



# Sunset Beach Sanitary District

## Brown Act Policy

**A. Purpose:** The Sunset Beach Sanitary District (the District) is dedicated to providing access, public input and transparency regarding its meetings, operations and policies. Accordingly, the Sunset Beach Sanitary District is dedicated to adhering to the "Brown Act".

**B. Brown Act Defined:** The Brown Act is defined as the Ralph M. Brown Act as codified in California Government Code §54950 et seq. It is the intent of this law that the actions and deliberations of public agencies are conducted openly.

**C. Agendas:** The District Clerk will prepare and post an Agenda at least 72 hours prior to General Meetings of the Board, other than Special and Emergency Meetings as defined below. Agendas will be posted at the Sunset Beach Post Office bulletin board, the Surfside Colony Post Office bulletin board, and the District's website: [www.sunsetbeachsd.org](http://www.sunsetbeachsd.org). The Agenda will also be emailed to Board Members and Staff, and any member of the public upon request.

1. Any Board member may request that a specific item be placed on the Agenda for discussion, review, and/or for possible action to be taken by contacting the District Clerk before posting.

2. Any Staff member, including independent contractors of the District, may request that a specific item be placed on the Agenda for discussion, review, and/or for possible action to be taken by contacting the District Clerk before posting.

3. Any member of the public may request that a specific item be placed on the Agenda for discussion, review, and/or possible action by contacting the District Clerk. However, if the District Clerk believes that a particular item is not within the District's jurisdiction, the District Clerk will contact the District President to decide whether or not to include such item on the Agenda. If a member of the public disagrees with a decision not to place an item on the Agenda, he or she may appeal to the Board of Directors during the Community Input section of the Agenda. If a majority of Board Members agree, the item may be placed on a future Board Meeting Agenda.

4. All information made available to Board members (except confidential information allowed by State law per legal counsel authority) shall be available for public review through the District Clerk.
5. Every Agenda will include instructions on how to contact the District Clerk to arrange for special accommodations which may be required in order to attend a Board Meeting.
6. Every Agenda will include Community Input as Item number one, in order to allow members of the public to bring matters within the District's jurisdiction to the Board. However, no action will be made on these items until they have been included on a future Agenda.
7. In the rare situation whereby the Board President, or a majority of Board Members, determines that immediate action needs to be taken, an Agenda for a Special Meeting will be posted at least 24 hours before the meeting. If such situation is deemed to be an Emergency as defined below, an Agenda will be posted at least one hour before the Emergency Meeting.

**C. Board Meetings:**

1. **General Meetings of the Board:** Members of the Board will generally meet on the second Thursday of each month at 6:30 p.m. The regular meeting place is at the Sunset Beach Woman's Club, located at 16812 Bayview Drive, Sunset Beach, CA 90742. However, due to the regular meeting facility being unavailable on the second Thursday in the month of December, this monthly meeting date will be set during the November General Meeting of the Board.
2. **Special Meetings:** The Board President, or a majority of the Board, may call for a Special Meeting in the rare instance in which it is determined that immediate action pertaining to a certain item is required. No other items shall be considered by the Board at these meetings.
3. **Emergency Meetings:** In the occurrence of an emergency situation, whereby the public's safety or health is threatened and immediate action is required, the Board may hold an Emergency Special Meeting without complying with the 24-hour Special Meeting notice. An emergency situation occurs when environmental, operational or medical situations create an immediate need for action in order to minimize detrimental effects to the District's public. An emergency situation will be declared the Board President or a majority of the Board. The notice of the Emergency Meeting will be posted by the District Clerk

on the District's website at least one hour before the meeting. Any action taken by the Board will be posted on the Sunset Beach Sanitary District's website: [www.sunsetbeachsd.org](http://www.sunsetbeachsd.org). as soon as it's feasible.

**4. Closed Sessions:** Closed sessions of the Board of Directors will be included on Board Meeting Agendas after the item for Adjournment. Closed sessions will only be held when the business of the Board of Directors meets the criteria set forth in the Ralph M. Brown Act (California Government Code §54950 through §54963). Closed session matters may include litigation or potential litigation, labor negotiations, real estate negotiations, or matters relating to the employment status of public employees. No business other than that announced on the public agenda may be discussed in the closed session. After the Closed Session has concluded, the General Meeting of the Board will be re-opened by the Board President, and the Board Secretary will announce what, if any, actions were taken during the closed session. The General Meeting of the Board will then re-adjourn.

**5. Annual Board of Equalization Meeting:** Once a year, an Annual Board of Equalization Meeting of the District's Board of Directors will be held in order to hear public comment, review, discuss, and possibly accept the Assessor's Annual Assessment Roll of sewerage, trash collection and additional restaurant sewer-cleaning fees. This meeting will occur after the Board has set and published the annual fees in either May or June, and the Assessor has prepared the preliminary Assessment Roll for presentation. The meeting will immediately precede the monthly General Meeting of the Board and will have a separate agenda to be posted in the same manner as general meeting agendas.

**D. Quorum Required:** In order for any action to be taken at a meeting, a minimum of three out of five Board Members must be present.

**E. Majority Vote:** Action can only be taken by a majority vote of the Board Members present.

**F. Recording of Votes:** Board members may either vote Aye, Noe, or Abstain on an Agenda item. If Board members unanimously vote on an item, the Board Meeting minutes will record so. If a vote is not unanimous, all Ayes, Noes, and Abstentions will be recorded.

**G. Abstentions:** A Board member may abstain from any vote, and such abstention will be so noted in the minutes. Moreover, if any Board Member appears to have a Conflict of Interest, as determined by a majority vote of the Board members, as it relates to a specific Agenda Item, then such Board Member will be required to Abstain from voting. This abstention due to a conflict of interest will also be noted in the minutes.

**H. Action by Consensus:** The Board of Directors, by consensus and without formal action, may give directions or instructions to the District Clerk.

**I. Open-Meeting Law:** Under provisions of California's Ralph M. Brown Act open-meeting law, all meetings of the Board are open to the public except for closed sessions. Meetings which are not preceded by the posting of an official Agenda as outlined above are strictly prohibited and may result in the removal of a Board member from office.

1. The term Meeting is broadly defined as a gathering of a majority of Board members discussing District business and/or operations.
2. A Meeting is also broadly defined as "serial or chain" conversations, when one Board member speaks to another, whom speaks to another, regarding District business and/or operations, either via telephone or electronically.
3. The only allowable type of Board Meeting is one which is properly noticed with the posting of an Agenda as described above.
4. The Brown Act does allow Board members to individually engage with members of the public.
5. The District Clerk will provide adequate accessibility as requested by Board members, Staff and the public.

**J. Teleconferencing:** Effective September 16, 2021, due to the Covid-19 pandemic, the Brown Act has been amended to allow for the District to meet via teleconference through January 1, 2024. The following procedures regarding meetings held via teleconference are outlined below:

1. At least 72 hours before a scheduled meeting, the Board President or a majority of Board members will declare whether a teleconference meeting is required due to public health concerns.
2. Agendas will be posted following the procedures noted above. However, in addition, the Agenda will include instructions for the public to join the teleconference meeting either via the internet or a call-in.