

 <p>MORONGO BASIN HEALTHCARE DISTRICT</p>	<p>DEPARTMENT / MANUAL: ADMINISTRATIVE MANUAL</p>
<p>ORIGINAL DATE: June 2019</p>	<p>REVIEW & REVISION DATES: 8/2022</p>
<p>TITLE: RALPH M. BROWN ACT</p>	<p>APPROVED BY:</p> <p>ADMIN: <u><i>Alyen Yarbey</i></u> Date: <u>08/04/2022</u></p> <p>CEO: <u><i>E. Schmitt</i></u> Date: <u>8/4/22</u></p> <p>GOVERNING BOARD: <u><i>Misty Dawn Guss</i></u> Date: <u>9-1-2022</u></p>

PURPOSE

To direct the District Board of Directors, the Morongo Basin Community Health Center Governing Board, and staff on compliance with the Ralph M. Brown Act which governs meeting access for local agencies.

POLICY

- A. Meetings under the Brown Act: A meeting is any gathering of a majority of the members of a board to hear, discuss, or deliberate on matters within the agency's or board's subject matter jurisdiction. No vote or action is required for the gathering to be a meeting. The question about any gathering is whether it serves as a conduit for collective concurrence. Other important points about public meetings include:
1. Must be open and public, and may not be secret;
 2. Serial meetings, Hub and Spoke meetings are illegal;
 3. If action is taken in violation of open meeting laws, all actions may be voided.
- B. The Brown Act applies to:
1. Local agencies, including counties, cities, school and special districts.
 2. Legislative bodies of each agency: the agency's governing body plus any board, commission, committee, task force or other advisory body created by that agency, whether permanent or temporary.
 3. Any standing committee of a board, regardless of the number of members and having continuing jurisdiction over a particular topic.
- C. The Brown Act does not apply to certain gatherings by the board as long as the board members do not deliberate on topics within the board's subject matter jurisdiction, such as:
1. At conferences open to the public involving issues of general interest to the public;
 2. At a publicized meetings organized to address community concerns by another organization;
 3. At a noticed meeting of another organization;
 4. At purely social or ceremonial occasions;
 5. At a noticed standing committee meeting provided the non-member board members attend only as observers.

- D. Any concerns or questions about the Brown Act, not addressed in this policy, are to be directed to the CEO for clarification with legal counsel.

PROCEDURE

A. The Brown Act requires a local agency to:

1. Post notices of agendas at least 72 hours in advance of any regular meeting;
2. Post notices of continued meetings;
3. Deliver notices of special meetings at least 24 hours in advance to media and to those who request meeting notifications;
4. Deliver notice of emergency meetings at least one hour in advance to media and to those who request meeting notifications;
5. To hold, free of charge, meetings in places within the agency's boundaries and accessible to all;
6. To allow the public to address the board at regular, special or committee meetings on any item in the agency's subject matter jurisdiction;
7. To conduct only public votes with no secret ballots;
8. To treat documents as public and distribute them to all or a majority of members of the board before or at the meeting, being that these documents are disclosable under the Public Record Act.

B. Brown Act's Closed Sessions

1. Closed sessions are permitted only if they meet defined purposes and follow special requirements:
 - a. Notice of Closed Session is noticed on the agenda;
 - b. All actions taken and all votes in closed session must be publicly reported orally or in writing within 24 hours of the meeting, and copies of any contracts or settlements finally approved must be made available promptly.
2. Closed sessions are not required, but allowed for special situations, including:
 - a. Personnel: to consider the appointment, employment, performance, evaluation, discipline, or dismissal of a public employee.
 - b. Pending litigation: to discuss pending litigation in an attorney/client relationship.
 - c. Real estate negotiations: to discuss the purchase, sale, exchange, or lease of real property.
 - d. Trade secrets: information not generally known to the public or competitors, which, if prematurely disclosed, creates a substantial probability of depriving the organization of a substantial economic benefit.
 - e. Other: consult with legal counsel for appropriateness of closed session.

REFERENCES

- Ralph M. Brown Act Government Code section 54950-54962