

# Sacramento County Public Health Advisory Board

## Meeting Minutes

August 1, 2018 (12:00 PM - 1:30 PM)

## Meeting Location

Primary Care Center  
4600 Broadway  
Sacramento, CA 95820  
Conference Room 2020

## Moderator:

Dr. Steven Orkand

## Scribe:

Theresa Vinson

## Board Attendees:

Felicia Bhe, Jofil Borja, Paula Green, Steve Heath, Olivia Kasirye, Farla Kaufman, Steve Orkand, Emmanuel Petrisor, Cristina Slee, Kimberly Sloan, Kathleen Wright, Jack Zwald, Jeff Rabinovitz

## Board Members Excused:

Sandy Damiano

## Board Members Absent:

Barbara Law, Phillips Summers

## Guest Speakers:

**Rick Heyer, Deputy General Counsel**  
**Sacramento County Office of the County Counsel**  
Brown Act Training/Presentation

**Guests:** Sherri Chambers, Deborah Forrester, Stacey Volcy

Meeting Opened at 12:05 PM

## **Welcome and Introductions**

Dr. Orkand welcomed PHAB members and guests.

## **Minutes Review**

Minutes from the June meeting were approved.

## **PHAB Vacancies and Appointments**

PHAB currently has one opening.

## **HIV Health Services Planning Council**

The four individuals listed below are candidates for the HIV Health Services Planning Council and were approved by the Public Health Advisory Board at the meeting on August 1, 2018.

Jaqueline Martinez-Juarez – Seat #31

Jeffrey Jemmott – Seat #32

Michael Gagnon – Seat #33

Lorraine Lee – Seat #44

## **Public Health Division, Olivia Kasirye**

Initially this update was waived however, due to unforeseen time availability, the Public Health update was provided.

This is the active season of west Nile virus, three cases reported in Sacramento (two were reported non-symptomatic). Mosquito Vector Control reported lots of positive mosquitos in the pocket area – spraying was completed. Sacramento County received a call-out for assistance with the Carr Fire in Shasta County. After Shasta's resources were exhausted, they requested assistance from other counties. The call came in over the weekend, Sacramento County's emergency system was activated, and staff worked through the weekend to contact the Sacramento County's nursing

staff (and others), they were quickly deployed to Shasta. Sacramento staff recently completed refresher training on disaster service workers prior to the Shasta call-out. Sacramento County received a grant from the State prior to this emergency, and had purchased “Go-Bags” that had everything that might be needed in an emergency.

The new Director of the Department of Health Services is Dr. Beilenson. He is a public health physician, and he has worked as a Health Officer. He will start this month.

Michelle Callejas was appointed as the Director of the new Department of Children Family and Adult Services (CFAS). Michelle was formerly the Deputy Director of Child Protective Services.

## **Primary Health Services Division, Sandy Damiano**

No update.

## **Presentation**

### **Rick Heyer, Deputy County Counsel**

#### **Brown Act Training**

The Brown Act applies to PHAB as a subcommittee. Brown Act was enacted in the 1950's in response to a series of articles that appeared in the SF Chronicle. It was focused on the Bay Area at the time, when a reporter tried to attend public meetings (City Council, Board of Supervisors, Planning Commission), and was routinely told he could not attend, could not comment, etc. The reporter wrote an article about it and the legislature passed The Brown Act.

The Brown Act requires transparency in public meetings, and requires decision-making bodies of local agencies to conduct meetings in public to ensure the public is informed as to what their government is doing. This includes local agencies; cities, counties, joint powers agreement authorities (JPA), school districts. The State and State agencies have separate regulations for open meeting laws, Brown Act does not apply. Ad hoc committees, less than a quorum, are not subject the Brown Act.

The Brown Act prescribes that the Basic Rights of the Public are to receive agenda materials, to receive notices of said meetings, to attend meetings, record meetings, and to comment at meetings on noticed agenda items and non-agenda matters.

A meeting defined by Brown Act is anytime a Quorum is formed of the members. When 50 percent of the members are present, a quorum is formed. If any Board business is discussed, anything that would come before the Board, qualifies as a meeting or pre-meeting. **(Please see Brown Act Handout §§54950 – 54963 attached for more detail)**.

### **Teen Safe Driving Update**

The Impact Teen Safe Driving goes into schools advocating for training of teens on how to be less distracted, and avoid accidents. Distracted driving is one of the leading causes of death of people ages 16-44. Dr. Orkand and Paula Green attended a meeting (in June) of a coalition of organizations interested in this topic. In attendance were a large group of people representing PTAs, insurance companies, fire depts., ambulance providers, universities, etc. There is a lot of interest and advocacy for this group. We are hoping to improve information shared with the Sacramento County school districts. Driver Education is provided per the California Education Code, but very few schools offer driving training. PHAB will continue to provide updates regarding Impact Teen Driving as we go forward to bring awareness and information to our local schools.

### **Public Comment**

There was none.

The meeting was adjourned at 1:40 PM.

Submitted by Theresa Vinson, Scribe and Dr. Steven Orkand, Chair

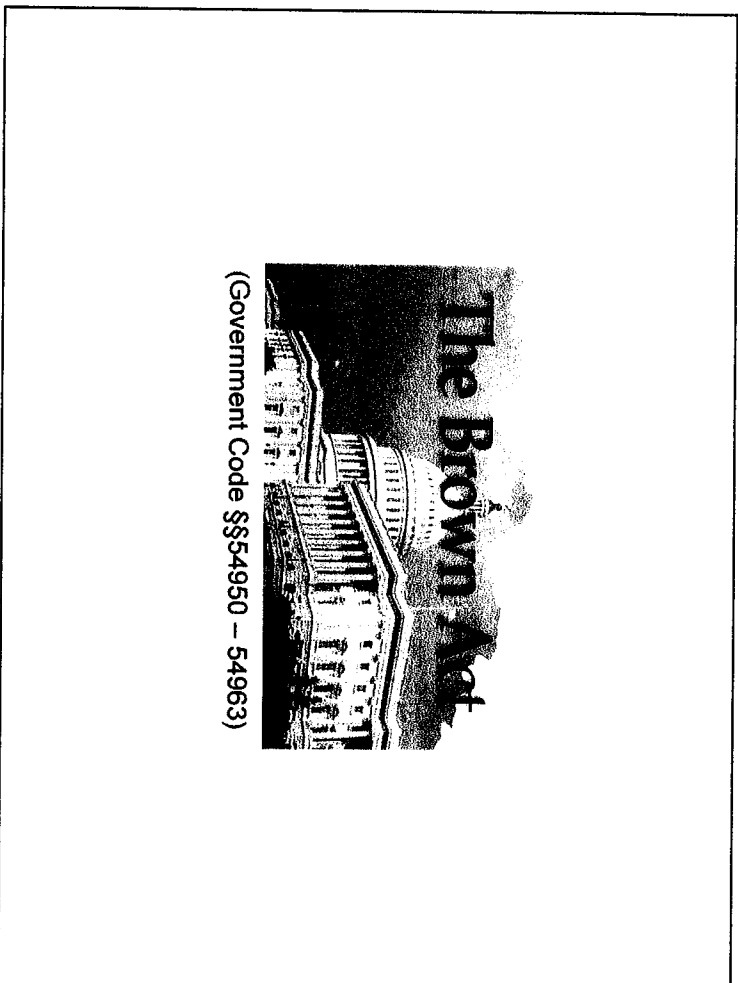
### **Next Meeting of PHAB**

**September 5, 2018, 12:00 PM - 1:30 PM**

Primary Care Center, Conference Room 2020

4600 Broadway

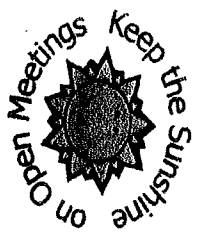
Sacramento, CA 95820



**Ralph M. Brown Act (54950.5.)**

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.



## General Rule

- Provides legal minimums for transparency in decision-making
- Decision-making bodies must conduct business in open and in public meeting to ensure that the public is fully informed about local decisions

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## The Act Applies to Legislative Bodies of Local Agencies

Governing bodies-Board of Supervisors/City Council  
Subsidiary bodies-commissions, committees created by charter, ordinance, resolution or formal action of a legislative body

Less than a quorum

Ad hoc committees-not subject to Brown Act

Finite duration and subject matter to be investigated and reported back to parent body

Standing committee-subject to Brown Act

Continuing subject matter jurisdiction and indefinite existence includes many advisory committees,

Standing committees subject to Brown Act if have continuing subject matter jurisdiction or have a meeting schedule fixed by formal action of governing body

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

## WHAT IS A MEETING?



- A meeting is any situation involving a **majority of a decision-making body** in which business is transacted or discussed.
  - Does not require that action be taken
  - Majority of governing body cannot talk privately about an issue before the body no matter how the conversation occurs, whether by
    - telephone,
    - e-mail or
    - at a local coffee shop

Includes study sessions

More than quorum exception-if composed solely of members of leg. Body and less than quorum, then not subject to Brown Act. Exception-standing committee (continuing subject matter J or fixed meeting schedule by leg. Body): 2x2 comm., budget comm, exec, comm.

54952.2. (a) As used in this chapter, “meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

NEW YEARS EVE example

(b) (1) A majority of the members of a legislative body shall not, outside 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 jurisdiction of the legislative body.



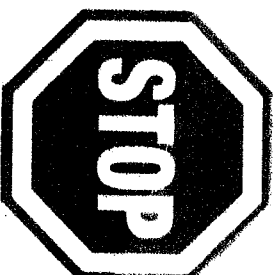
## Examples Of Meetings

- Formal meetings
- Collective briefings
- Retreats
- Site tours
- Meal gatherings during a formal meeting



## Unlawful Meetings

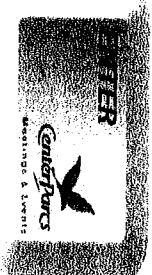
- Pre-meetings
- Post-meetings
- Serial meetings



54952.2(b) (1). A majority of the members of a legislative body shall not, outside 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 jurisdiction of the legislative body.

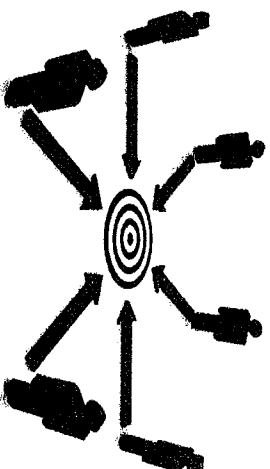
## How Do Serial Meetings Occur?

- Technology
  - Phone
  - Fax
  - E-mail: Beware of e-mail exchanges
- Human intermediaries



## Collective Concurrence

- Substantive conversations
- Facilitating agreement or compromise
- Advancing a motion or resolution
- Debating





## Serial Meetings: Practice Tips

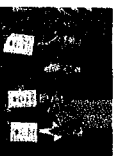
Avoid substantive communications (directly or through others) with other members re items that are on an agenda or likely to be placed on a future agenda

Discussing procedural issues (time, date and order of matters on an agenda) is not prohibited. But do not discuss substantive communications

Staff briefings are permissible to answer questions/provide information to members if staff does not communicate the comments of members to other members of the legislative body

## Permissible Gatherings

- Not every gathering of governing body members amounts to a violation
- Attendance at an educational conference or a social event is not a violation if a majority of the governing body does not discuss business at the event.



Not a meeting:  
conference open to public that involves discussion of issues of general interest

Attend. By majority at other open, noticed meetings: another body of agency, leg. Body of another local agency, standing comm. If attend only as observer. **BUT** must not discuss business

Where Can Meetings Be Held?

NEW YEARS EVE example again

## Types of Meetings



- Regular meetings-time and place established by ordinance, resolution or bylaws
- Special meetings-called 24 hours before meeting by the presiding officer or a majority of the board/legislative body
- Emergency meetings-crippling activity, work stoppage or other activity that severely impairs public health/safety-1 hour notice

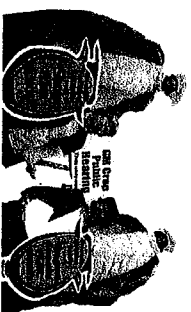
Regular meeting-any item of business can be discussed if on agenda/property added

Special meeting-only discuss agenda item, not additional items. Special notice required

posted 24 hours prior, given to every member personally/by other means received 24 hours prior to meeting, only waived by memb in writing at/prior to meeting.

## Basic Rights of the Public

- To receive agenda materials
- To notice of meetings
- To attend meetings
- To record meetings
- To comment at meetings
  - Items on the agenda
  - Non-agenda matters



If issue is one pending before the legislative body, opportunity must be provided before or during consideration of issue

Reasonable time limits on testimony may be imposed

54954.3. a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.



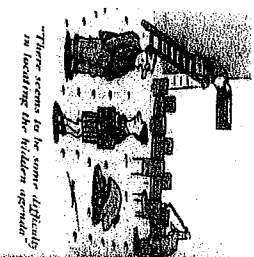
## Access to Written Materials

- Agenda and any written materials related to items on agenda that are distributed to a member are public records
  - Emails or other written material relating to an agenda item that is sent by staff directly to a member must be provided to all members
  - Draft staff reports that are provided to individual members for comment/input must be provided to others
  - “On the agenda” includes items not only on upcoming agenda but items which are reasonably foreseeable to be on any future agenda
  - Draft staff reports provided to individual members for comment must be provided to other members.
- Documents provided less than 72 hours before meeting must be made available to the public at the same time as provided to majority of members
- Documents provided by others (public) must be made available promptly after the meeting

Intersection of the Public Records Act and the Brown Act

## Agenda Requirements

- Agenda must contain a brief description of each item of business to be transacted or discussed
- Closed session must be on the agenda
- Must include time for public comment before or during agenda item



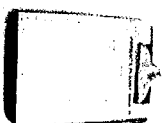
Must indicate availability of agenda materials in alternate format

Closed session must be noted on the agenda and different disclosure requirements apply to different types of closed sessions

Every agenda must provide opportunity for public to address governing body on any item within the body's jurisdiction

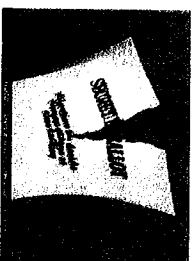
## Right to Attend Meeting

- Accessible to disabled persons
- No precondition to attend
- If sign-in sheet, must clearly state that it is optional



## Conducting Meeting

- Must permit audio/videtape recording by public and media unless disrupts meeting
- No secret ballots
- No mandatory sign-in
- May use teleconferences for public comment



Public may record meeting with an audio or video recorder unless governing body finds it disrupts the meeting

## Right to Comment



- On each agenda item
  - Before conclusion of consideration of item (if discussion item) or before action taken (if action item)
- On any matter within the body's jurisdiction that is not an agenda item
  - May schedule for any time in meeting
  - Members may not discuss or respond substantively

## Limits on Public Comment

- May limit amount of time for each item
- Reasonable limit on total public comment time on an item
- No right to disrupt
- No right to a response from body or its members

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# Consequences of Brown Act Violation

- Civil action
  - Injunction against violation
  - Decision voidable (right to cure)
  - Attorneys fees and costs
- Criminal sanctions
  - Misdemeanor

