

# POLICIES AND PROCEDURES FOR CLOSED SESSION

## MARIN HEALTHCARE DISTRICT

Adopted: March 8, 1994  
Amended: September 13, 1994  
Amended: April 15, 1997  
Amended: August 10, 1999  
Reviewed: February 12, 2002

### I. SCOPE OF POLICY

These Policies and Procedures for Closed Session Meetings shall apply to any meeting of the Marin Healthcare District Board of Directors to discuss and take action on matters permitted to be held in closed session under the Ralph M. Brown Act. (Government Code §§54950 et seq., "the Brown Act").

### II. CLOSED SESSIONS

#### A. GENERAL REQUIREMENTS.

The District, based on advice from its legal counsel, may hold a closed session on any matter so permitted by the Brown Act.

#### B. LOCATION OF CLOSED SESSION.

The Chair shall determine the location of the closed session consistent with requirements of the Brown Act.

#### C. DESCRIPTION OF CLOSED SESSION IN THE BOARD AGENDA (§54954.5).

The description of the closed session in the Board agenda shall meet the requirements of the Brown Act.

#### D. ANNOUNCEMENT OF CLOSED SESSION (§§54956.9 AND 54957.7).

1. Prior to holding any closed session, the District shall disclose, in an open meeting, the item or items to be discussed in the closed session and the subdivision(s) of the Brown Act which authorize(s) the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda.

2. In the closed session, the District may consider only those matters covered in its statement.

#### E. MINUTES/RECORDINGS OF CLOSED SESSION (§54957.2).

1. The Assistant Secretary shall take minutes of topics discussed and decisions made in closed sessions. The District shall keep and maintain a book of closed session minutes in a locked file in the District office. The minute book is not a public record under the California Public Records Act, and the book and its contents shall be kept confidential. The minute book shall be available only to (i) Board Members; (ii) legal counsel for the District as to the specific

matters discussed or action taken for which counsel has been retained to advise the District; or (iii) a court of law having jurisdiction over the District in connection with litigation involving an alleged violation of the Brown Act during a closed session. The keys to the locked file containing the minute book shall be maintained by the Assistant Secretary for the use by District Board Members and legal counsel. Except as ordered by a court of law or approved by the District Board, the minutes shall not be reproduced or removed from the District office.

2. Except as otherwise approved by the Board, closed sessions shall not be recorded by the District, by any Board Member, legal counsel, or any other person authorized to attend a closed session of the Board.

III. REPORTING OF CLOSED SESSION (§§54957.1 AND 54957.7).

A. Reporting

After any closed session, the District shall reconvene into open session prior to adjournment and shall publicly report, either orally or in writing, those matters required by the Brown Act to be so reported including without limitation any action taken in closed session and the vote or abstention of every Board Member present thereon.

B. Document Disclosures. Written reports and/or supporting documents shall be distributed as follows:

1. The District shall provide copies of any documents that were finally approved or adopted in the closed session to any person who has submitted a written request for such documents to the District within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of Regular and/or Special Meetings (as more fully described in the District's Policies and Procedures for Board Meetings), if the requester is present at the time the closed session ends. The District may impose a fee for such copies in order to cover reproduction costs.

2. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours. In this instance, the Chair or the Chair's designee shall orally summarize the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

3. The documentation referred to in this ¶III.B shall be available to any person on the next business day following the Board Meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

IV. OTHER POLICIES AND PROCEDURES.

A. The board shall provide a copy of these policies and procedures to each board member on annual basis, and to each board member elect, upon election, who has not assumed the duties of district office. (§54952.7)

B. These Policies and Procedures may be amended at any Board Meeting. The Policies and Procedures shall be reviewed every three years by the members of the Management, Finance and Audit Committee, with recommendations submitted to the Board.

C. In the event there is a conflict between these Policies and Procedures and the Brown Act, the Brown Act will govern the actions of the Board.