

# Committee Resources

## Bagley-Keene Open Meetings Act – The Basics

The Bagley-Keene Act has extensive requirements as to how state agencies, committees, and committee members must act to ensure the public’s right of access to meetings. As appointees, it is your responsibility to familiarize yourself with and abide by all of the requirements of Bagley-Keene. Below are key provisions related to situations you are most likely to encounter as a committee member:

- Notice of a meeting must generally be given to the public at least 10 days in advance of the meeting.
- Deliberations must be conducted at publicly-noticed meetings, unless one of the limited exceptions apply. Committee members should not discuss Committee business with other members, or anyone else who may discuss that business with other Committee members, outside the context of a public meeting.
- Members should be careful to avoid prohibited “serial meetings,” in which multiple members of the same body individually discuss the body’s business with the same intermediary (even though the members themselves do not speak directly).
- Material related to the meeting that is distributed to CAC members must generally be distributed to the public.
- Proxy voting is prohibited.
- Public comment on each agenda item must be accepted before the Committee takes action on that agenda item. Members of the public should also be given an opportunity to comment on matters not appearing on the agenda.
- CAC members cannot act on or discuss any items not on the agenda. If further discussion or action on a item not included on the agenda is necessary, the CAC should put the item on a future meeting agenda.

**This is not an exhaustive list.** An extensive guide to the Bagley-Keene Act can be found on the [Department of Consumer Affairs website](#). If you have any questions about whether an action falls within the provisions of Bagley-Keene, please contact the DCC Legal Affairs Division.

# Robert's Rules of Order – The Basics

If a committee member has called for a vote, the process will be as follows:

1. Motion
2. Second
3. Discussion
4. Public Comment
5. Vote

## Motion

The Chair will call for a motion. A motion is a formal proposal from any member of the committee that the committee take a specific action. Any member can make a motion. Motions are made in the following manner: “I move that [*the Committee recommend to DCC that...*].”

## Second

A “second” is a formal indication that another committee member wants the committee to discuss and vote on the item. Any member can second a motion. A second does not necessarily mean that the seconding member supports the motion, just that the member wants discussion and vote to proceed.

## Discussion

The Chair will restate the motion and the second and will call for discussion and input from CAC members. Traditionally, the maker of the motion has the right to speak first.

## Public Comment

After members have finished their discussion, the Chair will open the floor for public comment. Due to the robust participation of the public at CAC meetings, public comment is typically limited to 2 minutes per speaker.

During public comment, CAC members may not answer questions from the public or engage in back-and-forth debate with commenters.

## Vote

After public comment is concluded, members are able to speak again to the motion or the Chair can call a vote. The vote is a voice-vote with members polled on an individual basis (“all in favor say aye” style voting is prohibited).

Additionally, motions may be amended, which then requires moving the amended motion through the process above. Additionally, motions or seconds to motions may be withdrawn. Refer to *Robert's Rules of Order* for more specifics.



## Commonly Used Terminology and Acronyms

**APA** – the Administrative Procedure Act. The APA governs the way in which state agencies hold disciplinary hearings and adopt regulations.

**Bills** – another term for legislation considered or adopted by the Legislature.

**BPC** – Business and Professions Code, the large body of California law in which MAUCRSA is codified (and which also regulates many other forms of state licensing).

**Initiative** – the mechanism for California voters to consider legislative changes to state statute. Statutes enacted by the voters, such as Propositions 215 (1996) or 64 (2016), can only be amended by the Legislature to the extent permitted by the voters themselves (usually spelled out in the relevant initiative).

**Legislation** – the mechanism through which the Legislature or the voters (through California’s initiative process) make changes to statutory requirements. Legislation considered by the voters, through the initiative process, is called “propositions.” Legislation considered by the Legislature is generally referred to as “bills,” which are identified by either AB (Assembly Bill) or SB (Senate Bill), depending on which house the bill originated in, followed by a number. For information on past or pending bills, visit [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

**MAUCRSA** – the Medicinal and Adult-Use Cannabis Regulation and Safety Act. The name of the statute that governs commercial cannabis activity in California. MAUCRSA regulates both medicinal and adult-use commercial cannabis activity. It is found in the Business and Professions Code, beginning with section 26000.

**OAL** – the Office of Administrative Law, the state agency that oversees other departments’ APA rulemaking processes to ensure that the laws regarding public notice and participation are followed, and the regulation itself meets standards for necessity and clarity.

**Proposition** – another term for legislation considered or adopted by the voters. analogous to “bills” considered or adopted by the Legislature.

**Prop 215 / Compassionate Use Act** – a proposition passed by the voters at the November 1996 general election to decriminalize physician-recommended medicinal cannabis. The Legislature later created a statutory framework (the Medical Cannabis Regulation and Safety Act) to comprehensively regulate medicinal cannabis; this framework was later incorporated into MAUCRSA.

**Prop 64 / AUMA** – Proposition 64 or the Adult Use of Marijuana Act. Passed by the voters at the November 2016 general election to authorize the use of cannabis by individuals over age 21, establish licensing and oversight for commercial cannabis activities, decriminalize personal possession of cannabis, and provide for expungements of certain cannabis-related convictions. The Legislature later amended AUMA (as allowed by AUMA itself—remember, initiatives can only be amended as allowed by the voters) to consolidate it with the previously-enacted Medical Cannabis Regulation and Safety Act, which regulated medicinal cannabis, to create MAUCRSA.

**Regulations** – the rules and requirements established by DCC through the APA rulemaking process. The purpose of regulations is to interpret, clarify, or make specific the statutory requirements. Regulations must be consistent with statutes.

**Statutory** – refers to requirements that are established in statute; for the CAC’s purposes, “statutory” typically refers to requirements in MAUCRSA. DCC cannot change requirements that are statutory; only the Legislature or the voters (through the initiative process) have the ability to change statute.