill any condition to gain access to meeting, such as providing a name on an attendance sheet or “similar document.”
- Public must be able to record meeting unless device is persistently disruptive.

Member Participation

Changes in law for 2024

- For bodies like the LETF, there are new opportunities for member participation in teleconference meetings

Accessibility – Teleconference Meetings

- Include teleconference meeting location(s) on the agenda**
- Ensure equipment is sufficient
- Post the agenda at all teleconference locations**
- Locations are accessible to the public
- All votes taken during a teleconference meeting must be by roll call vote
- The public at any teleconference location must have an opportunity to address the governing body in the same manner as those attending the meeting in person.

Accessibility

All meetings are open to the public

- Agenda posted 10 days before, with brief description of each item to be transacted or discussed (Use a Calculator, Tie goes to Earlier Date!)
- No action may be taken on an item unless the agenda gives notice that the topic will be considered (specify Action items!)
- The public may speak at meetings on all agenda items

Agenda Setting Tips

Closed Sessions – Rare

Requirements:

- Must be noticed in the same manner as a regular meeting
- Brief disclosure of items to be discussed in closed session. Specific requirements depending on topic – Consult with Legal during agenda development
- Reconvene in open session prior to adjournment and make reports on action taken, disclosures, and provide any necessary documentation.
- May only discuss item on agenda for the closed session.
- Discussions on Closed Session items do enjoy confidentiality, but actions do not and supporting materials are limited in their ability to remain confidential

Documents At or After Meeting

- Documents that are treated as public records that are distributed to state body members prior to or during a meeting must be made available for public inspection at the meeting if they were prepared by the state body or a member of that body.
- If some other person prepared the documents, they must be made available after the meeting. The documents must be made available in appropriate alternative formats as required by the Americans with Disabilities Act (42 USC § 12101 et seq.) on request by a person with a disability. [Gov.C. § 11125.1(b)]

PENALTIES AND REMEDIES FOR VIOLATIONS OF THE ACT

- Decisions made may be considered null and void
- Court costs and legal fees awarded to citizen who files successful legal challenge
- Criminal misdemeanor penalties for severe violations

Task Force Governance Documents: Charter

Task Force Governance Documents: Bylaws

Task Force Governance: Chair & Vice Chair

Draft Work Plan and Timeline

+ Ad hoc subcommittees meetings?

QUARTERLY MEETINGS

OCTOBER 2023 Intros + Governance

JAN/FEB 2024 *CA's land equity landscape?*

APR/MAY 2024

JUL/AUG 2024

OCT/NOV 2024

JAN/FEB 2025

APR/MAY 2025

JUL/AUG 2025

OCT/NOV 2025

DECEMBER 2025

***Report DUE January 1, 2026**

Briefing Materials

General Public Comment

Decisions, Action Items, Next Steps

- Summary of Actions Taken
- Review of Action Items and Follow Up Items
- Meeting Notes, Recording, and Materials posted to:
<https://sgc.ca.gov/meetings/caletf/>

Thank You!