



# STAFF REPORT

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**Meeting Type:** Board of Directors  
**Title:** Dual Noticing of Committee Meetings  
**From:** Molly MacLean, General Counsel  
**Through:** Ben Horenstein, General Manager  
**Meeting Date:** April 16, 2024

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**TYPE OF ACTION:**      X      Action                              Information                              Review and Refer

**RECOMMENDATION:** Approve revising the District’s current practice of dually noticing the committee meetings as special board meetings

**SUMMARY:** For a number of years the District has dually noticed its standing committee meetings as special board of directors meetings in order to allow a quorum of the Board of Directors to fully participate in these meetings in compliance with the Brown Act. The Board last reviewed this practice at the March 28<sup>th</sup> Finance and Administration Committee/Special Board Meeting and provided direction to staff to return with an item that would provide the Board the opportunity to revise this practice.

**DISCUSSION:** Standing committees are created by the Board and consist solely of less than a quorum. Each committee consists of two board members annually appointed by the Board President, with the advice and consent of the other Board members. The purpose of a standing committee is to cover a “continuing subject matter jurisdiction” and to provide a venue for routine and regular consideration and recommendations on items within that specific subject matter. Standing committees of the Board are subject to the requirements of the Brown Act.

Pursuant to direction provided by the Board of Directors in January 2020, the District dually notices each committee meeting as both a committee and a special board meeting, which allows all Directors to attend and participate. In accordance with the Board Handbook, the Board typically does not take action at a dually noticed committee/special Board meeting, unless there is an urgent need to act.

The Board revisited the practice of dual notice for committee meetings at its Finance and Administration Committee/Special Board Meeting where Directors expressed an interest in revising the practice. Based on input from the Board, staff proposes the following revisions to the Board’s current practice of dually noticing standing committee meetings as special board meetings.



1. Effective as of July 1, 2024, staff should no longer dually notice standing committee meetings as special meetings of the Board. Only the Chair and Vice Chair of each committee would regularly attend their committee meetings. Other Directors would be able to attend only as observers in the audience, including as Zoom attendees (not panelists), but would not be able to participate in the meeting discussion.
  
2. Implement an exception to provide dual noticing of standing committee meetings as special board meetings where staff plans to present an item of special interest or significance to the District, as determined by the District General Manager in consultation with the Committee Chair. In these cases, staff should endeavor to provide a month’s notice to the other Directors so that schedules may be planned accordingly.
  
3. All standing committee meetings will continue to provide virtual access to the public and will continue to be recorded, with the recordings posted to the District website. Standing committee Chairs will continue to report out the activities of their respective committees during District Board meetings and staff will include a separate item on the regular meeting agendas for these reports. Directors may ask a question or provide a brief comment in response to Committee Reports, but this item will not allow discussion of any item presented to the committee, unless expressly listed on the regular Board Meeting agenda.

If approved by the Board, these changes will be incorporated into the Board Handbook where appropriate. As this is purely a policy decision by the Board, this practice may be reviewed and revised at any time by the Board.

**ENVIRONMENTAL REVIEW:** Not Applicable.

**FISCAL IMPACT:** Not Applicable.

**ATTACHMENT(S):** None.

| DEPARTMENT OR DIVISION   | DIVISION MANAGER  | APPROVED  |
|--------------------------|---|---|
| General Counsel’s Office |  |  |
|                          | <p style="text-align: center;"><b>Molly MacLean</b><br/>General Counsel</p>         | <p style="text-align: center;"><b>Ben Horenstein</b><br/>General Manager</p>          |