This brief is being provided to inform the Board, staff and public of the details of an agenda item that requires action from the Board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

**Date:**February 5, 2021

**Originator:** Cary Curtis and Kim Seney

**Purpose**: Propose Updated Policy #4215 Brown Act Compliance

**Supporting Documents Included: Yes / No** Yes – Proposed Policy

**Desired Action by the Board:**

Second reading by the board of new Policy #4215 Brown Act Compliance. The board may choose to waive the third reading and adopt recommendation as presented. Current policy requires a 3/5th majority affirmative vote of the entire membership of the board to adopt this policy.

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1. **Description:** This new policy is intended to affirm that the District recognizes and affirms commitment to comply with the law relating to the Brown Act. The Policy was drafted verbatim from the current CSDA Policy template. This version includes revised language to acknowledge Closed Sessions in 4215.2.3, as recommended by Board Member Kogge at 1.19.21 Board of Director Meeting.

*Prior version:*

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

*Updated version:* (see next page for full Recommended Policy):

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities. Closed sessions may be called for specific purposes as allowed under the Brown Act, if duly agendized using “Safe Harbor” language listed in Government Code Section 54954.7.

1. **Reason for Recommended Board Action -** (*Consider compliance, cost savings, fixing a problem*): There is currently no GM CSD Policy on this topic and the Policy Committee recommends that one is adopted to ensure our commitment to lawfully complying to the Brown Act is on record in the form of Policy.

1. **Anticipated Impacts to the District (negative and/or positive) -** (*Consider financial impact, change in procedures, customer and staff communication and effect if recommendations are not adopted*):

No impact.

1. **Anticipated Impacts to the Customer –** *Standby, Residential, Commercial***:** None
2. **Recommendation (s):** Adopt GM CSD Policy #4215 Brown Act Compliance as presented below, which was revised based on 1/19/21 Board Meeting comments and recommendation by Board Member Kogge.

Gold Mountain Community Services District

POLICY HANDBOOK

**POLICY TITLE: Brown Act Compliance**

**POLICY NUMBER: 4215**

4215.1 The Brown Act. The Legislature adopted the Brown Act, commonly referred to as California’s “Open Meetings Laws” in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed and compliance is constitutionally mandated.

4215.2 Compliance with Brown Act. All meetings of the Board of Directors (the legislative body) shall comply with all aspects of the Brown Act, including but not limited to the following:

4215.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

4215.2.2 Member of the Board includes newly elected and appointed officials prior to assuming office.

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities. Closed sessions may be called for specific purposes as allowed under the Brown Act, if duly agendized using “Safe Harbor” language listed in Government Code Section 54954.7.

4215.2.4 Meetings through the use of intermediaries, serial communications, or emails are prohibited.

4215.2.5 The Board shall only take action during a properly noticed meeting.

4215.3 Committees. Committees created by formal action of the Board shall comply with the Brown Act.