

Board of Directors
Grossmont Healthcare District
9001 Wakarusa St., La Mesa, CA 91942

November 17, 2010

Subject: Brown Act Demand for Cure or Correction

Delivery by USPS mail & e-mail to:
info@grossmonthealthcare.org

Dear Board of Directors:

On November 15, 2010, the Board held a Special Meeting, wherein the posted notice contained only one item of business, described as:

E. Closed Session

1. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b)(1) Regarding Significant Exposure to Litigation (One Case)

However, the Brown Act requires “existing facts and circumstances,” as defined by subparagraphs (A)-(E) of § 54956.9(b)(3), to authorize such a closed session, and in most instances these facts and circumstances must be agendized and/or publicly announced prior to the closed session.

In this case, the District neither possessed the required “existing facts and circumstances” nor did it announce any prior to the closed session. Additionally, the post-closed session announcement by the District’s legal counsel identified items of business discussed and/or acted upon by the Board in this closed session; items which are never authorized to be considered in any closed session, such as:

The Board, by unanimous action taken in secret:

- Found that Board member Jim Stieringer had submitted a Memorandum indicating he was retiring;
- Found the Memorandum meets the legal requirements of a resignation from office;
- Found the office is vacant;
- Directed District CEO to place a Notice of Vacancy on the Nov. 19, 2010, agenda;

To protect the public’s right to observe and to be involved in the decision-making of its public agencies, the improper discussion and actions taken in this unauthorized closed session must be challenged.

Remedy Demanded:

The Board of Directors shall, by formal action: (1) publicly agree that the closed session held on Nov. 15, 2010, was in violation of the Brown Act; (2) rescind the unanimous actions taken in that closed session; and (3) publicly report the entire discussion had within that closed session.

Should the Board fail to respond entirely as demanded, it will be assumed that the Board believes this closed session was authorized under the Brown Act and was properly agendized and/or announced. Such a belief will therefore confirm an actual controversy exists between us as to the rights of the public and the responsibilities of the District (CCP § 1060.).

This Demand for Cure or Correction is submitted by me both as an individual member of the public and on behalf of Californians Aware, as its authorized representative.

Respectfully submitted,

Richard P. McKee