



Karen Morrison  
Director

## DPR Advisory Committee Transparency Requirements

### Guidance on Bagley-Keene, Public Records Act, and Conflict of Interest Legal Requirements (Revised: January 1, 2026)

This document provides a summary and reminder of key components of transparency-related legal requirements for advisory committees of the Department of Pesticide Regulation (DPR). These advisory groups include the Pest Management Advisory Committee (PMAC), Agricultural Pest Control Advisory Committee (APCAC), Pesticide Registration and Evaluation Subcommittee for Pesticide Contamination Prevention Act, and the Environmental Justice Advisory Committee (EJAC). This summary is a high-level overview for general reference and is not comprehensive nor imposes binding requirements. This summary also does not represent legal advice. Advisory group members may seek their own legal advice. For specific questions, please contact your advisory committee DPR staff liaison.

#### **Bagley-Keene Open Meeting Act**

As state bodies, the advisory committees listed above must comply with the Bagley-Keene Open Meeting Act. (“Bagley-Keene Act” or “the Act”, Gov. Code, §§ 11120-11133.) DPR staff liaisons to the advisory committees work to ensure committee meetings are compliant with the Bagley-Keene Act and provide the required elements for transparency to the public. Key requirements include, but are not limited to the following:

- **10 Day Notice.** At least ten calendar days before a regular meeting, the state body must send the notice and agenda to any person who requests it and post it on its website. (Gov. Code, § 11125, subd. (a).)
- **Public Participation.** The public is entitled to attend and provide public comment on each agenda item before voting on the item at meetings with minimal restrictions. (Gov. Code, §§ 11123, subd. (a); 11125.7, subd. (a).)

- Quorum. “Quorum” means half of the committee members, plus one and is the minimum number of members required to hold a meeting and make a recommendation. All committee business must be carried out during a public meeting, including voting and making decisions within the committee’s area of jurisdiction, which must be made with a quorum present and a majority of the committee in support of the action.
- Serial Meeting Prohibition. A serial meeting is several communications, each among less than a majority of a state body, which taken together involve a majority. Specifically, the law states, “A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.” (Gov. Code, §§ 11122, 11122.5, subd. (b)(1).) Serial meetings can be conducted in-person or electronically (e.g., email, mobile phones, instant messaging, text messaging, social media, blogs). Serial meetings can also be conducted through communications with representatives of members acting as intermediaries. Common types of serial meetings:
  - Sequential Chain – Communicating information on a committee-related topic through a series of conversations that involve a majority of members. For example, in the case of a five-person body, if member A speaks to member B, who then communicates information from that conversation to member C, this would constitute a prohibited serial meeting.
  - Spoke and Hub Communications – When one person acts as the hub of a wheel to communicate committee-related topics to a majority of members. For example, in the case of a five-person body, if member A speaks to member B and then relays information from that conversation to member C, this would constitute a prohibited serial meeting.

Violations of these requirements, depending on the facts, can result in an action by the advisory committee being voided, criminal or civil action against individual members, or harm to public trust in the transparency of government business.

For this reason, it is important for advisory committee members to generally only discuss matters within the advisory committee's jurisdiction with each other at a noticed public meeting of the committee. The serial meeting prohibition does not prevent state body members from planning upcoming meetings by discussing times, dates, locations, and order of agenda items, but only if planning communications do not include substantive discussion of agenda items.

- Subcommittees. A smaller group of a state body tasked with studying a particular subject and reporting back to the state body is subject to the Act and must be noticed and open to the public, unless it consists of less than three people and does not exercise any delegated authority.
- Teleconference Meetings. A “teleconference meeting” occurs when state body members participate at different locations and communicate with each other electronically through audio, or audio and video. (Gov. Code, §§ 11123, subd. (b)(2); 11123.2, subd. (a)(1).) Any state body that is an advisory committee may choose to follow either the traditional or alternative teleconference rules, but not at the same time. (Gov. Code, § 111232.5, subd. (b).) Members of state advisory bodies can participate in meetings remotely from a remote location, and the state advisory body does not need to disclose the member's remote location. The state body shall provide notice to the public at least 24 hours before the meeting that identifies any member who will participate remotely by posting the notice on its internet website and emailing notice to any person who has requested notice of meetings. The notice of the meeting shall also identify the primary physical location. All decisions taken during a meeting by teleconference must be by rollcall vote.
  - Effective January 1, 2026: A quorum of the members of the state body must be in attendance at the primary physical meeting location. Members of the state body participating remotely do not count towards establishing a quorum.

For additional guidance, see the [California Department of Justice's Bagley-Keene Open Meeting Act Guide \(2026\)](#).