

California Racial and Identity Profiling Advisory Board

Board Procedures and Bagley-Keene Open Meeting Act Overview

Civil Rights Enforcement Section
Office of the Attorney General
California Department of Justice

RIPA Board Procedures and Bagley-Keene Open Meeting Act Overview

Overview of RIPA
Board Work

Responsibilities
Under the Bagley-
Keene Open
Meeting Act

Proper Procedures
for Board
Meetings

Overview of RIPA Board Work

Penal Code section 13519.4

Goal is to eliminate racial and identity profiling

Four full Board meetings per year

Four subcommittees (Accountability/Complaints, Policies, Stop Data, POST)

Each subcommittee meets three times per year

All meetings are governed by Bagley-Keene

Open Meeting Responsibilities Under Bagley- Keene

- Board Member
Responsibilities Under Bagley-
Keene ***Generally***
- Board Member
Responsibilities Under Bagley-
Keene ***in Meetings***
- Board Member
Responsibilities Under Bagley-
Keene ***Outside of Meetings***

Board Member Responsibilities Under Bagley- Keene *Generally*

- Bagley-Keene promotes open consensus building model of public decision making
- Ensures that the public has the right to access information about the State's public business
- Bagley-Keene ensures the actions of state bodies are transparent, that the public can observe and participate in decision-making
- Applies to State bodies such as RIPA

Board Member Responsibilities Under Bagley- Keene *in Meetings*

- RIPA is required to hold at least three public meetings annually
- RIPA Board is permitted through January 1, 2026, to hold open and noticed meetings remotely
- Board members can participate remotely if they remain on camera (unless it is technologically impracticable)
- Members may turn off their camera only after announcing the reason for their nonappearance

**Board Member
Responsibilities
Under Bagley-
Keene *Outside
of Meetings***

- A meeting occurs when a majority (or quorum) of members convene to hear, discuss, deliberate, or decide on matters of the state body
- Board members must recognize and prevent scenarios that trigger Bagley-Keene

Board Member Responsibilities Under Bagley-Keene *Outside of Meetings*

- “Serial” communications are prohibited
- Occurs when:
 - Board member discusses (directly or through intermediaries)
 - Any Board business
 - Outside of a meeting
 - With another Board member
 - Discussion circulates through to a majority of the state body’s members
- Applies to **all forms** of communication

Examples of Serial Communications

A chain of emails by a majority of members to discuss, deliberate, or take action on any item of business, even if the emailers were personal intermediaries

Can also occur if, when taken as a whole, the series of communications involves a majority of members about Board business

Outside Communications That Are Not Prohibited

- Board members can communicate with staff members to ask questions or obtain information
- Board members can review written legal advice received by a majority of a state body
- Board members may attend a conference or similar gathering with other Board members (including purely social or ceremonial events, local public meetings, and open and public meetings of another state body) as long as members do not discuss Board matters amongst themselves



Proper Procedures for Board Meetings

- Parliamentary Procedures
- Making a Motion
- Discussion/Debate of the Motion
- Ending Discussion/Debate and Vote
- Unanimous Consent

Parliamentary Procedures



Board's parliamentary procedure follows Robert's Rules of Order



Rules govern how meetings should be conducted through the use of formal motions



Allows for structured conversation and collaboration



Applies to full meetings of the RIPA Board and to subcommittee meetings

Making a Motion

Introduce an action item or proposal for consideration (“I move to adopt the minutes of the November meeting.”)

Co-chair conducting the meeting will restate the motion and ask for a second (“There is a motion to adopt the minutes of the November meeting. Is there a second?”)

Another Board member must second the motion (If the motion is not seconded, the motion fails and will not be discussed)

If seconded, the co-chair will then restate the motion again and ask whether there is any additional discussion or debate on the motion (“Do any Board members wish to discuss or debate the motion to adopt the minutes of the November Board meeting?”)

Discussion/Debate of the Motion



Board member making the motion is entitled to speak first



Ideal discussion would allow an opportunity for all members to speak before a member is recognized to speak again



Discussion continues until the co-chair determines there will be no further discussion, or if a member moves to close discussion



A motion to close discussion requires another member to second and a 2/3rds majority vote

Amendment of a Motion

Any Board member may move that the motion be amended

Co-chair will call for a second and, if seconded, call for discussion on the amendment

Amendment will then be discussed and voted on

If the amendment passes, the co-chair will return to the main motion as amended for further discussion

If the motion to amend fails, the discussion will return to the original motion

Ending Discussion/Debate and Vote

- Once discussion has ended, the co-chair conducting the meeting will direct DOJ staff to perform a roll-call vote
- DOJ Staff member will repeat the motion before calling on Board members to vote
- Board members vote “aye,” “no,” or “abstain”
- DOJ staff member will then announce the number of ayes, nos, and abstentions
- Co-chair will then announce the number of votes and whether the motion passes or fails

Unanimous Consent

- Board members may call for a unanimous vote for:
 - Minor matters
 - Matters where no opposition is expected
 - Example: Ending a meeting
- Co-chair conducting the meeting will repeat the request
- Upon hearing no objections will pass the motion

Proper Board Procedures

Motions					
	Must be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	✓	✓	✓	Majority	✓
Amend Motion	✓	✓	X	Majority	✓
Close Discussion	✓	X	X	2/3rds	✓
Refer to Committee	✓	✓	✓	Majority	✓
Postpone to a later time	✓	✓	✓	Majority	✓
Table	✓	X	X	Majority	X

Summary and Takeaways

- When Board meets **to gather information, deliberate, or make a decision**, the Bagley-Keene Act requires that the public have a seat at the table in most instances.
- **Serial meetings** conducted outside of a noticed public meeting that ultimately involve a majority of Board frustrate the Act's goals of transparency and violate the law.

Summary and Takeaways

- A member **may** contact Board staff to ask questions or gather information about an upcoming item, so long as the member and staff do not share these conversations with other members outside of a properly noticed meeting.
- When a member receives information from staff, **do not** communicate with other members about this information.
- If information is sent to all Board members, **do not reply all**.
- A Board member **may** communicate individually with members of the public to share the work of Board, indicate whether the views expressed are those of Board or their own, and listen to comments.

Questions?