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# Commission on the 21<sup>ST</sup> Century Economy

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Members:  
Gerald Parsky, Chair  
Ruben Barrales  
Michael Boskin  
John Cogan  
Edward De La Rosa  
Christopher Edley, Jr.  
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Becky Morgan  
Richard Pomp  
Curt Pringle

July 14, 2009

Re: E-mail and other written or verbal exchanges of information by commissioners.

Dear Commissioners,

This is a reminder about the responsibilities commissioners have under California's Open Meeting Law (Bagley-Keene Act or Act.).

The definition of a meeting is when a quorum of a body convenes to address an issue or receive information. Before this happens, the public must be notified 10 days in advance and given an opportunity to attend.

Serial meetings are prohibited under the Act. A serial meeting occurs when there is a series of communications, each of which involves less than a quorum but which taken as a whole involves a majority of the body's members. The Attorney General's Office has opined that an e-mail discussion by members regarding upcoming board business is a serial meeting.

Further the Attorney General's office has opined that under open meeting law a majority of the board members of a public agency may not e-mail each other to discuss current topics related to the body's jurisdiction even if the e-mails are also sent to the secretary and chairperson of the agency, posted on the agency's Internet website, and made available in printed form at the next public meeting of the board.

Given this, Commissioners are reminded to refrain from communicating with each other either in writing or verbally, as a quorum or in serial meetings. You can give staff or the chair information, and that can be shared at the upcoming meeting. If you have any questions or concerns about how to communicate given the Open Meeting Act, please let me know.

The Attorney General's guide is helpful: [http://ag.ca.gov/publications/bagleykeene2004\\_ada.pdf](http://ag.ca.gov/publications/bagleykeene2004_ada.pdf).

Thank you,

Mark A. Ibele, Ph. D.  
Staff Director  
Commission on the 21<sup>st</sup> Century Economy